Frodsham Solar

Applicant Comments on Interested Party ExAQ1 Submissions

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1.0 INTRODUCTION

1.1 Purpose of this Document

1.1.1 This document provides the Applicant's comments on Interested Parties submissions in response to the Examining Authority's first written questions, which were submitted at Deadline 2. These comments have been requested by the Examining Authority ('ExA') for submission at Deadline 3, 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 Interested Parties submissions within tables in **Section 2**.

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

2.0 APPLICANT RESPONSES TO INTERESTED PARTY EXAQ1 SUBMISSIONS

2.1 Overview

2.1.1 The following Interested Parties submitted responses to the Examining Authority's first written questions at Deadline 2, to which the Applicant has responded:

i) Cheshire West and Chester Council **[REP2-007]**;
ii) Environment Agency **[REP2-008]**;
iii) National Highways **[REP2-010]**;
iv) Natural England **[REP2-009]**;
v) Canal and River Trust **[REP2-012]**;
vi) Cheshire Wildlife Trust **[REP2-011]**;
vii) Mersey Estuary Conservation Group **[REP2-014]**;
viii) National Grid Electricity Transmission **[REP2-018]**;
ix) SP Energy Networks **[REP2-019]**;
x) National Gas Transmission **[REP2-020]**;
xi) Frodsham Wind Farm **(*no reference in Examination Library*)**;
xii) Inovyn **[REP2-015]** and **[REP2-016]**; and
xiii) Liverpool Bay CCS **[REP2-017]**.

2.1.2 The Applicant has addressed all responses with the exception of those relating to ecological matters. Owing to the volume of ecological submissions prepared in response to the Examining Authority's Written Questions, the Written Representations of Natural England, Cheshire West and Chester Council, and the Cheshire Wildlife Trust, together with the updating of the Habitats Regulations Assessment, the Applicant has been unable to finalise its ecological and ornithological responses to these Deadline 2 submissions in time for Deadline 3. The Applicant will submit its comments to these points by the 6th February 2026.

Table 2-1: Response to Cheshire West and Chester Council Submissions

Ref	ExA Question	CWCC Comment	Applicant's Response
1.0.7	oDEMP - CWCC comments CWCC commented on the oDEMP [APP-138] submitted with the application in its relevant representation [RR-037], including in paragraphs 19.12, 19.14, 19.15, 19.19 and 19.23. The applicant responded [PD2-027] and submitted an update to the oDEMP [PD2-019]. Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR- 037]?	Please note that this question responds to the updated oDEMP [PD2-019] only and that further concerns have been set out in Appendix A (Written Representation) and CWCC's Response to ISH1 Agenda Items at 5d) Decommissioning end state and 5e) Decommissioning timing [REP1-048 Appendix A - page 16 of Appendix]. 19.12 and 19,14. Points 19.12 and 19.14 of CWCC's relevant representation [RR-037] have been satisfactorily dealt with by the Applicant. 19.15 RR. Although the examples given in the Applicant's Response to CWCC's Relevant Representation [PD2-027] are more extreme that would be considered not to be significant, (e.g. habitat loss that would take more than five years to recover), it is accepted that the benefits/impacts analysis will assess this and enable a judgment to be made so that CWCC can assess and approve. Any habitats or species impacts should be considered temporally i.e. there should be enough time for habitat restoration and species translocation/licencing before the end of the decommissioning period. 19.19 RR. To address this point CWCC suggest rewording of para. 3.2.1 of the oDEMP [APP-138] as follows: "A Community Liaison Group (CLG) will be formed / reformed prior to decommissioning) (per the Outline Construction Environmental Management Plan [EN010153/DR/7.5]) and will continue through its operations until decommissioning of the Proposed Development is complete (including any restoration provisions)". It should also be confirmed that the undertaker is responsible for funding the administration of the CLG (during construction, operation and decommissioning) (e.g. in terms of hosting meetings/administrative support). This needs to be secured, and this may be achieved by incorporating into the oCEMP. CWCC recommended in paragraph 3.6 of its Written Representations [REP1-048] that Requirement 12 of the draft DCO be amended to include (inter alia) provision for a community liaison plan. 19.23 RR. With regard to point 19.23 [RR-037] and the end-state (restoration) of the site: There remains little detail on the restoration of the site, e.g. landscape cultivation and establishment of grassland on site of removed solar array / BESS. Clarification should be provided that the pre-decommissioning ecological survey will be provided in conjunction with the final Decommissioning Environmental Management Plan (DEMP). In terms of the decommissioning end state, the Applicant's Response to CWCC's Relevant Representation [PD2-027] refers to "current use" and "areas of landscaping" which are not defined terms and therefore require clarification, as the current use of Frodsham Wind Farm (FWF) mitigation Cells 2, 3 and 5 are for non-breeding bird mitigation, other parts of the site are for wildfowlers and some are for agriculture. There does not look to be anything in the updated oDEMP that address this issue. CWCC would also refer the ExA to point "5d Decommissioning End State" of CWCC's written response to ISH1 Agenda items at Deadline 1 [REP1-048 Appendix A – pages 13 to 15 of Appendix] where CWCC would request that an End State is defined, periodic reviews of this should take place through the lifetime of the solar farm, provision for seasonal	The Applicant notes this comment. The Applicant notes this comment The Applicant has updated paragraph 3.2.1 of the **outline Decommissioning Environmental Management Plan [as updated alongside this submission]** to include the intent of CWCC's suggested wording. The Applicant has updated the Outline Construction Environmental Management Plan and the Outline Decommissioning Environmental Management Plan alongside this submission to make the commitment to funding the administration of the community liaison group. The Applicant has subsequently updated the **outline Decommissioning Environmental Management Plan [as updated alongside this submission]** to include at paragraph 2.4.8 that the final DEMP shall be accompanied by a plan illustrating the proposed final state of the Site following completion of the decommissioning and restoration works. The Applicant has updated Table 5-3 of the **outline Decommissioning Environmental Management Plan [as updated alongside this submission]** to clarify this point. As above, the Applicant has subsequently updated the **outline Decommissioning Environmental Management Plan [as updated alongside this submission]** to include at paragraph 2.4.8 that the final DEMP shall be accompanied by a plan illustrating the proposed final state of the Site following completion of the decommissioning and restoration works. As set out at ISH1, the Applicant considers that it is not appropriate to seek to define an end state now, as any end state would be informed by the ultimate detailed design and maintenance activities undertaken post DCO consent. Similarly there is no benefit in providing for periodic reviews as matters will change over time.

Ref	ExA Question	CWCC Comment	Applicant's Response
		biodiversity surveys prior to the final DEMP should be factored in and the state of the mitigation areas on handover should be clarified. Comments on the rest of the paragraphs in CWCC's Relevant Representation (RR-037) section on Decommissioning Submitted at Deadline 1: 19.16 RR. The Applicant's Response to CWCC's Relevant Representation [PD2-027] states that the oDEMP [PD2-019] has been revised (Table 5-3) to confirm that should mitigation areas be lost as part of the decommissioning works, a programme setting out when these areas would be lost shall be agreed with CWCC. This is welcomed and discussion on how this will be secured should take place. The response also points out that any mitigation areas within the SSSI will fall within the SSSI statutory management scheme and so will be retained, however, this is not considered to be anything other than the minimum required. CWCC would also refer the ExA to point "5e Decommissioning timing" of CWCC's written response to ISH1 Agenda items at Deadline 1 [REP1-048 Appendix A page 16 of Appendix], where CWCC requested that that phasing is secured into the decommissioning timing over the 18-24 month period, to ensure least impacts on qualifying bird species as possible. This should be the reverse of the construction phasing, i.e. the Western array should be removed first, then Eastern array, to ensure that non-breeding birds can re-populate these areas at the earliest opportunity and so impacts are reduced. 19.17 RR. CWCC welcomes the Applicant's commitment to retain the habitat mitigation areas until completion of the decommissioning phase and that the habitat mitigation areas will be left in situ until the land is returned to the landowner. The lack of any commitment beyond decommissioning is a significant limitation to the benefits of the habitat mitigation areas proposed. Please refer to paragraph 4.27 of CWCC's Written Representations [REP1-048] CWCC recommends that as a minimum, the Applicant clarifies the extent of a minimum period for landscape restoration of the wider site (SADA) following removal of infrastructure, along with confirmation that the habitat mitigation areas would be retained and managed until at least the end of this restoration period. The habitat mitigation areas are in part being provided as mitigation for the loss of functionally linked land (FLL) on the wider site, and it is important that the full area of FLL is returned to at least its current state, and is functioning as FLL, before the habitat mitigation areas are released from requirements under the DCO. 19.21 RR. It is noted that in the Applicant's Response to CWCC's Relevant Representation [PD2-027], it is stated that Table 5.3 of the updated oDEMP [PD2-019] and paragraph 4.1.26 have been amended to secure a sensitive lighting strategy to manage temporary lighting and lighting will only be used where required. This is accepted, however, it is not clear how this will be secured and this detail should be provided. 19.22 RR. It is noted that in the Applicant's Response to CWCC's Relevant Representation [PD2-027], it is stated that Table 5.3 of the updated oDEMP [PD2-019]), has been amended to specify "key bird seasons" as November to February. This does not include spring and passage seasons, which are also "core nonbreeding periods" for the Mersey Estuary and this should be amended.	A pre-decommissioning ecological survey is provided for in the **outline Decommissioning Environmental Management Plan [updated alongside this submission]**. The Applicant notes that the timing and phasing of decommissioning (including ecological mitigation areas) is already secured by paragraph 1.3.3 Table 5-3 of the **outline Decommissioning Environmental Management Plan [as updated alongside this submission]**. CWaCC would therefore be able to consider if it satisfied in respect of these matters at that time. The Applicant updated Requirement 20 of the **draft DCO [as updated alongside this submission]** at Deadline 1 to include that the final DEMP must include a programme for decommissioning works. This plan must be approved by the LPA prior to commencement of decommissioning, who will be able to consider if these matters have been taken into account. 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. The **oDEMP [as updated alongside this submission]** includes the commitments in relation to the sensitive lighting strategy. A final DEMP in accordance with the oDEMP is secured by Requirement 20 of the **draft DCO [as updated alongside this submission]** which will set out the details of the lighting strategy, which will be dependent on the decommissioning contractor's methodologies.

Ref	ExA Question	CWCC Comment	Applicant's Response
		Table 5-6 of oDEMP [APP-138] 'Impact to non-designated heritage assets'. The fencing referred to should be regularly monitored and repaired/reinstated if damaged or removed.	The Applicant has updated Table 5-6 of the **oDEMP [as updated alongside this submission]** to include monitoring of the fencing.
1.0.8	Pollution Control Paragraphs 4.12.2 and 4.12.10 of NPS EN-1 note that the planning and pollution control systems are separate but complementary, that pollution control is concerned with preventing pollution using measures to prohibit or limit the releases of substances to the environment, and to ensuring that ambient air, water, and land quality meet standards that guard against impacts to the environment or human health. It states that the Secretary of State (SoS) should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. Paragraph 4.12.15 of NPS EN-1 requires the SoS to consider if the EA, any pollution control authority, Statutory Nature Conservation Bodies, Drainage Boards, water and sewerage undertakers, and other relevant bodies are satisfied that: • potential releases can be adequately regulated under the pollution control framework; and • the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution would make the Proposed Development unacceptable, particularly in relation to statutory environmental quality limits. i) Please could the relevant bodies comment, highlighting any specific concerns? ii) Please could the applicant provide evidence of whether relevant bodies, including the water and sewerage undertakers, are satisfied and what concerns remain? iii) Please could the applicant set out the steps that will be taken to resolve any outstanding concerns?	Pollution prevention and control is a matter for the Environment Agency and CWCC expect the Environment Agency to provide comments. The OEMP sets out measures to manage risk from surface water runoff in particular the drainage strategy for the BESS and containment of fire water runoff in the event of a fire. A final Battery Safety Management Plan and Drainage Plan should be provided to detail the containment and treatment of fire water An Environmental Incident Management and Pollution Prevention Plan to manage the risk of chemical and fuel spillages affecting surface water quality should be provided for review. CWCC are unaware of any comments from the relevant regulators suggesting that releases to air, land or water arising from this proposed development could not be adequately managed under the existing pollution control framework or else might detrimentally affect the ability of an existing facilities in the area to meet their respective obligations.	The Applicant notes this comment from CWCC; the EA's comments and Applicant's response are provided in Table 2-2 below. The Applicant has committed to providing an Environmental Incident Management and Pollution Prevention Plan as part of the final CEMP secured by Requirement 12 of the **draft DCO [as updated alongside this submission]**.

Ref	ExA Question	CWCC Comment	Applicant's Response
	Please could the relevant bodies and the applicant provide regular updates to the examination?		
1.09	Local Authority and Other Statutory Body Resourcing Do the relevant bodies have any concerns about their resources for the consideration of submissions, approvals and monitoring necessary for the implementation of the proposed development?	CWCC are in discussion with the Applicant regarding a PPA and provision of funding to cover the costs of post-decision discharges of requirements and associated monitoring. The PPA and associated funding is essential to CWCC being able to resource the post consent work within the timescales prescribed by the DCO. Subject to the completion of a PPA, and securing appropriate funding, CWCC expects to be able to meet its obligations. Much will rest on the ability of internal and external consultees to resource responses to the project in a timely manner. The Applicant's continued proactive approach to pre-application consultation over the discharge of requirements (with the LPA and consultees) is seen as essential to the process as well as the Applicant giving CWCC early sight of documents before formal submission. Even with a PPA/funding in place, limited resources within CWCC will inevitably be stretched, particularly as further DCO applications in its administrative area are anticipated to be submitted in the not too distant future, and resourcing the highly intensive workstreams associated with DCOs will remain a considerable challenge for CWCC.	The Applicant notes this comment and will continue to proactively engage with CWCC with regard a PPA for the discharge of requirements.
3.1.2	Migratory pathways for contaminants Are you satisfied that the migratory pathways for contaminants within soils and perched groundwater and soil dusts to impact sites of special scientific interest (SSSI) and ecology within surface water and terrestrial habitats would not be significant in EIA terms. If you disagree with the applicant's assessment, provide relevant justification and evidence to support your position.	CWCC expects the Environment Agency as the regulator for controlled waters to provide any comments in relation to groundwater; and for Natural England to comment in relation to potential impact on the SSSI, so as to confirm whether there is sufficient information to conclude whether the development would be likely to result in significant environmental impacts. It appears from the information available that imposition of appropriate requirements within the DCO regarding contaminated land and other mitigation measures in the associated control documents would avoid significant environmental impacts.	The Environment Agency's comments and Applicant's response are provided in Table 2-2 below, and Natural England's comments and the Applicant's response are provided in Table 2-4 below. The Applicant notes that the EA and Natural England are satisfied with the Applicant's approach.
3.2.1	Migratory pathways for contaminants Are you satisfied that migratory pathways for contaminants within soils and perched groundwater and soil dusts to impact SSSI and ecology can be mitigated by measures such as Groundwater and Surface Water Management Plan? If no, please provide justification and relevant evidence to support your position.	CWCC expects the Environment Agency as the regulator for controlled waters to provide any comments in relation to groundwater; and for Natural England to comment in relation to potential impact on the SSSI. Subject to any comments from the EA and NE, CWCC considers that these issues can be suitably managed throughout the lifetime of the development provided that appropriate contaminated land requirements are included in the DCO and associated control documents.	The Environment Agency's comments and Applicant's response are provided in Table 2-2 below, and Natural England's comments and the Applicant's response are provided in Table 2-4 below. The Applicant notes that the EA and Natural England are satisfied with the Applicant's approach.
3.2.6	Mobile contaminants Are you satisfied that migration of leachable and otherwise mobile contaminants to groundwater within superficial deposits from soils and perched groundwater can be mitigated by the management practices noted by the applicant in its oCEMP [APP-136]? (Refer to Table 10-14: Assessment of Likely Impacts and Effects with	CWCC has no comment to make on this as the Environment Agency is the regulator for controlled waters.	The Applicant notes this comment.

Ref	ExA Question	CWCC Comment	Applicant's Response
	Incorporated Mitigation Applied of Chapter 10 Ground Conditions [APP-043]). If no, please provide justification and relevant evidence to support your position.		
3.2.9	Mitigation approach for contaminants Further to the Issue Specific Hearing 1 and item agenda 5h, can you advise if you are satisfied with the applicant's management approach to: i) Elevated concentration of lead ii) Polychlorinated biphenyls iii) Hydrocarbons in soils iv) Leachable contaminants from dredging materials Ground gases from the organic dredging silts and clay	CWCC is satisfied with the proposals by the Applicant for addressing elevated lead, PCBs (Polychlorinated biphenyl) and hydrocarbons in soils and ground gases from the dredging material. The risks for leachable contaminants from dredging materials has been reviewed by the Environment Agency.	The Applicant notes this comment.
3.2.12	Approach to the risk management of land contamination i) Are you satisfied with the wording in Schedule 2, Requirement 1 of the draft DCO [PD2-005] in regard to the controls secured relating to further detailed investigation of ground contamination, including verification and remediation, specifically the wording of Requirement 1(c)? If not, please explain why not. ii) Are you satisfied with the wording in the oCEMP [PD2-015] in regard to detailed investigation of ground contamination, including verification and remediation? If not, please explain why not. iii) Are you satisfied with the wording in Schedule 2, Requirement 12(2)(c) of the draft DCO [PD2-005] in regard to the controls secured relating to unexpected contamination? If not, please explain why not. Are you satisfied with the wording in the oCEMP [PD2-015] in regard to unexpected contamination? If not, please explain why not.	CWCC's responses: i. CWCC is broadly satisfied with the wording of Requirement 1 of the draft DCO; it would be beneficial to reference inclusion of dealing with unexpected contamination as part of the remediation strategies and verification reports in 1 (c). ii. The oCEMP only mentions further ground investigation, remediation and verification in relation to potential impacts from localised made ground and unexpected contamination. There is limited detail included within the document. However, the information relating to investigation, verification and remediation could be appropriately provided via the discharge of requirements (in particular Requirement 17 and the recommended Unexpected Contamination requirement referred to below). iii. The wording in Schedule 2 Requirement 12(2)(c) requires the CEMP to include unexpected contamination protocol. The watching brief information contained within Section 4.1.24 of the oCEMP is satisfactory. The purpose of the CEMP is primarily to manage amenity issues which may arise over the duration of the construction phase. There should be reference within the CEMP as to how unexpected contamination should be considered to ensure relevant site personnel, who cannot be expected to know all the requirements of the approval, are aware of the obligation. However, all amenity issues associated with the development phase, will end on completion of the facility, whereas unexpected contamination may not end at this time and may require management for many years. It potentially could generate considerable documentation and a separate workstream and should therefore be dealt with via a separate specific unexpected contamination requirement as follows: Contaminated Land – Unexpected Contamination If, during the course of development, any contamination is found which has not been previously identified, proposals for detailed Site Investigation, Risk Assessment, Remediation and Verification shall be submitted and approved in writing by the Local Planning Authority. The remediation shall be implemented as approved. No part of the development site shall be occupied or brought into operational use until a Verification	i. The requirement for an unexpected contamination protocol is included in the outline CEMP, OEMP and DEMP. Requirement 1 (and 17) are dealing with the approach to pre-construction contamination and ground conditions management. The text within the outline CEMP, OEMP and DEMP relating to unexpected contamination provides for the implementation of a remediation strategy and verification report. The Applicant does not consider that there is a need or benefit to amend Requirement 1 of the draft DCO. ii. Table 5-5 of the oCEMP provides a comprehensive list of requirements in relation to the need for further ground investigation, remediation and verification and this is deemed sufficient for the purposes of setting the parameters of the full CEMP which will be provided at the detailed design stage. iii. The Applicant considers that all of the matters contained within CWACC's suggested wording are already contained within the wording within the oCEMP, which was developed further to comments from the Environment Agency. As all matters in the detailed CEMPs must be complied with, construction workers will be aware of their requirements as set out at paragraph 4.1.14 of the oCEMP. Furthermore, the protocol for managing unexpected contamination has also been included in the oOEMP and oDEMP.

Ref	ExA Question	CWCC Comment	Applicant's Response
		Report (to demonstrate the remediation of the unexpected contamination has taken place) has been submitted to and approved in writing by the Local Planning Authority. The reports required above shall be completed in accordance with the Environment Agency Land Contamination Risk Management Framework. Alternatively, if necessary, requirement 17 could be adapted to include such provision. The addition / extension of the contamination requirement to include unexpected contamination is to ensure the appropriate protection of human health and other relevant receptors such as controlled waters; and ultimately achieve the obligation. The reason for the inclusion of this wording is to ensure the appropriate protection of human health and other relevant receptors, and that risks from land contamination to the future users of the land and neighbouring land are minimised together with those to controlled waters, property and ecological systems; to ensure that the development can be carried out safely without unacceptable risks, and to ensure that the site, following completion of development, as a minimum does not meet the statutory definition of contaminated land.	
3.2.14	Policy Are you satisfied that the proposed development meets paragraph 5.11.5 of NPS EN-1 that "Where pre-existing land contamination is being considered within a development, the objective is to ensure that the site is suitable for its intended use. Risks would require consideration in accordance with the contaminated land statutory guidance [Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance] as a minimum". If no, please provide justification and relevant evidence to support your position.	CWCC is satisfied that the proposed mitigation measures will ensure that the site can be suitable for its intended use as a solar farm and the site will not require consideration under Part IIA of the Environmental Protection Act 1990.	The Applicant notes this comment.
3.2.15	Potential compaction and hydrological impact to peat Are you satisfied with the applicant's response [PD2-027] to CWCC's concern [RR-037] regarding potential compaction and hydrological impacts to peat, which state that ground investigation shows there is no peat present at depth which could be impacted by the proposed development? If not, please explain why not.	CWCC notes in the Applicant's responses to CWCC's Relevant Representation at paragraphs 7.138-7.141 and 8.7-8.8 [RR-037] relating to the need for further investigation in relation to compaction and hydrological impacts. CWCC does not have the technical expertise to confirm or contradict the Applicant's conclusions. CWCC considers it appropriate to secure the mitigation measures referred to, including the use of low-pressure piling machinery (see responses at Q6.0.1 and Q9.4.2).	The Applicant notes that the mitigation measures referred to are set out within the **outline Construction Environmental Management Plan [as updated alongside this submission]** and secured by Requirement 12 of the **draft DCO [as updated alongside this submission]**.
4.0.2	Great Crested Newts Can you advise if restricted access to ponds/waterbodies within 0.5km of the Main Development Area could have a meaningful impact on the significance of effects assessment including mitigation for Great Crested Newts?	As per paragraphs 7.96 of the CWCC's Relevant Representation [RR-037] CWCC do not consider restricted access to some ponds-waterbodies to have a meaningful impact on the significance of effects assessment carried out, as the surveys were considered to be robust.	The Applicant notes this comment.

Ref	ExA Question	CWCC Comment	Applicant's Response
4.0.6	Consideration of reptiles in the Environmental Statement Are you satisfied with the applicant's relevant representation response (reference CWACC7.85 [PD2-027]) that reptiles have been fully and appropriately considered in the Environmental Statement? If no, please provide justification and relevant evidence to support your position.	The statement referred to comments on para 7.113 of the CWCC's Relevant Representation [RR-037] in the Applicant's Response to CWCC's Relevant Representation [PD2-027] does not address the specific point made regarding lack of survey of the NBBMA area and concern due to the differences in habitats in the NBBMA area, thereby reducing the ability to extrapolate survey data from other areas on site. The response instead references areas on the eastern side of the site, which do not have habitats such as the NBBMA and are some distance from the NBBMA. Therefore, the Applicant's position in the Applicant's Response to CWCC's Relevant Representation [PD2-027] response is not accepted by CWCC.	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 reference 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 [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. This is considered to represent a considerable benefit to most species, including (if present) reptiles.
4.1.2	Badger Paragraph 7.7.32 of Terrestrial Ecology [APP-040] notes that habitats will be largely retained and protected during the construction process. Can you please provide your comments on this statement and can NE confirm whether you intend to grant or refuse a licence to interfere with a badger sett for the purposes of the proposed development?	In terms of the construction process, paragraph 4.4.2 and 4.4.3 of the Environmental Statement: Volume 2 Appendix 7-2: Protected Ecological Species Baseline Report (Confidential Badger Annex) [APP-078] state that (as updated from CWCC's Relevant Representation) …[redacted] which could be easily avoided in terms of layout design on a site of this size, with flexibility in proposed layout. Comments on the Applicant's Response to CWCC's Relevant Representation on the issue of Badgers and construction: In the Applicant's Response to CWCC's Relevant Representation [PD2-027], to address paragraphs 7.105-7.107 of CWCC's Relevant Representation [RR-037], it is stated that the elevational differences between setts on embankments and ground levels, means that measurements of sett distances from fences are an over-estimation of impacts. The impacts taking into account these elevational differences, have not been detailed and so this cannot be assessed in place of the standard approach. It is stated that it should also be noted that there is no mandatory requirement for a 30m buffer around an active badger sett. It is not CWCC's position that 30m is a mandatory requirement, however, it is a recognised distance in which impacts to Badger setts can occur, as per licence requirements and best practice guidance, due to it being based on the average (they can extend [redacted] This is noted in best practice guidance, such as Section 5.1 of the Badger Protection: Best Practice Guidance for Developers, Ecologists and Planners (England), by the Badger Trust, August 2023, which is referenced in Natural England's standing advice for badgers (Appendix 1). It therefore follows, that to avoid impacts in line with the mitigation hierarchy, that a stand-off of 30m should be integrated into the site layout design. It is also stated in the Applicant's Response to CWCC's Relevant Representation [PD2-027] that as evidenced in the baseline survey, data between 2022 – 2025, [redacted] population may be subject to activity and distribution change between the baseline surveys and construction phase…[redacted] and as a territorial animal, disturbance impacts can be significant.	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]**. Table 5-1 (page 53) of the **oCEMP [as updated alongside this submission]** presents methods for the avoidance of disturbance to an active badger sett. The Applicant does not consider that a badger license will be required with the implementation of such methods. Table 5-1 of the oCEMP also provides for a pre-construction badger survey; if the survey identifies changes [redacted] or that there is potential for disturbance of badgers, the Applicant acknowledges the legal protections afforded to badgers and will ensure full compliance either by re-aligning precise fence locations, or through licensing, under the guidance of the appointed Ecological Clerk of Works. Further, it is proposed [redacted] **this submission]**.
4.1.3	Badger and Otter Are you satisfied with the applicant's relevant representation response (reference CWACC7.88 [PD2-027]) that the proposed development would not adversely impact wildlife corridors or buffers? If no, please provide justification and relevant evidence to support your position.	Reference CWACC7.88 [PD2-027] is in relation to the Wildlife Corridor/buffer qualifying feature of the Frodsham Helsby and Ince Marshes Local Wildlife Site (LWS), rather than Badgers and Otters specifically. Please can the ExA refer back to CWCC if specific comments on wildlife corridors in relation to Badger and Otter, outside of the LWS considerations are required. Note that Badger and Otter movement is also discussed in response to Q4.6.4. Looking at the "Local Wildlife Site Selection Criteria for the Cheshire region. Covering the districts of Cheshire West and Chester, Cheshire East, Wirral, Halton and Warrington, November 2012, Updated February 2014" by Cheshire Wildlife Trust (Appendix 2) which details	The Applicant does not accept that wildlife corridors for Badgers, Otters or any other species, will be significantly limited by the Proposed Development. The Applicant's position is that linear habitats such as hedgerows, ditches and areas of woodland will be retained, and that significant areas of trees, hedgerows, wetland and species-diverse grassland will be created and managed for the benefit of wildlife. On this basis, the Applicant disagrees that the Proposed Development would adversely impact wildlife corridors or buffers As noted in Q4.1.2, mammal gates will enable movement to all parts of the Order Limits, except for the NBBMA. The decision to exclude mammalian predators

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		selection criteria for LWS. Criterion H24 Wildlife Corridors/buffers are selected as follows: "Areas of land including hedges and ditches may be selected for inclusion within (or extension to) LWS where they fulfil at least one of the following: □ Provide a physical link between two or more areas of high wildlife value and has favourable conditions for the movement of species between these habitats. □ Provide a buffer zone protecting vulnerable sites from disturbance, pollution or development/recreational pressure. □ Provide additional buffering habitat for species associated with existing wildlife sites. □ Provide a significant physical extension to an area of high wildlife value and has favourable conditions for the movement of species out into the wider countryside. An exert from the same document on guidance and justification on this criterion states "The movement of species through the countryside is vital for the sustainability of ecosystems by facilitating the genetic exchange of species and enabling movement in response to climate change. Important wildlife sites should be connected to other wildlife habitats and the wider countryside although it is recognised that some sites may consist of fragments of discontinuous habitat which cannot be linked." The Applicant's Response to CWCC's Relevant Representation as stated in CWACC7.88 [PD2-027] in reference to para 7.119-7.120 of CWCC's Relevant Representation [RR-037] focuses on the smaller linear habitats left between panels and the fact that some habitat will be created on site. It is agreed that this provides some form of connective corridor, as stated in the original CWCC comment, however, this is significantly limited and the scale at which connectivity through and adjacent to the site will be reduced, is significant and has not been mitigated for. As stated within the LWS Selection Criteria document by CWT, the Wildlife Corridor/Buffer selection criteria does not just consider presence of direct connections, it considers links between areas of high wildlife value and providing buffering effects for existing wildlife sites, habitats and species, all of which will be severely reduced by the development, due to developing the land and fencing the solar array, leaving the SADA (approx. 250ha) inaccessible for non-breeding birds species using the site and the adjacent designated site and restricting access for other species.	(including badgers and otters) from the NBBMA is conservation based, i.e., for the protection of breeding waders, which are in very substantial decline and suffer badly from egg predation. As such this represents an ecological benefit of the scheme. Further, the ditch network within the Order Limits will not be impeded, allowing free movement of otters across the Site (maintaining full connectivity). The Applicant accepts that the movement of species through the countryside is vital for the sustainability of ecosystems. Frodsham Marsh (within which the Order Limits sits) will continue as a locally important wildlife sites and will remain connected to other wildlife habitats and the wider countryside as it currently is.
4.1.4	Bat Can you comment on whether spring surveys, additional static detectors, and surveys of the NBBMA would alter the conclusion of no significant residual effects on bats?	It is taken that this question relates to Bat commuting and foraging, rather than bat roosting. Please refer back to CWCC for further clarification if this is not the case. In terms of Bat commuting and foraging, as per paragraph 7.85-7.88 of CWCC's Relevant Representation [RR-037], 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 foraging and commuting bats. Therefore, it is considered that further commuting and foraging surveys would not alter the conclusion of no significant residual impacts on bats.	The Applicant notes this comment.
4.4.2	NBBMA Are you satisfied with: i) The applicant's Cleeve Hill Solar Park mitigation method to calculate the amount of NBBMA required to accommodate the types of non-breeding bird utilising the OL ii) The relevant representation response (reference CWACC7.51 [PD2-027]) that the NBBMA would	i) and ii) In para 7.54 of CWCC's Relevant Representation [RR-037], the Cleeve Hill method is queried, as it does not take into account habitat quality, as confirmed by the Applicant, which is one of the underpinning principles of the mitigation strategy proposed by the applicant; that a smaller area, of higher quality habitat will compensate for the loss of usable non-breeding bird habitat through the development of the SADA and loss of existing mitigation area. In the Applicant's Response to CWCC's Relevant Representation [PD2-027] to para 7.5.4, it is asserted that the lack of ability of the calculations to take into account habitat quality does not matter, due to the birds using the site, including on the NBBMA, being taken into account. The Applicant's NMMBS is based on these calculations, as well as reportedly providing a "step-change in quality" to the existing	The Cleeve Hill example was used in the absence of an established quantitative metric, but the Applicant does not agree that it is one of the underpinning principals of the mitigation strategy, it is merely a supplementary, illustrative exercise used alongside a qualitative approach using professional knowledge, judgement and experience as presented in Table 8-2 [APP2-009], which considers all SPA qualifying species. Late spring was captured, as was early autumn, as well as breeding season within the surveys. To reiterate, this area is well understood and the WeBS data which were utilised alongside the field data enabled a compare and contrast exercise to robustly assess the overall data.

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	provide adequate mitigation If no, please provide a summary and reasons for your position.	NBBMA. It therefore is queried, that if the calculation cannot take into account habitat quality, how can the level of required quality of habitat provision, or in fact, area, be known, and how can the principle of adequately remitigating for birds on existing mitigation areas, as well as mitigation for loss of mitigation areas, as well as loss of other land used by birds, be proven. In addition, this relies solely on the number of birds using the land, as the only measure of value of the land. The field survey data did not capture all seasons or areas of the site in any one year, especially the late spring and early autumn seasons. Surveys are a snapshot in time and although desk based data has been used as well, the value of the land is also due to its habitat quality, size, connectivity to other important non-breeding bird areas and relative lack of disturbance. As noted by the applicant in the Applicant's Response to CWCC's Relevant Representation [PD2-027], in the updated Outline Landscape and Ecology Management Plan, Appendix B - Outline Non-Breeding Bird Mitigation Strategy, Annex 1, it is stated that the Cleeve Hill approach is based on mean utilisation of predominantly dry agricultural land/dry grassland. This therefore, significantly undervalues the existing habitat provision on site, which includes wetland areas, scrapes and wet grassland, some of which specifically designed for nonbreeding birds. The principle of the mitigation proposal is that one of the existing mitigation areas is being uplifted in habitat quality, to account for loss of existing mitigation areas and mitigation for loss of other areas used by birds. This cannot be measured by this approach. In addition, the approach only assesses three bird species associated with the Mersey Estuary (Lapwing, Curlew and Golden plover). It is assumed this is because these are the species that the FWF mitigation documents specifically mention, but this means that the calculation does not account for the other qualifying bird species recorded on site, and their mitigation requirements, such as Black-tailed godwit, Dunlin, Redshank and Teal. The updated further information in the updated NBBMS (contained within the OLEMP [PD2-023] in Annex 1, states that the area of functional land considered in the calculations, due to the fact that the majority of bird-days were generated from there, are based on the actual functional area (predominantly Cell 3), so as not to overvalue the rest of the SADA. This grossly underestimates the area required by birds who were recorded over the remaining site, such as Cells, 1 2 and 5, as well the area by The Lum. This also does not account for the replacement of Frodsham Windfarm mitigation areas. CWCC understand what is meant by the applicant when it is stated that that there is no agreed metric that exists to calculate what the non-linear habitat enhancements and additive mitigation being implemented as part of the NBBMA design (provide?). However, CWCC would extrapolate that principle to the fact that the loss of existing mitigation areas and existing habitat quality cannot therefore be taken into account and properly compensated for. Therefore, the issue is not resolved and CWCC is not satisfied that the Cleeve Hill approach is suitable for the proposed development. In the absence of a robust method of calculation, and significant impact on existing mitigation areas proposed, as well as areas to be developed being used by birds outside the defined mitigation areas, the approach is rejected. To progress the issue, the Applicant should amend the proposed layout to release back the existing mitigation areas to enable a less risky approach.	The Applicant agrees that the Cleeve Hill is not directly comparable due to the differing habitats within the Cells; however it is important to note that the SADA is largely made up of arable and grassland, which is comparable. The three species used for the calculations (lapwing, golden plover and curlew) is largely due to their status as the primary species for which FWF provides mitigation; however it is also because the Cleeve Hill metric has only previously been used for a subset of species – geese, golden plover and lapwing. If a metric did exist for other SPA species, then this would have been adopted. The Applicant directs CWACCs attention to Section 5.3 of APP2-009, where it is clear that every waterbird species was recorded during the survey programme and has been assessed. These species are further included in Table 8-2 of the HRA and discussed individually with regards to their habitat requirements and what the Proposed Development provides for each species, including the ones referred to in CWACCs text, namely Black-tailed godwit, Dunlin, Redshank and Teal. Further to this, the Lum and Biodiversity Enhancement Areas, are also considered as part of the wider mitigation package, particularly for nocturnal feeding dabbling ducks, redshank (the Lum) for which a metric does not exist, but the enhancements to these areas are beyond the current baseline. The Applicant does not disregard the current baseline of the NBBMA (Cell 3), it is considered a functional habitat and the results presented in the HRA evidence that. However, the area in general is not at its full potential or reliable, and as mentioned by Natural England [**REP2-009; Q4.4.3**], that it is possible to have additional mitigation on the same parcel of land which is used for existing mitigation area. Furthermore, Natural England also advocated for a qualitative approach which is what is applied. Further, there is no mechanism under the FWF mitigation obligations which could deliver the additive benefits (habitat quality, seasonal availability and adaptive management) that will be provided through the Proposed Development. NE is satisfied that the habitats proposed within the NBBMA will meet the habitat requirements of displaced SPA birds and there will be an acceptable uplift in habitats. The habitat diversity and size of habitats as proposed within the NBBMA is accepted on the basis of mitigation and management being secured [**REP2-009; Q5.2.2**]. The FWF mitigation is not being replaced; it is being enhanced beyond its existing potential and will be managed by a conservation organisation, with ongoing monitoring and adaptive management of the area. By all measures this is very substantially above any mitigation that is provided by FWF in accordance with the terms of its consent. With regards to the second paragraph and the success of the area being due to size, quality and connectivity. The Applicant disagrees with this comment. The Applicant directs CWACC to **the HRA [as updated alongside this submission]** which evidently shows that Cell 3 species abundance and diversity outweigh the rest of the entire Order Limits, and there is a significant difference when comparing the size, quality and connectivity.
4.4.3	Frodsham windfarm mitigation areas Can you respond to CWT's relevant representation [RR-019] that the applicant should not be re-allocating	In terms of the specific issue of re-allocating FWF Mitigation, it is CWCC's position that with two of the mitigation Cells being proposed to be lost for development, there is no robust way of demonstrating that the windfarm mitigation areas can be compensated for. The Applicant has not robustly evidenced that the mitigation can be fully re-allocated. CWCC does not doubt that the existing Cell 3 mitigation area can be enhanced for	The approach to mitigation for the Proposed Development, in addition to that already in place, has been agreed with Natural England, which considers the NBBMA will deliver adequate habitat 'uplift' (see Table 2-4, point 4.42) above that already enacted under FWF, and which is due to cease in 2042.

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	Frodsham windfarm mitigation areas for its NBBMA and should be providing additional mitigation areas on top of that?	qualifying birds species, however, the question of whether it is enough to compensate for the loss of mitigation areas in Cells 5 and part of Cell 2, as well as loss of land used by qualifying birds outside of defined mitigation areas, has not been satisfactorily demonstrated and therefore should be the approach taken. The Applicant should retain further existing areas of mitigation, for a more robust and less uncertain strategy. In para 16.7-16.12 of the CWCC's Relevant Representation [RR-037], it is highlighted that the mitigation strategies for the FWF are wider than just the defined mitigation Cells 1, 2 and 3. For example, it obliges Cell 6 to be kept as an active deposit ground (which will cease halfway through the lifetime of the proposed development). This is in conjunction with grassland management, scrape creation and designed-in mitigation providing a gap between the two turbine arrays (see detail in response to Q.4.6.4). The mitigation was also designed to compensate for displacement at height, due to the turbine blades. Although the FWF mitigation takes into account that birds would be displaced to some extent, the ground below and around turbines is still accessible for birds should they choose to use it. The proposed development renders all land within the 253ha SADA as completely inaccessible for non-breeding birds. Cells 2, 3 and 5 were the only cells purposed for grassland mitigation, with Cell 4 providing reedbed and Cell 6 providing lagoon and muddy edge habitats. The proposal means that grassland habitats on Cells 2 and 5 will be completely lost and grassland provision reduced on Cell 3. There is also embedded mitigation within the FWF, such as distances from the Estuary, and the gap between the two turbine arrays (see further comment on the FWF design in the response to Q4.6.4 below). Therefore, the two mitigation strategies are not comparable, due to the different impacts of the projects and therefore, the mitigation should not be as integrated as it is currently proposed. Further areas of existing mitigation should be left undeveloped.	CWACC appears to continually place disproportionate emphasis on habitat size, whilst failing to recognise the critical importance of active management by a conservation body. Beyond simple habitat extent it is habitat availability, reliability, and disturbance control including removal and long-term management of disturbance that are critical factors influencing winter survival. Moreover, the existing FWF mitigation will cease in 2042; that provided under the Proposed Development will extend this by an additional 27 years whilst also delivering the management benefits. It is unclear to the Applicant whether CWCC's recognises these crucial points in their comments and, if so, how they have informed CWCCs position. It is added that a principal mechanism driving wintering bird declines is agricultural intensification, disturbance from daily agricultural practices, unmanaged recreational disturbance, and climate change, particularly through hydrological instability and increased thermal stress during cold snaps, which force birds to forage for longer periods. Collectively, these pressures reduce habitat suitability and energetic efficiency during winter, increasing mortality risk even when nominal habitat area remains unchanged. The NBBMA not only offers habitat enhancement but also provides security, management, and certainty. Therefore, the Applicant believes that scale is only one of several interacting factors influencing the success of the NBBMA. Management quality, habitat reliability, disturbance control, and active and adaptive management throughout the operational lifetime of the development are crucial, ensuring habitats function continuously. These factors become particularly influential in the success of a mitigation area, regardless of simplistic area metrics. Furthermore, Cell 5 does not regularly support SPA birds, which is evidenced in the **HRA [as updated alongside this submission]** – approximately three SPA species were recorded utilising the area on very isolated occasions and in very low numbers which were largely insignificant (Tables 5-5 to 5-15). However, the Applicant has been transparent in that Cell 2 and Cell 1 does support SPA species and shows episodic peak counts of SPA birds, particularly Cell 1. However, these areas do not show prolonged and sustained use. Natural England has accepted the size and quality of the mitigation area as noted in the response to 4.4.2. The Applicant disagrees that the FWF mitigation is not comparable to that of the Proposed Development. Cells 4 and 6 (outside the Order Limits) will continue as currently functioning. The Proposed Development will not impede flight paths (as wind turbines do). Accordingly, the relevant part of any comparison between the mitigations is limited to grassland and habitat quality / type. It has been the Applicant's position from the offset, as agreed with NE, that the basis for mitigation is the provision of higher quality (wet) grassland and conservation management, rather than relying solely on a larger area with limited management; essentially quality over quantity. The Applicant has acknowledged the FWF throughout the HRA and with agreement from Natural England, is treated as part of the baseline and it is important to note that the airspace will remain just as available. The differing impact pathways are recognised, albeit not comparable, and are addressed through the delivery of bespoke mitigation which incorporates species abundances and diversity at its current baseline which includes the turbines that are in-situ. Another important consideration is that the Site already comprises varying elevations (i.e. cell 6 is 6-10 m below the Solar Array Development Area) and areas of existing natural screening (i.e. those which screen the existing tracks

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			which intersect some of the cells- Cell 3/NBBMA and Cell 6), which form part of the established baseline within the Order Limits. Within this context, birds are known to successfully navigate through the Site from the estuary to Cell 6 and into the wider landscape. The Proposed Development would be introduced within this existing topographic and naturally screened context and would not remove the vertical airspace that currently facilitates bird movement. On this basis, the Site would not become completely inaccessible to non-breeding birds, and levels of permeability and functional connectivity would remain comparable to the existing baseline. To reiterate, the Proposed Developments mitigation has been designed on the current functional use of land by non-breeding birds, rather than reliance on temporary or time-limited elements of the FWF mitigation. It does not alter the Applicants assessments and (or) conclusions and has been accepted by Natural England.
4.4.6	Mersey SSSI Are you satisfied that the mitigations proposed by the applicant will mitigate any harmful aspects of the proposed development on the Mersey SSSI and, where possible, would conserve and enhance the SSSI affected by the proposed development?	Please refer back to CWCC for clarification if there are specific elements of the question that require addressing further. It is considered that concerns relating to non-breeding bird species for the SPA are the same for the SSSI, with further concerns regarding the SSSI, due to its designation including more passage species. The updated further information in the updated NBBMS (contained within the oLEMP [PD2-023] para 1.3.4, separates out the SSSI features for consideration. Para 1.3.5 lists the species features of the SSSI. CWCC would query the "migrating birds in spring and autumn" qualifying feature listed, which is a much wider definition than that of the SPA qualifying species, which only list Redshank as a passage qualifying feature, with all other species wintering. (See also response to Q5.1.7). The above should be clarified, as other passage species which qualify for the SSSI and not the SPA, may have not been taken into consideration. It would be useful to have all RAMSAR, SPA and SSSI qualifying species, both wintering and passage, to be listed in one table for comparison and evidence that all species and assemblages relevant to the various designations have been assessed. In terms of physical habitats, the Mersey Estuary SSSI contains Canal Pools, which are used by qualifying birds as a high tide roost when weather is bad. These are not shown as being replaced in the updated HRA [PD2-009] Proposed Levels Option 2 drawing, whereas they are shown as such in the Figure 3 - Proposed NBBMA drawing of Appendix B – Outline Non-Breeding Bird Mitigation Strategy in the updated Outline Landscape and Ecology Environmental Management Plan [PD2-023]. This should be clarified. In paragraph 1.6.1 of the document, enhancement measures/additional benefits for the SSSI, such as removal of uncontrolled recreational fishing, eradication of New Zealand Pygmy weed and removal of a stand of trees. However, it is not clear if the removal of NZPW removal of uncontrolled recreational fishing is obliged to be carried out by the landowner in any case, rather than being a specific benefit of the development. It is stated in paragraph 2.8.2 that the actions are not considered to be mitigation for the proposed development but do constitute actions necessary to the successful delivery of the NBBMA and management of the SSSI.	All non-breeding bird species, passage and wintering, have been considered in the mitigation design and delivery. The SPA and Ramsar citation do not formally define the waterbird assemblage. While individual species are not listed separately, they are addressed through appropriate functional groupings (e.g. dabbling ducks, diving ducks, waders and geese), reflecting shared habitat requirements and established assessment practice. Note that the Applicant has updated the table (6-2) in the **HRA [PD2-009, updated alongside this submission]**, to specifically reflect winter and passage where this is specifically stated in citations. The Mersey Estuary SSSI citation does not explicitly state which bird species are reasons for notification during the passage period. Taken directly from the citation "*The estuary is also a valuable staging post for migrating birds in spring and autumn*" so it is likely that any species which CWACC are concerned about is covered under the waterbird assemblage (under the SPA) which has been assessed within the HRA [**PD2-009**], similarly the SPA designation does not specifically list these species and therefore all non-breeding waders are included in the assessment. The HRA has been updated to reference Figure 3 of Proposed NBBMA drawing of **Appendix B – Outline Non-Breeding Bird Mitigation Strategy in the updated Outline Landscape and Ecology Environmental Management Plan [as updated alongside this submission]**. Removal of NZPW will be completed throughout the NBBMA area and is not just limited to the areas which fall within the SSSI as stated in PD2-009, paragraph 8.2.32.
4.5.1	Environmental Statement conclusions for terrestrial ecology Are you content with the applicant's assessment in its Terrestrial Ecology Chapter 7 (Vol 1) [APP-040] that there would be no residual significant effects	CWCC is not content that there would be no residual significant effects on terrestrial ecology as a consequence of the proposed development, in terms of Bats and Reptiles (although likely to be resolvable and just requiring clarification), Otters, Badgers, habitats, Biodiversity Net Gain and Local Wildlife Sites. This is explained in paragraphs 7.83-7.84, 7.90, 7.92-7.95, 7.105-7.110, 7.113, 7.118-7.137 of the CWCC Relevant Representation	The Applicant refers to its previous responses to these points in its Response to Written Representations, submitted at Deadline 3: • Otters - WR_CWACC4.36. • Badgers – WR_CWACC4.37 to WR_CWACC4.40. • Habitats / BNG – WR_CWACC4.46.

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	as a consequence of the proposed development? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.	[RR-037]. Please also cross refer to comments in CWCC's Local Impact Report: Section 14 and Appendix 5 [REP1-046] and Written Representations (Section 4) [REP1-048].	• Local Wildlife Sites – WR_CWACC4.42 to WR_CWACC4.45.
4.5.4	Impacts on Local Wildlife Site (LWS) Can you advise if you agree with the applicant's assessment that although there would be significant temporary adverse effects on Frodsham, Helsby and Ince Marshes LWS during the construction phase, and that there would be significant positive effects in the medium-long term? If you disagree with the applicant's assessment, please provide justification and evidence to substantiate your position.	CWCC disagrees that there would be significant positive effects in the long-term on Frodsham, Helsby and Ince Marshes LWS. This is because there are permanent adverse effects on some of its qualifying features, therefore a likely reduction in its extent and there is limited detail provided by the applicant to come to their conclusion, in terms of which criteria of the LWS are impacted and to what extent. This is explained in paragraphs 7.118-7.125 of CWCC's Relevant Representation [RR-037]. The ES Volume 2 Appendix 7-5 Assessment of Frodsham Helsby and Ince LWS [APP-061] only assesses whether the LWS still meets its criteria, not whether, and to what extent these qualifying criteria will be impacted and therefore impact on the LWS as a whole. Some further information on impacts to LWS qualifying criteria is given in the Applicant's Response to CWCC's Relevant Representation [PD2-027] in response to 7.119 and 77.120 of CWCC's Relevant Representation [RR-037], however, this should be assessed in the ES and updated as such, to enable full assessment. See also response to Q4.1.3 above (addresses paragraph 7.122 of [RR-037]. In reference to the Applicant's response to paragraph 7.121 of CWCC's Relevant Representation [RR-037], note that in terms of the reedbed qualifying criterion, the CWCC response to misclassification of reedbed habitats on site is discussed at the response to Q4.5.7. In Table 7-3: Terrestrial Ecology Chapter 7 (Vol 1) [APP-040] it is stated that Scoping of Ecological Features ES Vol 2 Appendix 7.5 Assessment of Frodsham Helsby Ince Local Wildlife Site includes an assessment of Frodsham, Helsby and Ince Marshes LWS against the current LWS selection criteria. This states "In order to avoid repetition, where a criteria of the LWS is met, and the receptor is scoped in separately (including HPIs, other habitats, otter, water vole, fish and invertebrates), these are not assessed under non-statutory designated site." This is not an accepted approach, as it means that the receptors are not assessed as a whole, in terms of impacts on the LWS as a whole receptor and this approach is not supported.	The Applicant refers to its previous responses to these points its Response to Written Representations, submitted at Deadline 3 (points WR_CWACC4.42 to WR_CWACC4.45).
4.5.5	Frodsham, Helsby and Ince Marshes LWS Can the applicant confirm if its significance of effects conclusion (during permitted preliminary works/construction, operation, and decommissioning stages) took into account Frodsham, Helsby and Ince Marshes LWS qualifying features? If any party believes the applicant's significance of effects conclusion omitted any qualifying features associated with Frodsham, Helsby and Ince Marshes LWS, please provide justification and evidence to substantiate your position.	As per paragraph 7.119-7.120 of the CWCC's Relevant Representation [RR-037], CWCC asserts that the Applicant's significance of effects conclusion omitted birds and mammal qualifying features associated with Frodsham, Helsby and Ince Marshes LWS, including mammals and birds, that there are adverse impacts on qualifying features (Reedbeds, Wildlife corridors/buffers, birds and mammals) and the Applicant did not assess the impacts of the Frodsham, Helsby and Ince Marshes LWS qualifying criteria as a whole. Therefore, qualifying features were omitted from the LWS assessment. See also response above to Q4.5.4.	See response at 4.5.4 and the Applicant's response to this question in **Applicant Responses to ExA First Written Questions [REP2-003]**.

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4.5.6	Noise assessment Are you satisfied with the applicant's noise assessment and that there would be no significant effect on any species? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.	As per paragraph 7.12-7.14 of CWCC's Relevant Representation [RR-037], there were concerns regarding consistency of the assessment of the effect of cell elevations on noise abatement on other parts of the site. In the Applicant's Response to CWCC's Relevant Representation [PD2-027] on para 7.12 of CWCC's Relevant Representation [RR-037], it is further explained that visual disturbance was being considered in terms of the higher elevation of fishing pools, causing disturbance to Cell 3 and that noise disturbance was being considered in terms of construction disturbances from Cells 2 and 5 on to the lower Cells 3 and 6, so there were different pathways being considered. However, the response also states "No birds using Cell 6 would be able to see or likely hear any activity on Cell 3." This again confuses the two pathways and also does not consider birds flying to and from Cell 6, so this is not accepted. In the Applicant's Response to CWCC's Relevant Representation [PD2-027] on paragraph 7.13 of CWCC's Relevant Representation [RR-037], it is stated that flight activity represents a transient and short-duration exposure, in contrast to sustained foraging or roosting behaviour. No evidence is provided to support this principle as such. However, the response references Seaforth Docks in Liverpool as an example of birds overflying areas of development to access roosting areas. Further detail of this should be presented, to assess whether this example is comparable to the proposed development.	The Applicant does not agree that the disturbance pathways have been confused. Visual and noise disturbance were considered separately and in relation to the relevant source–receptor pathways. The statement that birds using Cell 6 would not be able to see or likely hear activity on Cell 3 relates specifically to grounded birds within Cell 6, taking account of the substantial difference in elevation and separation distance. Cell 6 sits approximately 6–10 m below the Proposed Development footprint, with the closest point of Cell 6 to the fishing pools being approximately 350 m away (which is not where birds are concentrated) and a further *c*.3 m lower in elevation, with additional natural screening provided by raised earth along access tracks between Cells 3 and 6. Disturbance is considered more likely in relation to Cell 3 due to (i) its closer proximity to the fishing pools and (ii) the natural upward gradient from the pools towards Cell 3. This topography increases the potential for visual disturbance, particularly where the sudden appearance of people on the skyline may create an abrupt visual stimulus. This assessment is distinct from considerations relating to Cell 6, where grounded birds are unlikely to experience visual or auditory disturbance from activity on Cell 3 due to the substantial separation distance, lower elevation, intervening screening features and the locations species utilise in Cell 6. Noise effects were assessed independently through the noise assessment annexed to the **HRA [as updated alongside this submission]**, which incorporates existing topography and concludes that construction noise would not result in significant disturbance to birds using Cell 6. The assessment did not assume that birds in flight would be visually or acoustically screened; however, transient flight movements do not constitute sustained disturbance or functional habitat loss and are not considered a meaningful impact pathway. On this basis, the Applicant's assessment remains valid. With regards to Seaforth docks in Liverpool, the Applicant considers that there is a directly comparison. To clarify, the Applicants reference to Seaforth docks should be read as to 'Seaforth Nature Reserve', which is located within Seaforth docks and managed by the Lancashire Wildlife Trust (LWT). The corresponding LWT web page states: "*Nestled in the heart of the Liverpool Docks at the mouth of the Mersey, Seaforth, with its industrial charm, is an important part of the Mersey narrows special protection area and a major roosting site for a spectacular variety of waders, seabirds, ducks and small birds. From spring through to winter, life moves at a frenetic pace, and there is always something to see"* whilst also stating the reserve is "*home to hundreds of thousands of waders and seabirds*". The Applicant refers to Seaforth docks (nature reserve) as a directly relevant illustrative example which demonstrates quite clearly that bird routinely (without disruption) overfly and navigate through developed landscapes to access FLL. However, Seaforth is not an isolated location. Wading birds in England often show a high tolerance of industrial landscapes. Many estuaries combine extensive intertidal mudflats and saltmarsh with ports, refineries, power stations, and other heavy infrastructure, yet continue to support large populations of waders such as redshank, dunlin, avocet, curlew, and oystercatcher. For example, the Thames Estuary supports internationally important numbers of waders alongside major ports, oil terminals, and urban development. Similarly, the Humber Estuary, one of the UK's most industrialised waterways, hosts tens

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			of thousands of wintering waders despite chemical plants, docks, and wind energy infrastructure. On the Tees Estuary, reclaimed and managed wetlands sit directly adjacent to steelworks and port facilities, yet regularly support species such as avocet, lapwing, and knot. Evidence from these locations proves that, where tidal processes and food resources are maintained, waders can coexist with industrial land uses, using estuarine habitats even in heavily modified landscapes.
4.5.7	Biodiversity net gain metric Are you satisfied that the latest BNG metric [PD2-032] : i) Follows best practice/guidance? ii) Contains the necessary information? iii) That habitat, hedgerow and watercourse are classified accurately? iv) The metric results are correct? If no, please provide justification and relevant evidence to support your position.	It is CWCC's position that the metric must be provided in Excel (xls) format, to enable assessment, due to the complexity of the site and volume of information contained within it. At the time of writing these are not yet available in the Examination Library. Further to CWCC's letter of 22nd December 2025 in relation to the Deadline 1 submissions, and the follow up e-mail on 6th January 2026, it was noted that the BNG Metric Spreadsheets [PD2-032] had yet to be formally submitted/published as part of the Examination Library in the original Microsoft Excel format (xls). CWCC requested the following: • Metric calculation in original Microsoft Excel format (.xls) • UK habs plans pre and post development • baseline and proposed habitat condition assessments (in original Microsoft Excel format (.xls) in order to properly assess the BNG submission. The Applicant has provided an excel version of the metric calculation to assist, but a formal submission ought to be made for CWCC to comment, and this needs to be accompanied by the UK habs plans and the completed baseline and proposed habitat condition assessments, which have not as yet been provided. To respond to these questions, CWCC has looked at the main summary tables only (Headline Results and Trading summaries) of the updated metric [PD2-032], as these are accessible and used the information as set out in the Applicant's Response to CWCC's Relevant Representation [PD2-027]. i) Notwithstanding the above, CWCC do not agree that the BNG metric follows best practice/guidance. The Applicant's Response to CWCC's Relevant Representation [PD2-027] for para 7.131 of CWCC's Relevant Representation [RR-037], states that to take account of the trading rule deficit would be to assess the metric "in strict accordance" with the rules. CWCC disagrees; the trading rules are a basic function of the metric and Natural England user guidance on this point has been clear in all metric versions (including historical non-statutory and statutory versions) to date. The trading rules are set as such, to avoid habitat deficits and work in partnership with the metric's principle of calculating all habitat types and conditions into the same units. The higher the distinctiveness, the stricter the trading rule, to ensure valuable habitats are retained and replaced satisfactorily. For High distinctiveness habitats, such as Reedbeds, the rule is that the habitat must be replaced with the same habitat. Therefore, the metric does not follow best practice guidance. In addition, the trading rule deficit of reedbed has significantly decreased from 65.61 units to 12.59 units, with no updated supporting information or plans to explain this significant reduction. There is explanation provided of the de-classification of an area of reedbed, but there is no information about how this translates into units. CWCC disagrees with the declassification, in any case. In terms of the Applicant's Response to CWCC's Relevant Representation [PD2-027] for paragraph 7.132 of CWCC's Relevant Representation [RR-037], it is stated that Reedbeds have been classified as such, but do not meet priority habitat descriptions, so have been overvalued. This point is then used to justify the deficit in trading rules when concerning reedbeds, which is not accepted, as trading rules apply within the metric.	The metric data was provided with the application in PDF format [AS-036 and PD2-032], noting that Planning Inspectorate Guidance request that files are provided in PDF format where possible. Excel files of AS-036 were provided to CWACC on the 30th July 2025 and PD2-032 on the 12th January 2026. GIS files of the BNG data were also provided on the 28th January 2026. The excel data and GIS files have also been provided to the Cheshire Wildlife Trust. The Applicant see's no reason that the Council could not have responded to the data provided. Nonehtless, the Applicant has now provided the excel data and the GIS data to the Planning Inspectorate as part of the Deadline 3 submission. It is accepted that trading rules are an inherent part of the Statutory Biodiversity Metric, and as such it has not been claimed that the Proposed Development delivers a biodiversity net gain in full accordance with the metric process, only that an increase in units is achieved. This comment has been addressed through the response to CWACC7.94. within **[PD2-027]**. It should also be noted that Statutory Biodiversity Metric User Guide Table 2 Biodiversity metric rules 'Rule 4' states that 'In exceptional ecological circumstances, deviation from this biodiversity metric methodology may be permitted by the relevant planning authority'. In this case the relevant planning authority would be the Secretary of State. The Metric User guide provides further guidance on the application of Rule 4, which states 'If you meet the requirements to use rule 4 it can be implemented through…deviations from the biodiversity metric trading rules'. Natural England have recently published a recent blog post (dated 7th January 2026, provided as Appendix B of Applicant Responses to Written Representations, with an accompanying explanatory note) outlining a case study implementing Rule 4. Natural England's note sets out a Rule 4 example which is directly comparable to the Proposed Development in the following ways: i. Natural England consider their case study example to represent a landscape scale gain. ii. The Proposed Development is approximately 100ha larger than the case study site, and so could reasonably also be considered as a gain of landscape scale. **iii.** The Natural England case study includes the loss of a habitat of high distinctiveness (in that case open mosaic habitat), which is not replaced directly. Instead scrub and grassland is delivered as this is considered to be the most ecologically valuable approach for the location. This demonstrates that there is scope for loss of habitats of high distinctiveness under Rule 4. The Proposed Development includes loss of reedbed, also a habitat categorised as of high distinctiveness. However the Proposed Development will result in an overall increase in area of +0.5ha of reedbed habitat, as outlined in Q4.2.1 of **Applicant Responses to ExA First Written Questions [REP2-003].).** iv. Design of habitats to be provided as part of the Proposed Development has been informed by the site location, adjacent to the Mersey and

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		Referring to Priority habitat JNCC definition confuses the applicant's approach. Therefore, there is no precedent or justification for this approach, and the layout should be amended to retain or create further reedbeds to resolve this trading rule error. This will be assessed by CWCC when the full information has been provided. The Applicant's Response to CWCC's Relevant Representation [PD2-027] for para 7.132 of CWCC's Relevant Representation [RR-037], directs CWCC to Appendix C, provided to give further detail on characterisation of reedbed across the site, with a focus on those areas of reedbed lost to development. There is no accompanying updated Biodiversity Net Gain report to include this explanation, nor explanation of the new metric information submitted that has a reduction in trading rule deficit for Reedbeds. Appendix C is discussed as follows: The secondary codes "504-Waterlogged" and "505-Inudnated", are stated as corresponding with the section of the f2f Reedbed definition that states "water table is above ground or at ground level for most of the year". This is not correct; these secondary codes are used to further define the level 2 primary code of "Wetland", of which the Level 3 code is Reedbed and are not referred to at the Level 3 stage in terms of definition. They can be used to define discreet areas within the level 3 code when mapping habitats, to provide further information regarding that habitat, but do not contribute to its definition. In addition, the definition of one of the exclusions of the Wetland category, has been incorrectly added to the definition of secondary code "504-Waterlogged" "wet defined as water table within 40cm of the surface and soil contains free water for most of the year". Note that secondary code 504- Waterlogged, states that only small patches remain wet during mid summer, that either the water table is at the surface for 50-7-0% of the year, or the soil is completely saturated, so does account for dry areas reedbeds. The most robust factor of the classification of reedbed habitats, is the presence of more than 5m width of reedbed. This is the primary factor that should define the classification of the reedbed, in the absence of any other agreed evidence, especially ones that are defined by season or percentage of water/saturated soil over a year, which cannot often be demonstrated, due to time constraints. Inclusions for the f2e reedbed habitat type are areas that meet the stands of Common reed size threshold and that include both reed-filled ditches and reed-dominated vegetation extending on to dry land. Therefore, dry areas of reedbed are accepted into the f2e classification. The only exclusions to f2e are if parcels of common reed are less than 5m in width, and Common reedmace swamp, which note, does not include references to water levels. Four areas of reedbed are singled out for assessment within Appendix C, with no justification as to why the other areas of Reedbed, as mapped in Figures 1a, 1c, 1d and 1e of the Biodiversity Net Gain Report [APP-143]. On the basis of the coding of reedbed habitats as discussed above, it is not into concurred that the section of reedbed labelled Frodsham Windfarm East, should not be classified as UK Habs reedbed, as the areas of reed are reported to exceed 5m in width. Although reedbed habitats are not directly associated with the bird species associated with the Estuary (although Teal have been recorded near to the Lum which has reedbed habitats) per se, in terms of wetland habitats and hydrology, the reedbed habitats will be complementary to the overall wetland network on and adjacent to the site that these species will be using. There are also bird species recorded on site not associated with the Estuary, that utilise the reedbed habitats. In terms of the Applicant's Response to CWCC's Relevant Representation [PD2-027] on para 7.133 of CWCC's Relevant Representation [RR-037], it is stated that habitats of high distinctiveness have been avoided as far as possible across the Order Limits and that the development has avoided higher value habitats where reasonably practicable. These are general statements, with no project-specific justification and the metric provided evidences this, with the deficit in trading rules demonstrated. It is also stated that the loss	corresponding non-breeding bird populations (which are of international importance). Like the Natural England example, habitats have been designed to benefit species valuable to the location. It is also relevant that the NBBMA will be managed by a suitably experienced conservation organisation for forty years. The Applicant considers this a unique opportunity that represents exceptional circumstances. It is unclear what additional areas of reedbed the Council is referring to in its paragraph starting "Four areas of reedbed….". Areas of reedbed surveyed are those that have the potential to be impacted by the Proposed Development. Any area due to be retained or enhanced were not surveyed. The Applicant could provide more detail on this point, if a location identifier (e.g., grid reference) were provided. It is maintained that areas of reed located within the Frodsham Wind Farm East do not meet the definition of reedbed in accordance with UKHab due to absence of water 'at or above ground level' and would instead by classified as g3~16. The only area of wet woodland mapped is located at SJ4836978024. This is located adjacent to a retained access track and retained biodiversity area. As such there will be no loss of this habitat. This is confirmed within the Arboricultural Assessment **[APP-146]** as group G007**.** The latest biodiversity metric **[PD2-032]** reflects this (also provided to CWACC via email), however as stated earlier in the response CWACC have reviewed only the headline summary pages. This has previously been clarified through the response to CWACC7.96. within **[PD2-027]**. Comments on the design approach and mitigation hierarchy have been addressed previously in the Response to Local Planning Authority and Statutory environmental Body Relevant Representations **[PD2-027]** ref CWACC7.96. It should be noted that while the mitigation hierarchy requires avoidance in the first instance, it does not state that no loss can occur. Indeed, if this were the case there would be no requirement for the remainder of the hierarchy. It is clear that the Applicant has avoided impacts in certain areas to reduce ecological impacts. The approach to the biodiversity design is described in the Design Approach Document **[APP-130]**. The Applicant can confirm that the requested watercourse information was included in the Deadline 1 submission and the digital information supplied to CWACC. It is welcomed that CWACC accepts the Applicant's position on the 5% rule. The 'missing information' referred to by CWACC has been provided. The Applicant will continue to engage with the CWACC on matters of BNG when it has fully reviewed the information provided by the Applicant.

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		of wet woodland has been reviewed, and this will be assessed when the full metric spreadsheets are provided. In terms of the Applicant's Response to CWCC's Relevant Representation [PD2-027] on para 7.134 of CWCC's Relevant Representation [RR-037], similar assertions are made, that the higher value habitats have been avoided "where possible", with no detailed justification given. References to existing reedbed being lost to succession are made, which is not relevant to the biodiversity gain metric, as already pointed out by CWCC in 7.132 of CWCC's Relevant Representation [RR-037]. The Applicant asserts again, that the mitigation hierarchy has been applied "to avoid and reduce losses where possible", with no detailed project-specific justification. ii) This will be ascertained in full when the metric spreadsheets are provided, but based on the review of summary tables provided in PD2-032 when compared to the original AS-036 information, and the Applicant's Response to CWCC's Relevant Representation [PD2-027] on para 7.137 of CWCC's Relevant Representation [RR-037] the following comments are made, with the following necessary information still outstanding: • The missing watercourses are reported to have been included now and this will be assessed when the information is received. • The "5% rule" has been further justified giving examples from other DCO applications and asserting that the panels should not be fully classed as sealed surface, due to accessibility and habitat provision underneath, which CWCC now accepts. The following missing information previously requested has not been responded to in the Applicant's Response to CWCC's Relevant Representation [PD2-027]: • Baseline habitat type and condition assessments should be provided, to ensure the most appropriate habitat types have been assigned correctly according to UK Habs and the correct condition has been assigned. • The classification of watercourse types is required to be detailed, to understand why different habitat types have been allocated. • Baseline and proposed UK Habs plans with the habitat references used in the Habitat Reference Number column of the metric, should be provided. In the Applicant's Response to CWCC's Relevant Representation [PD2-027] on para 7.135 of CWCC's Relevant Representation [RR-037], states that the Design Approach Document [APP-130] gives information on justification for decisions made on habitat retention and loss, however, this document does not give any detailed information on the approach, with only general statements given. In addition, an updated Biodiversity Net Gain report has not been provided to include the explanation provided in Appendix C of the Applicant's Response to CWCC's Relevant Representation [PD2-027], nor explanation of the new metric information submitted. The trading rule deficit of reedbed has significantly decreased from 65.61 units to 12.59 units, with no updated supporting information, explanation, or plans provided. iii) Please see comments on reedbed classification in point i). CWCC does not agree that habitats have been classified accurately. This will be fully assessed when the full Metric Excel spreadsheets and supporting information as outlined above, are provided. iv) There are currently disputes regarding the metric results as outlined above. This will be assessed in full when the full Metric Excel spreadsheets and supporting information as outlined above, are provided. CWCC would note that even if the metric results are agreed, in terms of the habitat classifications and numerical values, if the standard interpretation of those results is not applied as best practice, in terms of trading rules, a significant overvaluing of the habitat provision and undervaluing of habitat loss will occur.	

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4.5.8	Biodiversity net gain proposal Are you satisfied with the Applicant's assessment that the proposed development will deliver a measurable gain in biodiversity units? The project design committed to achieving a minimum increase of 10 % in habitat and hedgerow units and no net loss in watercourse units (paragraph 7.7.66 of ES Chapter 7: Terrestrial Ecology [APP-040]. If no, please provide justification and relevant evidence to support your position.	CWCC is not satisfied with the Applicant's assessment that the proposed development will deliver a measurable net gain in biodiversity units, or no net loss in biodiversity units, due to misclassification of habitats and trading rule deficit, along with lack of supporting information, as detailed above in response to Q4.5.7. A full response will be provided when the full metric spreadsheet and supporting documents are provided.	The Applicant notes this comment however disagrees. The Proposed Development provides an uplift in biodiversity units **[PD2-032]**, as demonstrated by the Biodiversity Metric submitted. A response to detailed points are provided as CWCC 4.5.7 above.
4.6.2	NPS EN-1 Can you comment whether paragraph 4.6.7 of NPS EN-1 has been satisfied which notes that the latest version of the biodiversity metric is encouraged and that calculation data for biodiversity baseline and present planned biodiversity net gain outcomes are presented in full as part of the application?	It is CWCC's position that the metric must be provided in Excel (xls) format, to enable assessment, due to the complexity of the site and volume of information contained within it. At the time of writing these are not yet available in the Examination Library (as referred to reply to Q4.5.7 above). Paragraph 4.6.7 of NPS EN-1 states that the latest version of the biodiversity metric should be used, which has been done by the applicant. However, the paragraph also states that this calculation data should be presented in full as part of an application and directs the reader to Note 96, which is a hyperlink to the statutory metric Excel spreadsheet. This has not been provided and so the policy is not satisfied.	This has been addressed in response to CWCC 4.5.7 above. The completed metric has been provided in PDF format and was provided to CWACC in Excel format.
4.6.3	NPS EN-1 Are you satisfied that the proposed development meets the following paragraph in NPS EN-1: paragraph 4.6.15 Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where appropriate, incorporated into proposals as part of good design (including any relevant operational aspects) of the project. If no, please provide justification and relevant evidence to support your position.	CWCC has concerns regarding the wider environment benefits that the Applicant has claimed. The Applicant's Policy Compliance Statement [APP--129] refers in Table 1 to the required NPS statement and cross refers to the Design Approach Document [APP-130]. Point 4.6.15 in Table 1 [APP-129] states: "The Proposed Development includes measures to enhance public access in an ecologically sensitive manner, fostering appreciation of wildlife whilst minimising disturbance. New permissive paths through the Site will be guided to less sensitive areas, and designated wildlife viewing points with screening (such as bird hides or viewing screens) will be installed at strategic locations. Informative signage will be placed to encourage responsible behaviour (e.g. keeping dogs on leads) in the vicinity of important habitats. These measures will enhance the educational and recreational value of the Site, turning it into a well-managed nature-rich area accessible to the public. The Proposed Development goes beyond just mitigation and compensation and delivers wider gains for biodiversity, creating a richer mosaic of habitats and long-term management commitments that will leave a positive ecological legacy on the Frodsham Marshes landscape". Generally, the provision of permissive paths is a welcome environmental benefit. However, as noted in response to Q9.5.4 and paragraph 11.1 [RR-037] CWCC has concerns about the biodiversity impacts from elements of the permissive paths proposals, Also, given the temporary nature of the project and return of the land (including habitat areas and permissive paths) back to the landowner with no longer term commitment, the reference to 'leaving a positive ecological legacy' is not justified.	The Applicant disagrees with the suggestion that the environmental design of the Proposed Development is simply 'necessary mitigation' rather than environmental enhancements that will provide genuine benefit. The Applicant has consulted as part of the pre-application on the design of the Proposed Development and taken feedback on board. The Applicant notes that several other interested parties (including the 'Frodsham Active Travel' group) explicitly recognise that the Applicant's proposals to enhance recreational access to the site are welcomed. The application is accompanied by a clear set of documents demonstrating that opportunities for wider environmental net gains have been considered and, where appropriate, incorporated into the Proposed Development; in particular the **Design Approach Document [APP-130]** explains how good design has guided scheme development. The **Design Approach Document [APP-130]** evidences that the Applicant's design and access proposals were refined through targeted engagement with wildlife and bird interest groups, who gave support for viewing points and screening measures, increased access to the estuary, and support for signage encouraging responsible behaviours to prevent wildlife disturbance. In relation to the potential adverse impacts from the permissive paths, the **oOEMP [as updated alongside this submission]** identifies "potential disturbance to wildlife through increased recreational pressure" as a potential impact and commits to "careful routing of new permissive paths, use of bird screening measures such as fences and hides, and signage" to minimise disturbance, with monitoring to assess effectiveness. The Applicant has considered the impacts to ecological receptors from these paths in the ES and

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		Paragraph 4.6.13 of EN-1 identifies potential areas of wider environmental gains, including reductions in GHG emissions, reduced flood risk, improved air quality, climate adaptation, landscape enhancement, increased access to greenspace and enhanced tree woodland areas. Whilst the Design Approach Document itself does not directly address the EN-1 paragraph, it is clear that the focus has been on developing good design principles for the project. Again, whilst not explicitly brought together as a single statement, it is clear that there are wider environmental benefits to the development e.g. in terms of the GHG emissions. There are other aspects where wider environmental benefits occur, such as potential improvement to water quality as a result of changes to the agricultural activities. Another example would be managing habitat, e.g. preventing reedbed succeeding to scrub. It may be an over-simplification, but CWCC regard much of the Applicant's stated environmental enhancements as being necessary mitigation for the project, which would otherwise be having a more detrimental impact e.g. in terms of matters such as landscape and biodiversity/habitat impacts. There is also some concern over whether the Applicant's approach has genuinely followed the mitigation hierarchy, as some different design choices early on in the design process could have avoided some of the impacts (most notably by retaining more of the areas of habitat already providing mitigation for the FWF and allowing greater buffers for protected species (e.g. Badgers)).	the HRA and concluded that no adverse impacts will arise, and this is agreed with by Natural England. The Applicant maintains that the Proposed Development will enhance the educational and recreational value of the Site, turning it into a well-managed nature-rich area accessible to the public, and that there are multiple wider environmental benefits (which are in part acknowledged in CWCC's response). The Council has questioned whether the Applicant's approach has genuinely followed the mitigation hierarchy. The Design Approach Document [APP-130] outlines in section 5.6 how the applicant has applied the mitigation hierarchy regarding various aspects of the design. NPS EN-1 does not expect that all impacts of an NSIP development will avoid every impact, and it recognises that residual effects will occur. The Applicant considers that it has taken a proportionate and balanced approach to applying the mitigation hierarchy, ensuring that significant effects are avoided where possible, and residual effects are reduced to an acceptable level, while optimising the development to achieve Design Principle 1, which is the "Delivery of significant amounts of affordable, low carbon, renewable energy to support policy objectives and national targets for reducing carbon emissions to net zero by 2050." The HRA has demonstrated that the mitigation proposed, primarily through the creation of the Non-Breeding Bird Mitigation Area, will ensure that there are no likely significant effects on the Mersey Estuary SPA and Ramsar site. In relation to badgers, the assessments recognise their presence across the Site, measures such as badger gates have been provided to ensure continued access to habitats, habitat enhancements will improve foraging opportunities, and measures are included within the oCEMP to avoid disturbance to setts during the construction period.
4.6.4	NPS EN-1 Are you satisfied that the proposed development meets the following paragraph in NPS EN-1: 5.4.22 The design of energy NSIP proposals will need to consider the movement of mobile/migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure.	The Applicant has not demonstrated that the design of the solar farm has considered movement of mobile and migratory species and their potential to interact with infrastructure, to the extent that CWCC is satisfied with the assessment. In particular, there are significant concerns regarding the movement of migratory birds associated with the Mersey Estuary RAMSAR, SPA and SSSI, as well as movement of Otters and Badgers. The solar panels are proposed in-between identified qualifying bird species flight lines from the Mersey Estuary, to other areas of adjacent habitat, such as the Cell 6 lagoon, as detailed in para 7.13 of CWCC's Relevant Representation [RR-037]. In the Applicant's Response to CWCC's Relevant Representation [PD2-027] for this paragraph, it is stated that flight activity represents a transient and short-duration exposure, in contrast to sustained foraging or roosting behaviour. No evidence is provided to support this principle as such. However, the response references Seaforth Docks in Liverpool as an example of birds overflying areas of development to access roosting areas. It is not stated whether this is comparable to solar farm development, but further detail of this should be presented, to assess whether this example is comparable to the development. In para 7.15 of CWCC's Relevant Representation [RR-037], it was noted that the Glint and Glare Assessment did not include ecological receptors in the assessment and this impact was only mentioned briefly within the Information to Inform Habitats Regulations Assessment [APP-125](latest version being [PD2-10]) that the bird species associated with the SPA/Ramsar generally move across the flat estuarine landscape in broad, dispersed flight paths, meaning their exposure to visual elements, such as solar panel reflections or structural outlines is brief and intermittent. This, however, does not address the scale of impact of such a large area of solar panels across the landscape. If exposure is accepted to be intermittent and brief, this does not mean it is not significant, due to the scale. In the Applicant's Response to CWCC's Relevant Representation [PD2-027] it is stated that "Natural England has confirmed it is satisfied with the information in relation to Glint and Glare, as outlined in its Relevant Representation (RR 012). As CWCC has	To the Applicant's knowledge, there is no evidence that solar panels disrupt flight lines and so does not agree with CWACC on this point. The Applicant refers to its response in WR_CWACC4.4. Movement pathways for qualifying bird species have been assessed through baseline surveys, flight activity observations and the **Habitats Regulations Assessment [as updated alongside this submission]**, which considers functional habitat use, flight behaviour and disturbance pathways, rather than assuming barrier effects by default. The Applicant does not rely on Seaforth Docks as a direct analogue, but as an illustrative example which demonstrates quite clearly that bird routinely (without disruption) overfly and navigate through developed landscapes to access FLL. Additional comments on Seaforth docks are provided in response 4.5.6. The Applicant does not accept that the Proposed Development introduces an unacceptable barrier to birds moving throughout the area. The assessment is based on functional loss and not theoretical access. The historic design evolution of the FWF reflects turbine-specific collision and barrier risks and is not directly comparable to a solar development, which does not introduce moving structures or blade-swept areas. The flight movements provided are welcomed but are not considered comparable to the static and low-lying nature of solar panels. Furthermore, the area is already of varying elevations with additional natural screening, used access tracks and birds still freely move throughout the landscape with ease. It is also important to note that this information provided is based off of pre-turbine establishment flightpaths and is outdated. With regard to FLL, the HRA assess loss and compensation on the basis of actual use by SPA birds, not mapped potential alone and concludes no AEoI, which is accepted by Natural England

Ref	ExA Question	CWCC Comment	Applicant's Response
		indicated that it will defer to Natural England on all ornithological matters, the Applicant considers the issue to be resolved." This is not the case, CWCC stated in para 7.3 of the CWCC Relevant Representation [RR-037] that "at this stage, CWCC has raised broad concerns and will defer to Natural England's assessment. CWCC will provide further comments on its representations at a later stage". In addition, the solar farm will reduce the unobstructed gap for bird flight between the two FWF turbine arrays, which were left for wildlife access, from 1.8km to 1.2km, further reducing the area accessible for qualifying bird species, especially considering birds can be impacted up to 600m from wind turbines. Published literature on disturbance distances for non-breeding birds is referenced at paragraph 6.3.4 of the information to Inform Habitat Regulations Assessment [AS-017] (although the reference is taken out of the later iteration [PD2-009] reflecting the change to the construction phasing of the Eastern Array and the need for separation from the NBBMA during construction). Extracts from the Environmental Statement accompanying the FWF application (10/00597/DECC) are provided in Appendix 3. The FWF design evolution is dealt with in paragraphs 2.76 to 2.110 (Appendix 3a). It can be seen from Fig 2.3 (Design 2) in the appendix that the early design iteration for FWF encompassed turbines across the whole frontage of the deposit grounds adjacent to the Mersey Estuary. The design was amended to take account of the ornithological impacts: "2.86 During 2008/2009 ornithological surveys it became evident that significant numbers of birds were feeding, roosting and moving through the area. The majority of birds present were associated with the main lagoon (indicated by the orange dot in Figure 2.4). In light of bird movements over the proposed development site the turbines were re-configured to provide a layout less likely to result in significant ornithological impacts". Designs 4 and 5 were subject to further amendment to account for bird movements: "2.91 Minor siting amendments were made to Design 4 seeking to establish a more balanced and visually permeable arrangement as judged from a range of potential viewpoints. In addition concerns were raised from an ornithological perspective that one of the new turbines was encroaching onto the preferred bird free corridor." and "2.92 Following further landscape impact assessments and a detailed ornithological impact assessment a consensus was reached that 4 turbines needed to be removed to minimise the potential collision risk on birds, based on the current habitats onsite. A 20 turbine development was deemed to be more acceptable from both a visual and ornithological perspective (Figure 2.6)." Figure 13.2 to Chapter 13, the Ornithological chapter, of the Environmental Statement (Appendix 3C) illustrated the direction and frequency of bird movements at that time, indicating why Cell 3 and to a lesser extend Cells 5 and Cell 2 provide an important gap for birds accessing Cell 6. Chapter 13 of the Environmental Statement (Appendix 3B) provides more detail, including on bird movements (paragraphs 13.74 to 13.80). "13.74. The main movements of birds over the proposed Frodsham Wind Farm area were between the Mersey Estuary and Weaver Bend to and from the lagoon at Cell 6. The most frequent direction of flights from the Mersey Estuary, were south over Cell 3 to Cell 6 and the grazed fields at Cell 5. There were also regular movements of birds returning to the Mersey Estuary flying north over Cell 3[redacted]… and "13.76. Regular movements of birds were noted flying south-west over the site from the Weaver Bend to Cells 5 and 6. The majority of these movements were within a 500m	Natural England has welcomed the updates of the **HRA [PD2-009 as updated alongside this submission]** and Natural England are satisfied with the information provided in relation to the assessment completed on non-breeding bird displacement as set out in **REP1-056** NE27. Natural England are also satisfied that the mitigation area proposed will meet the requirements of displaced SPA birds **[Q5.2.2 - responses to the ExA's first written questions (PDF, 262KB)]**. Lastly, the "Identification of Functionally Linked Land supporting SPA waterbirds in the Northwest 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") was advised not to be used when preparing the HRA under Natural England guidance. The Applicant does not agree with CWACC's estimate of High Potential FLL within the Order Limits. The use of the term "potential" requires further substantiation before it can reasonably be interpreted as representing actual FLL. The figure presented is considered to be overstated and has not been subject to a formal assessment of the extent to which the land genuinely meets FLL criteria. In particular, Cell 5 (approximately 65 ha) does not meet the broad criteria for FLL as set out by Natural England. In addition, the total area identified as "High Potential" includes steep embankments adjacent to Cell 3 and areas associated with an operational farm, which are unsuitable for use by SPA waterbirds. For the purposes of the HRA, the Applicant has taken a precautionary approach by considering the SADA as FLL, based on recorded bird usage as "overall". However, the Applicant does not consider that the available evidence demonstrates that the SADA meets the broad definition of FLL in its entirety, nor that all areas are functionally linked to the relevant SPAs. Consequently, the Applicant disagrees that the proposed development would result in the scale of FLL loss or functional severance described by CWACC.

Ref	ExA Question	CWCC Comment	Applicant's Response
		buffer around the proposed Frodsham Wind Farm but were not actually within the area swept by the blades of the proposed turbines." and "13.78. Disturbance of birds feeding and roosting on and around the lagoon at Cell 6 was mainly caused by raptors such as Peregrine Falcon and Merlin passing through the area and low flying light aircraft or helicopters. This often resulted in large flocks of birds taking flight. These flocks generally flew up high and circled within the confines of the lagoon. The large feeding and roosting flocks of European Golden Plover and Northern Lapwing together with smaller numbers of Dunlin, Eurasian Curlew and Common Redshank that fed and roosted in the north-west corner of Cell 5 suffered similar disturbance events. These flocks would circle around the north-west corner of Cell 5, within Cell 2 as well as moving over the bund to Cell 6 with smaller movements observed within the proposed eastern cluster of turbines in Cell 5 and over Cell 1 by Frodsham Marsh Farm." The Environmental Statement details further the assessment of impacts. "13.136. The assessment of impacts as a result of construction (noise, disturbance and habitat loss) and operation (reduction in habitat quality caused by noise, displacement and barrier effect) are presented in Table 13.9. In this table the impacts and mitigation are detailed and the residual impact is presented. Ecological mitigation is detailed in Section 12; however the specific mitigation for ornithological receptors is dealt with in greater detail in Paragraphs 13.175 to 13.179. Table 13.9 does not include the collision risk impacts which are detailed in Paragraphs 13.49 to 13.57. The impacts on the SPA and SPA qualifying species are considered in Paragraphs 13.164 to 13.174" And Table 13.10 B in Appendix 3 b) summarises the impact assessment during the operational phase of the FWF, noting under mitigation: "Iterations in project have resulted in large areas of suitable breeding habitat in Cell 5 remaining turbine free Creation of habitat complex in Cell 3 includes large areas of wet and dry grassland and a wader scrape (with sparsely vegetated island) will provide ideal breeding opportunities for this species. At all stages the project design and turbine layout have been influenced by the results of the combined bird surveys. This has resulted in iterations to the turbine layout to avoid major flight lines and areas of highest bird activity. All major flight lines are in turbine free areas including the mitigation area in Cell 3. A proposed turbine to the north of Cell 6 was also removed from the scheme to reduce any potential barrier effect to birds flying [redacted] … from the Mersey Estuary" As stated in E.001 of CWCC's Local Impact Report submitted at Deadline 1 [REP1-046], there is approx. 200 hectares of High potential Functionally Linked Land (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"), 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 and Cell 5 is proposed for development, rendering approx. 130 hectares of the High potential FLL no longer functional. Further, the applicant considers the whole of the SADA (253ha) to constitute FLL, due to the birds recorded. The development will reduce the area of functionally linked land, without adequate compensation, rendering a significant area of it inaccessible for migratory bird species, and change the way the birds currently access their favoured areas of land within and outside of the Order Limits. Also, there are concerns regarding the movement of Badger and Otter across the development.	

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		In para 7.92-7.94 of CWCC's Relevant Representation [RR-037], it is detailed how it is assumed the solar panel fences will not restrict access through the SADA for Otter, due to standard buffers from watercourses and open span crossings included in the general design, but this should be confirmed. Otters will be prohibited access to the NBBMA, which is where their activity has been recorded. It is stated in CWCC's Relevant Representation [RR-037] that there are concerns to whether this cessation of access to the 64ha NBBMA, which is likely the favoured food source across the whole site, will disrupt movement across the landscape and territory. It is not clear whether Otters are using the Manchester Ship Canal or travelling through the SADA to get to the NBBMA. In the Applicant's Response to CWCC's Relevant Representation [PD2-027], the response is concerned with the justification of the prohibition of access for Otters to the NBBMA. it is stated that the fishing pools will be replaced with new pools at the Biodiversity Enhancement Area, however, as fishing will be prohibited, it is not certain that this will replace the fish stock in the existing pools to the level that currently exists. Therefore, Otters will have to change their movements to find food resource elsewhere. In terms of Badger movement, para 7.108 of CWCC's Relevant Representation [RR-037] details concerns regarding the lack of marking surveys to ascertain where the… [redacted] The will be , due to anti-predator fencing required for the success of the NMMBA. The 253ha SADA will also be fully-fenced. This means that there is no area of the site that is not restricted in some way, apart from embankments. Although mammal gates are proposed in the SADA fencing, there is no indication of the frequency of these and due to the lack of survey information, there is no degree of certainty that they will be placed where they are required. The Applicant's Response to CWCC's Relevant Representation [PD2-027] does not provide any further reassurance on this matter.	
5.1.5	In-combination assessment NE [RR-012] and CWCC [RR-037] have provided advice on the approach and projects to be considered within the in-combination assessment. The applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] submitted at Procedural Deadline B provides a response to the matters raised. Can NE and CWCC confirm whether they agree with the applicant's approach and projects to be considered within the in-combination assessment?	CWCC disagrees with the Applicant's approach. In the Applicant's Response to CWCC's Relevant Representation [PD2-027] in-combination effects are discussed within Sections 7.32-7.35. Since the ExA questions were published, CWCC has submitted Written Representations (REP1-048), which includes Appendix A Response to ISH Agenda items, which discuss in-combination effects (see Item 5 k) pages 39-40 of Appendix A). The Applicant's Response to CWCC's Relevant Representations [PD2-027] para 7.32 and 7.33 states that they have committed to a working group between parties, as stated in the updated Outline Construction Environmental Management Plan [PD2-015] and updated Information to Inform Habitat Regulations Assessment [PD2-009] para 8.6.30 to 8.6.38 and that CWCC has control over the Runcorn Spur Pipeline project via planning conditions. This, however, does still not link the projects together in a robust way. CWCC advises the current cumulative impact assessment is not robust. In 4.1.59 of the updated Outline Construction Environmental Management Plan [PD2-015], the Applicant's proposal is to avoid simultaneous construction and recommends phasing; however, phasing construction could have more of an impact. For example, if the proposed development and pipeline are constructed within a few months or year or two of each other, this would amount to continued long-term cumulative disturbance, past the original assessed impacts. There are more cumulative scenarios than currently assessed, and these should be clearly set out and assessed. in the Environmental Statement and HRA, as opposed to any other documents. CWCC advised the following scenarios should be assessed, as well as the impacts on different areas within these scenarios, including impacts on Cells 1, 2, 5 and the NBBMA, and if works are simultaneous or not: - Solar farm built after pipeline - Solar farm built the same time as pipeline - Solar farm built before pipeline	The Applicant's position in respect of the Runcorn pipeline is set out in the **Technical Note on Pipeline Interactions [REP1-041]**. Further, please see the Applicant's response to CWaCC's Written Representation under row WR_CWACC10.1. In summary, CWaCC have the ability to impose the necessary controls on the Runcorn Spur Pipeline. The Applicant has imposed all that it can do within its DCO and oCEMP. There is no need for a multi-party agreement, as ultimately CWaCC will have control through its approval of the CEMPs for both projects in the Concurrent Scenario. It is not entirely clear what CWaCC mean by an in-combination assessment with FWF. As that project exists it is in the baseline, so not a cumulative project. The Applicant has explained in its submissions how its proposals interact with the FWF's existing mitigation proposals. Furthermore, its baseline characterisation work has identified what the ecology baseline in the vicinity of the Proposed Development now is, with FWF in situ – that is the baseline, not a cumulative position. Intra-project impacts to PRoW users are already considered in the ES, in **Chapter 13: Cumulative and in-combination effects [APP-046]**.

Ref	ExA Question	CWCC Comment	Applicant's Response
		In the Applicant's Response to Relevant Rep [PD2-027], further information is given, with references to works in Cells 1, 2 and 3 being constructed between April 2027 and October 2027. However, this would still lead to disturbance in passage seasons and passage bird species. It is not clear how this corresponds with details of the oLEMP given further down in the response which states: Reference RU-BD-051: High-disturbance activities within land functionally linked to the Mersey Estuary SPA, Ramsar and SSSI will be completed outside of the winter months (November – March, inclusive). A trenchless crossing is proposed at the western extent of Cell 3 into Cell 4, whilst the construction in Cells, 1, 2 and eastern extent of Cell 3 would be open trenched. This does not reduce concerns. It is stated that construction of the NBBMA would also be timed to be undertaken outside of the core non-breeding bird period, November to February inclusive. However, again, this still impacts the passage seasons, so could still have an impact on qualifying non-breeding bird species. It is noted that the scenario where the pipeline is built after the solar farm has not been assessed by the applicant, and CWCC is deferred to, in terms of imposing planning conditions. This is not acceptable, as all scenarios, which could have significant impacts, have not been assessed. In addition, impacts on any habitats, species and the LWS in the same area should be addressed, as well as impacts on Biodiversity Net Gain. It is CWCC's position that the issues are so crucial and complex, with so little flexibility in timescales in terms of non-sensitive seasons (a maximum of only 3 months of the year), that a working party (as suggested by the Applicant in updated PD2 deadline documents) would not provide enough control or oversight and that the mitigation measures should be secured by way of a suitably worded legal agreement to restrict the proposed development appropriately. A full timeline of both projects with all intra and inter project scenarios, should be assessed and detailed in an updated ES and HRA, with any inter-project measures secured within a legal agreement. CWCC note from the draft Statement of Common Ground with LBCSS [REP1-039] that "LBCC's position is that the Runcorn Spur Pipeline will be installed through Cell 3 prior to the creation of the NBBMA. This execution scenario has informed the planning application submitted for the Runcorn Spur Pipeline application. Other alternative execution scenarios have not been considered as part of this application." Further, the draft statement of common ground confirms Frodsham Solar Ltd "already holds an Option over the relevant land meaning that LBCCS's project will only be able to proceed if the Applicant grants consent to an additional option being granted to LBCCS over the same land, even if that is agreed by Peel NRE." This suggests that Frodsham Solar Ltd can exercise control over the land and that effective control could be achieved via a legal agreement between the relevant parties (noting that the parties are already working towards an agreement on other matters). In the absence of an appropriately worded legal agreement the ExA is requested to consider appropriate provision in the Requirements to ensure appropriate controls which CWCC can enforce. The Applicant's Response to Relevant Rep [PD2-027] para 7.34 states that further detail will be provided in the updated HRA on the approach to not include FWF as an in-combination project, and that the fact that the mitigation proposed is additive to the baseline is enough to evidence an in-combination effects assessment. On this basis, there should not be an issue with including the FWF as an in-combination project and this should be done, assessing the full mitigation strategy for the FWF, including embedded	

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		mitigation (wind turbine layout) and how the other mitigation measures (e.g. keeping Cell 6 an active deposit ground) interact with the Solar Farm project and how that impacts on the existing mitigation within the Order Limits. The Applicant's Response to Relevant Rep [PD2-027] para 7.35 states that Tourism and Recreation have already been considered in the documents in terms of intra-project cumulative effects, however CWCC asserts this is not to the level of detail required, for example, assessing the level of likely pedestrian increase in volume and also in extent across the site, as well as the type of access (cyclists, walkers etc), should be carried out.	
5.1.7	Redshank i) Can you confirm if passage redshank is a qualifying feature of the Mersey Estuary SPA and whether it should appear as such in Chapter 8 of the ES [APP-041] and the Information to Inform the Habitats Regulations Assessment [PD2-010]? ii) If so, and noting that redshank was recorded in ornithological surveys during September [APP-082], for example, should the assessment of possible AEoI in relation to redshank from the Mersey Estuary SPA (including those using the functionally linked land) clearly address the wintering flock and the passage flock separately? iii) Which months of the year might passage redshank be expected to be present, and do the ornithological surveys adequately cover these autumn and spring periods in terms of the survey dates and the number of surveys caried out? iv) Could disturbance avoidance mitigation measures of a similar nature to those identified to avoid an AEoI of the wintering qualifying bird species be required to avoid an AEoI of a passage redshank qualifying feature? Noting the intention to start construction works on the nonbreeding bird mitigation area in March and the possibility of these extending into November, could these include extended seasonal restrictions on noisy and otherwise disturbing construction activities in addition to physical mitigation commitments? If so, what should these be?	i) The Mersey Estuary SPA Citation, May 2004 Version 1.1 (Appendix 4) states "The site qualifies under article 4.2 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the biogeographical populations of the following regularly occurring migratory species (other than those listed in Annex I) in any season: Redshank, 4513 individuals - passage" Therefore, Redshank on passage should appear as such in Chapter 8 of the ES [APP-041] and the Information to Inform the Habitats Regulations Assessment [PD2-010]. ii) CWCC agrees that addressing the passage and wintering Redshank separately would enable full consideration to take place, as they are different qualifying elements of the SPA. iii) Passage season refers to the spring and autumn seasons, as well as late summer, when birds are migrating from breeding to wintering grounds and back. The Mersey Estuary SPA citation (Appendix 4) states that the site is important during spring and autumn migration periods, particularly for wader populations moving along the west coast of Britain. In para 7.36 and 7.37 of CWCC's Relevant Representation [RR-037], concerns are raised that the survey data each year either both missed out areas of the site and some of the relevant seasons, with specific concerns that only one set of surveys covered both full spring and autumn seasons (Year 1 2022/23). The Applicant's Response to CWCC's Relevant Representation [PD2-027] states that the core non-breeding period of October to March was covered, however, CWCC would point out that early autumn and late spring seasons were not covered in each survey; Year 2 (2023-2024) included surveys in September but not April, and Year 3 (2024-2025) did not include either September or April. Therefore, the full passages seasons were not surveyed at these times. iv) It is assumed this question is primarily for the Applicant/NE. CWCC will provide further comment at Deadline 3 if necessary. CWCC agrees that seasonal restrictions on noisy and otherwise disturbing construction activities should be extended into the late summer, spring and winter periods and not just what the Applicant refers to as the "core" non-breeding bird periods.	The Applicant has considered redshank throughout the non-breeding period, see Section "Redshank (Qualifying Species)", paragraph 5.3.27. which is discussed in isolation alongside historical Wetland Bird Survey data provided by the BTO [**PD2-009**]. The Applicant has been fully transparent as to what seasons were surveyed throughout the survey program. However, this is an area which is regularly monitored and very well understood. The NBBMA will be constructed and functioning prior to the works commencing and has been agreed with Natural England. Measures will be in place and secured via the detailed oCEMP, where noisy works avoid disturbance. The construction programme will be sequenced so that all higher-noise activities within the Western SADA (Cells 1, 2 and 5) are undertaken outside the identified sensitive non-breeding bird sensitive period (November–February) and only once the NBBMA is fully established and functioning. An overseeing ECoW will also be present should any construction activities fall within November to February. The ECoW will implement the agreed mitigation protocol, including screened working or temporary cessation of works, as stated within **PD2-009** and **outline Construction Environmental Management Plan (oCEMP) [as updated alongside this submission].**

Ref	ExA Question	CWCC Comment	Applicant's Response
5.2.1	Mitigation proposals for habitat loss affecting SPA species NE [RR-012] and CWCC [RR-037] state that they do not consider that sufficient information has been provided to demonstrate that the mitigation proposals for habitat loss for SPA species are satisfactory. The applicant provided further information in the updated NBBMS (contained within the OLEMP [PD2-023]) which included a Water Balance Report (Annex 4) at Procedural Deadline B. i) Can NE and CWCC confirm whether they consider adequate information has been provided to demonstrate that the mitigation proposals for habitat loss affecting SPA species are satisfactory, and if not, identify any outstanding issues? Additionally, can they confirm whether they are satisfied with the updated details on the long-term management of the mitigation area?	It is assumed that the question refers to the additional information provided in the updated OLEMP [PD2-023] only and that previous representations on the inadequacy of the mitigation proposal do not require repetition. Please refer back to CWCC if this is not the case. In the oLEMP, at para 1.5.3, it states that further areas of wetland retained and enhanced, referred to as The Lum and biodiversity enhancement zone north-east of the SADA, will provide further mitigation for SPA species. This is not detailed in terms of types of habitat provision, and it is understood that the biodiversity enhancement zone will be publicly accessible, with boardwalks, reducing its effectiveness as mitigation. These do not seem to have been included in the overall area calculations for the amount of mitigation area required (even though these calculations are flawed, as set out in response to Q4.4.2), or considered as a whole package, with the calculations carried out. The Water balance report is welcomed, however, CWCC does not have the expertise to assess this in terms of hydrology and will defer to Natural England on this point. CWCC does not consider that adequate information has been provided to demonstrate that the mitigation proposals for habitat loss affecting SPA species are satisfactory, as outlined in response to Q4.4.2 and in CWCC's Relevant Representation [RR-037], as well as the Local Impact Report [REP1-046] and Written Representations [REP1-048] submitted at Deadline 1. Para 1.1.3 of the updated oLEMP [PD2-023]) states that there is an intention that the NBBMA will be managed by a reputable nature conservation organisation and if not, suitably qualified and experienced person will be employed. CWCC considers that this is not enough; if the mitigation strategy depends on the long-term success of the area and therefore agreement with a nature conservation organisation is required to be evidenced at this stage.	CWACC is correct the Lum and Biodiversity Enhancement Zones are not included in the overall calculations as they do not sit within the NBBMA, as stated in 3.2.2 of PD2-009. Details of each area is described in the above document paragraph 3.2.21 onwards. The Applicant notes CWACCs comment with regards to the inadequacy of the information provided but disagrees. A nature conservation organisation will be secured to enable the success of the NBBMA and the wider area within the Order Limits. The **oNBBMS [EN010153/DR/8.32]** has been revised to confirm that the NBBMA will be managed over the 40 year period by a suitably experienced and reputable nature conservation organisation, deleting the section of the previous revision which also identified that if a suitably experienced nature conservation organisation cannot be reached, a suitably qualified and experienced personnel will be employed and / or contracted by the Applicant. In making this amendment, the Applicant is demonstrating its clear commitment and intent for a conservation organisation to manage this area, recognising this is key to the long-term success of this area. This commitment, which is secured by Requirement 9 of the draft DCO, should provide sufficient reassurance at this stage of the development process.
5.2.2	Quantity and type of habitat loss Limited detail has been provided within the HRA Report [PD2-009] with regard to the quantity and type of habitat loss. i) Can the applicant please provide further detail on these matters including reference to the timeframes for each proposed habitat component within the NBBMS to become functional? Can NE and CWCC confirm whether they agree with the applicant's proposed NBBMA habitat components and whether they consider the NBBMA to be of a sufficient size and habitat makeup to mitigate for the loss of land within the entire SADA?	It is assumed this question is in relation to the plans provided in the HRA Report [PD2-009]. Please refer back if this is not the case. CWCC refers to the proposed plan as shown in the Proposed Levels Option 2 drawing within the HRA Report [PD2-009]. The habitats proposed look to be suitable for qualifying bird species associated with the Mersey Estuary RAMSAR, SPA SSSI. However, the plan does not show the replacement of the Canal Pools within the SSSI, nor the proposed reservoir/water storage area. This should be rectified. CWCC does not consider that the NBBMA has been demonstrated to be of a sufficient size to mitigate for the loss of land within the entire SADA (nor to be demonstrably additive to the existing FWF mitigation). This is discussed in the CWCC response to Q4.4.2, as well as the Local Impact Report [REP1-046] and in the Written Representations [REP1-048] as submitted at Deadline 1.	An updated **oNBBMS [EN010153/DR/8.32]** is provided as part of the Applicant's Deadline 3 submission. This details the approach to habitat works within the SSSI, as has been agreed with Natural England, and illustrates the replacement of the Canal Pools in Figure 3 of that document. The revised oNBBMS is further referred to the in the **Information to Inform Habitats Regulations Assessment [EN010153/DR/5.3 P04]** as updated for Deadline 3. The Applicant notes that Natural England in their response to Q5.2.2 (in Table 2-4, below) does agree with the Applicant's proposed NBBMA habitat components, and that the NBBMA is of a sufficient size and habitat makeup to mitigate for the loss of land within the SADA. Please also see the Applicants response in 4.4.3.
6.0.1	Peat deposits - CWCC comments CWCC commented on the investigation and assessment of peat deposits in its relevant representation [RR-037], including in paragraphs 8.7 and 8.8. The applicant responded [PD2-027].	CWCC's Relevant Representation [RR-037] paragraphs 8.7 and 8,8 refer to wider matters other than the historic environment (archaeological) interest (e.g. the habitats, natural environment and climate change aspects). From an archaeological perspective CWCC/CAPAS confirm that the supply of more information on the nature of the peat deposits through a programme of geoarchaeological field investigation can be dealt with at the discharge of Requirements stage (Requirement 18 of draft DCO) [REP1-005] and as indicated in Section 2.2 of the oWSI [AS-025].	The Applicant notes this comment from CWCC. The matters raised by CWCC are secured by the **outline Construction Environmental Management Plan [as updated alongside this submission]**.

Ref	ExA Question	CWCC Comment	Applicant's Response
	Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037]?	CWCC maintains that a clearer assessment of the peat depths across the site and assessment of compaction and hydrological impacts is required. Please cross reference to comments in CWCC's Local Impact Report: E.026 [REP1-046] and Written Representations (paragraphs 4.79 to 4.83) [REP1-048]. The Applicant's response to CWCC's Relevant Representation [RR-037] (7.138-141) [PD2-027] deals with additional loading and hydrology. The Applicant's Peat Reconnaissance Survey Appendix I [APP-097] only provides information to a depth of 5m. Further investigation is expected to be carried out under the oWSI [AS-029]. At Deadline 1 following ISH1 the Applicant provided a Technical Note on Peat Resources [REP1-043]. It is noted that Figure 3.3. reveals peat encountered below 2m within the proposed NBBMA; and at paragraph 3.7 "the potential for interaction of drainage or duct excavations and groundworks, in the areas outside the SADA and NBBMA, is limited though potentially may occur to the south west of the NBBMA". Regarding paragraph 4.1 that: "for a project of this nature it would not be unreasonable for investigation points to be based on a 25m to 50m grid spacing and the method of investigation selected to determine the presence or absence of peat". CWCC accepts that a 25m grid interval seems appropriate but, clearly, this will need archaeological oversight and monitoring to retain samples from appropriate cores. This needs to be covered in the detailed geoarchaeological WSI. Fig 4.1 makes reference to "potentially up to 6 No. boreholes may be considered within these (black hatched) areas". CWCC do not raise issue with this. CWCC welcomes the commitment in the oCEMP (REP1-021) to a Peat Management Plan should further pre-construction ground investigation reveal peat resources that are liable to be impacted. The use of low-pressure piling should also be secured via the draft DCO. (See also response to Q 9.4.2 below).	
6.0.2	Ventilation shafts The applicant [APP-044] refers to a worst case of complete removal of possible ventilation shafts (Asset 16), mitigation to record them prior to demolition, and mitigation to provide for the protection and retention of any that would not need to be lost or damaged by the proposed development. Please could CAPAS and HE comment on: i) The value of the ventilation shafts as historic assets? ii) The adequacy of the applicant's proposed mitigation measures? If (and if so, why) it should be firmly secured that one or more of these structures should be retained?	CWCC/CAPAS confirm that: i) The ventilation shafts are modern industrial features and are, at most, of Local Archaeological Significance. As such, where threatened by development, preservation in situ is not required and recording prior to removal is appropriate. ii) The Applicant's proposed mitigation (recording of any threated structures) is appropriate.	The Applicant notes this comment.
6.0.3	Archaeology – potential assets	CWCC/CAPAS confirm that:	The Applicant notes this comment.

Ref	ExA Question	CWCC Comment	Applicant's Response
	The applicant [APP-044] said that the only existing records of prehistoric archaeology from within the 1 km study area were several chance finds, including two middle bronze age socketed spearheads, that were found on Frodsham Marsh and probably within the site. Please could CAPAS and HE comment on: i) The potential for other archaeology within the site? With reference to paragraph 5.9.6 of the Overarching National Policy Statement for Energy, the potential for non-designated heritage assets of archaeological interest to be present that are demonstrably of equivalent significance to Scheduled Monuments?	i) There is potential for other finds to be present within the order limits, either within the topsoil or deeply buried within the sedimentary sequence. However, these are likely to be isolated finds of Local or Regional Significance which were either lost or discarded within a wetland environment that is unlikely to have been attractive for early settlement. As such it is considered that the potential for non-designated heritage assets of archaeological interest to be present that are demonstrably of equivalent significance to Scheduled Monuments is extremely limited.	
6.0.4	Archaeology - mitigation Requirement 18 of the dDCO [PD2-005] secures measures in relation to an archaeological mitigation strategy. The applicant [AS-001] has submitted an oWSI [AS-029] which it said addresses the areas proposed to be subject to a WSI within section 11.9 of the assessment [APP-044]. i) Are CAPAS and HE content with Requirement 18 of the dDCO [PD2-005] and the oWSI [AS-029]? If not, what changes should be made, and why?	CWCC/CAPAS confirm that: i) The content of Requirement 18 of the DCO (latest version [REP1-005] is acceptable. ii) the content of the outline WSI is acceptable. However, this is an outline document which (as acknowledged by the Applicant) will need to be supplemented by detailed WSIs for each discrete piece of mitigation (recording of the ventilation shafts, programme of geoarchaeological / paleoenvironmental work).	The Applicant notes this comment.
7.0.1	Landscape and visual – CWCC comments CWCC commented on landscape and visual matters in its relevant representation [RR-037], including in paragraphs 2.9, 2.10, 2.11, 2.12, 6.4, 6.5, 6.7, 6.8, 6.9, 6.10, 6.12, 6.13, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.33, 6.35, 6.36, and 6.38. The applicant responded [PD2-027]. Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037]?	In the Applicant's response to paragraph 2.9 of RR-037 it states, "The Applicant's assessment accepts that parts of the site fall within an area identified as having higher landscape sensitivity in the Council's 2016 study". The Applicant refers to parts of the site being within an area of higher landscape sensitivity. The whole of the SADA falls with an area of high landscape sensitivity to very large solar farms as shown by Figure 10 in the study (Appendix 5 – page 132 of original study). Table 5: Summary of Sensitivity of Landscape Character areas to Solar Photovoltaic Development shows that of the four LCT4: Drained Marsh areas within the borough, the LCA 4a Frodsham Helsby and Lordship Marshes area have the highest overall assessment of sensitivity ('Moderate to High') i.e. before considering the scale of proposed solar scheme. (Appendix 1 – pages 67-68 of original study). The extracts from the landscape sensitivity study (Appendix 5), include LCT 15 River Valley and LCT 16 Mudflats & Saltmarsh, as well as LCT 4 Drainage Marsh as these are character types adjacent to the LCA 4a area. Appendix B General Design Guidance Principles is also included for reference.	CWCC is correct that the SADA sits within LCA 4a and that the CWaCC 2016 Landscape Sensitivity Study is a relevant baseline consideration; this is acknowledged in the LVIA. The Study identifies the drained marsh as highly sensitive in principle because of its open, exposed character, but also recognises some potential for solar PV due to the simple uniformity of landform/land cover and the influence of adjacent built development on perceived naturalness; it further notes that while a large/very large scheme could potentially "fit" in LCA4a, it has particular implications for important ridge viewpoints (addressed elsewhere). The Applicant does not contend effects are absent: the LVIA identifies significant adverse visual effects for a limited number of close-range receptors/routes within and adjacent to the marsh, including PRoW. However, the Applicant maintains that the design has been materially shaped to limit perceived scale and exposure and to retain legibility of key marsh characteristics as far as practicable, through embedded measures such as

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		Paragraph 6.6.40 of the Applicant's LVA [APP-039] acknowledges that even a small scale development would be contrary to the management strategy identified in "A Landscape Strategy for Cheshire West and Chester Borough" (2016) which is to conserve the open, undeveloped character of the drained marshland. CWCC disagrees with the Applicant's conclusion [PD2-027] responding to 2.9-2.12 of [RR-037] that "the overall structure and key characteristics of the marshland landscape would remain legible". CWCC's position is that the magnitude of change associated with the proposed development is significant. This view is supported by some of the key characterises of LCT4 sensitivity to solar PV development (Appendix 5 - pages 79-80 of original study): • The open, exposed landscape of the drained marsh is highly sensitive to solar PV development in principle; • However, the simple uniformity of landform and land cover, and its medium to large scale pattern with only occasional landscape features means there is some potential for solar PV development. • The influence of built development within adjacent landscapes reduces the perception of naturalness and reduces sensitivity; • The mostly small scale, low density, dispersed settlement pattern is highly sensitive to solar PV development that would be out of scale and further increase the perception of human influence. • Skylines are not prominent, with generally only locally significant views, limited intervisibility and visual receptors reducing sensitivity. However there are sensitive views down to LCA 4a: Frodsham, Helsby and Lordship Marshes from important viewpoints on the sandstone ridge. • Low to medium scenic quality with some distinctiveness reduces sensitivity, but the drained marsh is a less common landscape in CWaC the character of which could be adversely affected by solar PV development. The Applicant states that the design has been shaped to limit perceived scale and visual exposure, with the use of low panel heights. However, the panel heights are no lower than any other typical solar scheme, and due to the need to mitigate impacts of flooding due to the location within EA flood zone 3, the panels are raised higher than the norm on the eastern side of the SADA. It is agreed that there is conflict with Policy DM52. There is disagreement as to the extent of conflict with Policy DM52. [RR-037] paragraph 6.4 deals with compliance with objectives of STRAT 9. CWCC's position on STRAT 9 is that there is Policy conflict, due largely to the scale of the development and the resulting magnitude of change in terms of the character of the countryside. CWCC accept that this Local Plan policy conflict will be considered in relation to the NPS guidance (e.g. EN-01 5.10.12, 5.10.35-36), but it would not be appropriate to conclude that application of design mitigation measures is sufficient to achieve policy compliance in terms of STRAT9. In relation to paragraphs 6.5 to 6.9 of [RR-037], and considering the Applicant's response to the three strands of Policy GBC2: 1. protect and, wherever possible, enhance landscape character and distinctiveness; 2. integrate into the landscape character of the area; and 3. be designed to take account of guidance in the Landscape Strategy;	maintaining field patterns/boundaries where practicable, providing development-free buffers, and securing long-term management via post-consent plans. In relation to CWCC's emphasis on safeguarding openness and avoiding inappropriate tall screening, the submitted material (in particular the Design Approach Document and the oLEMP) explicitly reflects the Landscape Strategy guidance for LCA4a (enhance/restore habitats whilst safeguarding open character, and that woodland/tall/ornamental screening is not appropriate in the open marsh), and the Applicant's approach is therefore to balance softening/filtering with retention of openness and wider views rather than introducing new adverse effects through over-screening.

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		CWCC considers there is a failure on point 1. to protect the landscape character due largely to the overall scale of proposed development. There is disagreement with the Applicant over the impact of the proposed development which the Applicant describes as "inherently low in height and horizontal in form". The spread of development across the current open grazing areas of the dredging deposit cells in particular is transformative in terms of its urbanising influence. CWCC notes that the Overall Landscape Management Strategy for LCA 4a is "to enhance and restore the condition of habitats and features of the marshes whilst safeguarding its open character" (our emphasis); and that one of the management guidelines is to "Conserve the 'remote' character of the marshes away from the main transport corridor of the M56". Please cross refer to Table 2 (page 16) of [APP-068] (Landscape Character Baseline). CWCC acknowledges the Applicant's efforts to comply with points 2 and 3 (GBC2) by maintaining field patterns (which reveal the planned 19th century enclosure of the marsh) and reinforcing landscaping etc. The Landscape Strategy management guidelines for LCA4a encourage recreational development (and the Applicant's proposals for permissive paths is consistent with this), ought to be done whilst safeguarding the nature conservation interest of the area, particularly its importance for birds. The adoption of less-intensive agricultural practices would also be consistent with the guidelines. The final landscape management guideline for LCA4a is to: "Retain the open character of the marsh by restricting planting to low growing scrubby species typically found in the local landscape, taking into account the importance of the area for ground nesting birds and wintering/passage birds. Woodland planting /screening using tall or ornamental species is not appropriate in the open marsh". This is relevant in terms of the details of proposed planting and the longer-term landscape management of existing and enhanced new planting. It is also relevant in considering other representations relating to screening of the solar arrays.	
7.0.3	Security fencing and alternatives to fencing CWCC [APP-039] said that the proposed development should aim to minimise the use and height of security fencing and that where possible existing features, such as hedges or landscaping, should be used. The applicant [APP-039] referred to paragraphs 2.4.152 to 2.4.157 of ES Chapter 2 [APP-035] and said that the fencing would typically be 2.0m high wire-mesh deer fencing. i) Please could the applicant set out how it proposes to mitigate the landscape and visual impact of security fencing and respond to CWCC's regarding the use of existing features? Does CWCC have any comments about how mitigation measures in relation to the design of security fencing	In hindsight, CWCC acknowledges that adequate security is not liable to be achieved by reliance on hedging alone, and security fencing (up to 2m high) is liable to be necessary around the perimeter of the solar arrays. However, the use of existing/proposed landscape features to screen/filter views of new security fencing broadly as shown on the sections to the Illustrative Environmental Masterplans in the ES Volume 3 Chapter 2 Figures [APP-106] is considered appropriate and/or necessary. Section 1 on Figure 2-3b Illustrative Environmental Masterplan Sheet 1 [APP-106] is an outlier in terms of the approach, as the security fence is shown between the permissive path and the proposed native hedge, and this would seem to be at odds with the general approach of screening/filtering the impact of new security fencing. The nature reserve screen (required because of the introduction of the permissive path, which CWCC have commented on as not appropriate in this location) would also be at odds with the landscape management guidelines from CWCC's Landscape Strategy for Cheshire West and Chester Borough, reproduced in Table 2 of [APP-068] and referred to above (e.g. in terms of retaining openness). Mention is made of maintaining views out, but these are liable to be limited viewpoints.	CWCC's comments are noted. The Applicant's position is that the Section 1 arrangement and the nature reserve bird screen are deliberate, landscape-led responses which seek to safeguard openness and views while meeting security and ornithological requirements, with detailed siting/design to be agreed through the final LEMP. • Section 1 (fence between path and hedge): The illustrative arrangement should be read alongside the scheme's buffer strategy. The oLEMP applies (where practicable) a 10m buffer between fencing surrounding PV modules and PRoW, and a 6m buffer to hedgerows/areas of substantial vegetation. In this location, positioning the visually permeable fence (2m deer stock fencing) as shown, with the hedge set further back, is intended to avoid creating an enclosed "hedge corridor" and to help maintain a more open character along the route. This aligns with the oLEMP's wider approach to vegetation management, including retaining strategic gaps / lower sections to preserve longer views across the marsh and towards the estuary/higher ground where required. • Nature reserve screen: The oLEMP is explicit that the bird screening measures have a dual purpose: to reduce disturbance to birds from movement along adjacent routes and to provide opportunities for birdwatching, with screens anticipated to be timber fencing (up to c.2m) but incorporating "windows" to allow views through. The oLEMP also confirms these measures would be installed only in the broad locations

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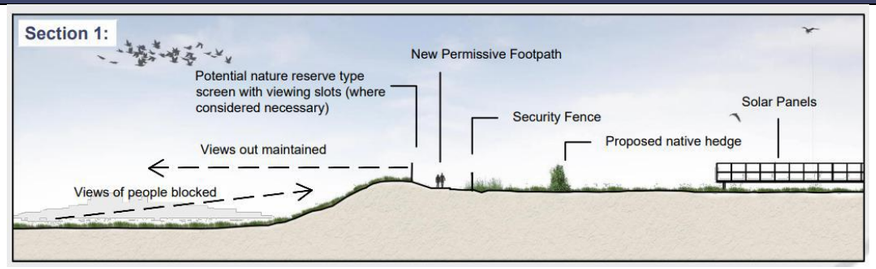
	and alternatives to fencing should be secured?		shown and only if local topography cannot provide the desired screening, and that the final locations, design, installation and maintenance will be set out through the final LEMP. • Securing detailed design with CWCC: The oLEMP provides that full details of permissive paths and planting will be set out in the final LEMP and agreed with CWCC, and that both fencing and planting will be subject to details approved by CWCC through the relevant management plans. Taken together, the Applicant considers the illustrative section referenced is consistent with the intended approach of maintaining openness and longer views where feasible, avoiding enclosure where possible, and introducing targeted screening only where necessary to prevent bird disturbance.
7.0.4	Trees and hedges CWCC [APP-039] said that the ES should be accompanied by an arboricultural and hedgerow assessment to assist with the landscape assessment. The applicant [APP-039] referred to ES Chapters 7 and 8 [APP-040, APP-041] and said that ecology surveys included the tree and hedgerow vegetation within the OL. Does CWCC have any outstanding concerns?	Please refer to CWCC's Written Representation [REP1-048]: CWCC recommends that the draft DCO, Article 39 Felling or lopping of trees and removal of hedgerows be clarified so that Article 39 applies only to features approved for removal and not retained features. Please refer to CWCC's Local Impact Report [REP1-046]: 13.12 to 13.17 and LV.007 and in particular: "13.16. 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". LV.007 refers to the removal of the removal of trees, and that Policy DM45 includes provision for replacement on a 2 for 1 basis: "…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;…." This should be reflected in Requirement 9 (3) of Schedule 2 of the DCO.	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. As the provision of these details to the relevant planning authority via the LEMP is secured by requirement, there is no need to amend article 39 to duplicate this. Article 39 is the statutory power to deal with trees/hedgerows – it is for the Requirements to impose controls on the details of this, which they do as described above. The Applicant provides further explanation about the drafting of article 39 in Item 4e of the Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) **[REP1-033]**. The Applicant has responded with regard 13.12 to 13.17 of CWCC's Local Impact Report in the **Applicant's Response to Local Impact Report [EN010153/DR/8.29]**. Whilst the oLEMP does not specify a planting ratio the landscaping provides for: • 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. It is clear that this will achieve well in excess of the replacement ratio in DM45.
7.0.6	Cheshire Sandstone Ridge The applicant [APP-039] said that in 2021 the Cheshire Sandstone Ridge was shortlisted for potential designation as an Area of Outstanding Natural Beauty, noting that they were renamed as National Landscapes in 2023. It referred to CWCC saying that the proposals to designate were at an early stage and that there were no draft	In June 2025 Natural England provided an update on Natural England's Landscape Designation Programme (Appendix 6) to confirm that work on the new National Landscape in Cheshire has stopped (along with work on the Chilterns National Landscape boundary extension project). However, in consideration of the evidence gathered to date for the purpose of assessing these areas, Natural England noted, and would continue to note that, Natural England considers the Cheshire Sandstone Ridge and the Chilterns to be a valued landscape under paragraph 187 of the National Planning Policy Framework.	The Applicant notes this comment. The decision not to proceed with National Landscape designation would not affect the conclusions of **ES Vol 1 Chapter 6 Landscape and Visual Amenity [APP-039]**. Furthermore, were the Cheshire Sandstone Ridge to be considered a valued landscape this would not alter the judgements made in relation to landscape or visual impacts of the Proposed Development, noting that the value of the landscape character areas comprising the Cheshire Sandstone Ridge in the LVIA are considered to be high as it is recognised as having the potential to be of National Landscape value at the point the LVIA was conducted (see 'Effects on CWaCC LCA 2a: Frodsham' in

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	special qualities or draft management plan available. The applicant said CWCC agreed that no specific assessment was required in relation to the draft National Landscape, but the sensitivity of the area should be recognised. i) Please could CWCC provide an update on the potential designation? Is CWCC satisfied that the applicant has considered the potential designation appropriately?	Natural England comment in their update that "An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies". Natural England is expected to publish the landscape designation technical assessments in due course. In light of further work on the designation not now progressing, CWCC are satisfied that the applicant has considered the potential designation sufficiently.	**Environmental Statement: Volume 2 Appendix 6-7: Effects on Landscape Character [APP-070]**.
8.0.3	ES conclusions Are you content with the applicant's assessment that there would be no residual significant effects as a consequence of the proposed development? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.	With regards to Chapter 9.0 of the ES [APP-042] and the conclusions on flood risk, drainage and surface water, and subject to any comments from the Environment Agency and/or Natural England, CWCC does not consider that there would be residual significant effects, although CWCC notes the following: i) NE's comments about potential in combination effects in relation to potential changes in hydrology of the NBBMA associated with the CO2 project [REP1-056], as well as the comments about the conclusion for the HRA at this stage; and ii) The Environment Agency has outstanding concerns, including concern that post construction water quality monitoring would be inadequate [REP1-050](E008).	The Applicant considers that CWCC has raised no outstanding disagreement on this matter, subject to agreement with Natural England and the Environment Agency.
8.1.4	Sampling and analysis Can you summarise what sampling and analysis of the water environment should/would be undertaken prior and during the permitted preliminary works?	CWCC defer to the Environment Agency to provide advice on this.	The Applicant has provided a response to the Environment Agency on this matter in Table 2-2.
8.1.5	Water Framework Directive i) Are you content that the proposed development has regard to the current River Basin Management Plans and meets the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (including regulation 19)? ii) Would the proposed development cause deterioration of a water body or its failure to achieve good status or good potential, unless the requirements set out in Regulation 19 are met?	i) Subject to: a) any comments from the Environment Agency; b) securing a Construction Groundwater and Surface Water Management Plan (GWSWMP) (referred to in the oCEMP) (para. 1,3,2 of REP1-021) to ensure surface water management during construction and to manage potential mobilisation of sediment and release of hydrocarbons and other pollutants into watercourses; c) provision of water quality monitoring in the CEMP (as per EA's comment EA0008 referred to above) CWCC considers that the project has regard to the River Basin Management Plans and meets the requirements of the Water Framework Directive (WFD) regulations. It may assist to reference Appendices B & C of the Applicant's Water Framework Directive Assessment (APP-089) for the EA's and LLFA's initial correspondence on the WFD. ii) With regard to the question relating to water body status the Environment Agency is best placed to comment.	The Applicant notes this comment and has provided a response to the EA's comments on Q8.1.5 in Table 2-2, below.
8.2.1	Flood risk and coastal change - 7- Planning Practice Guidance (PPG) Can you advise if the update to Flood risk and coastal change - 7- Planning	PPG advice was updated in Sept 2025 amending paragraphs 23, 27 and 28 and adding 27a. which all relate to the sequential approach to the location of development.	The Applicant responded with regard the changes to the PPG at Q8.2.1 in the **Applicant's Response to ExA First Written Questions [REP2-003]**. The Applicant notes that the EA have set out in their response to Q8.2.1 (Table 2-2, below) that they are satisfied with the Applicant's approach to siting

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	Practice Guidance (PPG) dated 17 September 2025 Flood risk and coastal change - GOV.UK necessitates further work by the applicant on its sequential approach?	The guidance confirms that consideration be given to all sources of flooding including areas at risk of surface water flooding. Given that much of the site is already covered by EA mapping Flood Zone 3, (as opposed to surface water), 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. CWCC made reference in its Relevant Representation [RR-037] (paragraph 10.4) to the surface water flood risk identified on the higher-level dredging deposit grounds (which are EA Flood Zone 1). This was in regards to sequential assessment of the BESS options within the SADA. The Applicant's response in PD2-027 did not comment directly on paragraph 10.4 in RR-037 but provided response to RR-037 10.5-10.18. The Applicant's response addresses the latest PPG (referring to para. 27a and some of the background case law). With regards to the specific point about avoiding surface water flooding on the higher dredging deposit cells (and the options for siting the BESS) the Applicant states: "CWACC raise a point in relation to modifying the layout in areas identified at risk of surface water flooding (as different from fluvial flooding). This matter is considered within the Flood Risk Assessment (page 29) (AS-019) where it is identified that the easternmost extent of the Option 1 BESS and Frodsham Solar. Substation encroaches into the 'low' risk surface water flood extent during the present day and climate change scenarios. EA surface water flood depth mapping shows that during the 'low' risk climate change event, flood depths do not reach up to 200mm. It is evident that these areas of surface water flooding are associated with low spots / depressions within this area of the dredging deposit ground. The area of the BESS and Frodsham Solar Substation compound would be re-engineered as part of the development process, which is likely to eliminate the localised survey water flooding in this area. Furthermore, as can be seen from Figure 2-5f, the BESS units and Power Conversion Units would be raised above ground level and thus not susceptible to localised shallow surface water flooding. Given the low risk and shallow nature of the surface water flooding, along with the ability to introduce design measures to mitigate any localised flooding it is evident that BESS and substation compound can be designed to ensure the built development components remain operational and that operatives would remain safe." Reference is then made to PPG paragraph 27 and the advice in relation to NPPF paragraph 175 to take a proportionate approach and concluding that the sequential test need not be applied. Paragraph 27 of PPG omits referring to the point in paragraph 175 that the exception to carrying out a sequential assessment is in relation to situations where there is no built development etc.. "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary …" (our emphasis). Following the Applicant's response in [PD2-027] regarding flood risk, CWCC generally accepts the Applicant's submission in relation to the sequential test relating as it may relates to finding other potential sites/disaggregation of the development etc. However, CWCC considers that the sequential approach ought to be applied to the site layout, and where practical, the project ought to avoid built development in areas of the site where there is a higher level of surface water flood risk (e.g. in considering the BESS options). See Waterco drawing 14740_EA_RoFSW Appendix F 'EA Maps & Correspondence' in Appendix 9-1: Flood Risk Assessment and Drainage Strategy Part 1 of 5 (AS- 019).	infrastructure within the Site, and that the Proposed Development has sequentially sited vulnerable aspects of the development to be in areas of the lowest flood risk.

Ref	ExA Question	CWCC Comment	Applicant's Response
		Were the sequential test passed or not needed, as Essential Infrastructure consideration of the Exception Test is still needed.	
8.2.2	NPS EN-1 Are you satisfied that the proposed development meets paragraph 5.8.12 of NPS EN-1 that "Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development. There should be no net loss of floodplain storage, and any deflection or constriction of flood flow routes should be safely managed within the site. Mitigation measures should make as much use as possible of natural flood management techniques"?	CWCC note that the main flood risk is fluvial and the EA is best placed to comment on this and around floodplain storage.	The Applicant notes this comment and has provided a response to the Environment Agency in Table 2-2, below.
8.2.3	NPS EN-1 Are you satisfied that the proposed development meets paragraph 5.8.41 of NPS EN-1 that "Energy projects should not normally be consented within Flood Zone 3b, or on land expected to fall within this zone within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows"?	CWCC considers that the EA is best placed to comment on Flood Zone 3b and floodplain storage matters.	The Applicant notes this comment and has provided a response to the Environment Agency in Table 2-2, below.
8.2.7	The sequential test The ExA notes the applicant's responses [PD2-027] to your concerns regarding the sequential test in your RR [RR-037]. Can you update the ExA with your latest views on the sequential test in light of the recent meeting held with the applicant on this matter [PD2-027]?	Please refer to comments above Q8.2.1 and Waterco drawing 14740_EA_RoFSW Appendix F 'EA Maps & Correspondence' in Appendix 9-1: Flood Risk Assessment and Drainage Strategy Part 1 of 5 (AS-019) (page 72 of pdf). CWCC is satisfied that the Applicant has provided responses to address the points concerning alternative site assessment and / or disaggregating the project. With regard to adopting a sequential approach to siting and layout within the SADA, it is acknowledged that the extent of land covered by Flood Zone 3 would make it difficult to make reasonable adjustments, and the development (giving the location in Flood Zone 3) ought to be considered in relation to the Exception Test in this regard. (EN-1 paragraph 5.8.9). However, in relation to surface water flood risk, where relatively small adjustments can be made to either select siting in locations of lower surface water flood risk (such as BESS option 2, or by pulling back solar arrays from the areas of highest surface water flood	The Applicant notes that CWCC are satisfied with the sequential test with regard justifying development at the Site and the consideration of alternatives. In relation to modifying the layout in areas identified at risk of surface water flooding (as different from fluvial flooding). This matter is considered within the **Flood Risk Assessment (page 29) [AS-019]** where it is identified that the easternmost extent of the Option 1 BESS and Frodsham Solar Substation encroaches into the 'low' risk surface water flood extent during the present day and climate change scenarios. EA surface water flood depth mapping shows that during the 'low' risk climate change event, flood depths do not reach up to 200mm. It is evident that these areas of surface water flooding are associated with low spots / depressions within this area of the dredging deposit ground. The area of the BESS and Frodsham Solar Substation compound would be re-engineered as part of the development process, which is likely to eliminate the localised survey water flooding in this area. Furthermore, as can be seen from

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		risk), to avoid areas of flood risk remains preferable in relation to adopting a sequential approach (e.g. south east corners of Cells 1 and 5). (See Figure 4 of Information to Inform HRA – [PD2-009] for Cell identification). This approach would be consistent with EN-3 (paragraph 2.10.60): 2.10.60 As set out above applicants will consider several factors when considering the design and layout of sites, including proximity to available grid capacity to accommodate the scale of generation, orientation, topography, previous land–use, and ability to mitigate environmental impacts and flood risk.	Figure 2-5f, the BESS units and Power Conversion Units would be raised above ground level and thus not susceptible to localised shallow surface water flooding. Given the low risk and shallow nature of the surface water flooding, along with the ability to introduce design measures to mitigate any localised flooding it is evident that BESS and substation compound can be designed to ensure the built development components remain operational and that operatives would remain safe. This is in accordance PPG Flood Risk Paragraph 027 Reference ID: 7-027-20220825 which states: "In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied." On this basis the Applicant does not consider it necessary to revisit the Proposed Development in the areas identified by CWACC. The Applicant notes that the EA have set out in their response to Q8.2.1 (Table 2-2, below) that they are satisfied with the Applicant's approach to siting infrastructure within the Site, and that the Proposed Development has sequentially sited vulnerable aspects of the development to be in areas of the lowest flood risk.
8.2.16	Frodsham pumping station Can you confirm whether you have any concerns regarding the ongoing use of Frodsham pumping station in relation to this application?	CWCC defer to the EA on this. However, given the critical nature of the project in terms of electricity generation, and the expectation that the development would remain functional during times of flood, the potential for reliance (or at least benefit to the project) associated with the continuing operation of Frodsham pumping station would appear to warrant potential contribution towards ensuring that the pumping station remains operational should the EA seek such provision.	The Applicant notes that that CWCC are deferring to the EA on this matter. The Applicant has provided a response to the EA in Table 2-2, below.
9.0.1	Air Quality Management Areas (AQMA) i) Please could the applicant advise whether the proposed development would cause an increase in the number of vehicle movements through any AQMA? ii) If so, and with reference to paragraph 5.2.12 of NPS EN-1, please could the applicant provide its consideration of whether the proposed development would be likely to lead to a breach of any relevant statutory air quality limits, objectives or targets, or affect the ability of a non-compliant area to achieve compliance within the timescales set out in the most recent relevant air quality plan/ strategy? Please could CWCC comment?	Please refer to comments in CWCC's Local Impact Report: [REP1-046] Section 18. Thornton le Moors AQMA is the nearest (only) (AQMA) with the potential for the development to impact on air quality. The Thornton le Moors AQMA is in relation to Sulphur dioxide and industrial processes rather than in relation to traffic. It is not considered that the proposed development would be likely to lead to a breach of any relevant statutory air quality limits, objectives or targets with respect to the AQMA. For background it is understood that Halton Borough Council does not have any AQMA's and Liverpool City AQMA (April 2009) is declared for NO2.	The Applicant notes this comment.

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9.1.1	Glint and glare – residential amenity The Glint and Glare Assessment [APP-056] said that 15 dwellings would experience glint and glare effects for more than three months per year, but for less than 60 minutes on any given day. ES Chapter 6 [APP-039] included that CWCC said that potential glint and glare effects could impact on residential amenity. The applicant [APP-039] said that mitigation of new planting and antireflective coating to the solar panel would reduce glint and glare effects and considered it very unlikely that the threshold upon which material effects on residential visual amenity would occur would be exceeded by the proposed development. Does CWCC have any remaining concerns about potential glint and glare effects on residential amenity?	Please refer to comments in CWCC's Local Impact Report: [REP1-046] Section 20 and Appendix A (ISH Agenda item 5J) WR [REP1-048]. CWCC does not raise any principal concerns with the conclusions of the Glint & Glare Assessment [APP-056]. However, there are some apparent anomalies that justify further explanation from the Applicant. It would be helpful to have further details of how many minutes/months each property identified as having 'low' impact is potentially exposed to (e.g. at what point is low attributed, and at what point would 'moderate' be given). There appears to be an inconsistency between the documents provided by the Applicant in relation to glint and glare, including over the number of dwellings effected, i.e. whether it is 3 dwellings or 15 dwellings; differing assessment as to whether impacts are moderate or low, whether no mitigation, or further mitigation is recommended. There is a need to ensure anti reflective coating to solar modules is included in the detailed design approval under Schedule 2 Requirements (Part 6 (1) (see Oaklands DCO issue for precedent - Sched 2 Art 47 detailed design approval (k)). Note: CWCC's response to ISH Agenda item 5J [REP1-048] also deals with comments on the ZTV.	The Applicant has provided comment in relation to the glint and glare impacts of the Proposed Development on residential properties at Item 5j of the Written Summary of **Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP1-033]**. Whether the solar modules have anti-reflective coating or not is not a design point and so this is not appropriate for inclusion in Requirement 6(1) of the Draft DCO. The Applicant has already committed to fitting anti-reflective coatings on solar PV panels to reduce glint and glare in Table 5-2 of the **Outline Operational Environmental Management Plan (oOEMP) [as updated alongside this submission]**. The submission of a detailed OEMP (to be "substantially in accordance with" the oOEMP) to the relevant planning authority for approval is already secured by Requirement 13 in Schedule 2 to the Draft DCO.
9.2.1	Green Belt – CWCC comments CWCC commented on Green Belt matters in its relevant representation [RR-037], including in paragraphs 5.8, 5.10, 5.11, 5.13, 5.15, 5.19, 5.20, 5.21, 5.25, 5.26, 5.29, 5.33, 5.37, 5.38, 5.39, and 5.41. The applicant responded [PD2-027]. i) Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037]? In its relevant representation [RR-037] CWCC commented on 'Footnote 7' matters, including in paragraphs 5.43, 5.44, 5.45 and 5.46. It also commented on the 'Remainder of Paragraph 155 of NPPF', including in paragraphs 5.48, 5.49, 5.53, 5.54, 5.62, 5.67, and 5.68. Please could the applicant respond to CWCC's comments, using the same paragraph numbering as CWCC?	Please cross refer to comments in Section 11 and Appendix 4 of CWCC's Local Impact Report [REP1-046] and Section 20 and Section 6 of its Written Representation [REP1-048]. Paragraph 5.8 of CWCC's Relevant Representation [RR-037] deals with the history to the Green Belt; see also 11.3 to 11.7 of the Local Impact Report [REP1-046]. CWCC's comments on paragraph 5.10 and 5.11 of CWCC's Relevant Representation [RR-037] relating to PDL have been dealt with/agreed with the Applicant. There remains disagreement about the extent of the proposed development's impact in terms of spatial and physical openness of the Green Belt. The Applicant considers there to be limited harm, and CWCC considers that there would be substantial harm to openness for reason set out in paragraphs 5.60 to 5.67 of CWCC's Relevant Representation [RR-037]; as well as the Local Impact Report paragraphs referred to above, and LV.002 in the Local Impact Report: "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. 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". In relation to the assessment of grey belt, the Applicant refers to CWCC having not undertaken a similar assessment to the Applicant's structures approach, and that as a result CWCC's conclusion is not justified in the same way. CWCC's reasoning takes on board the Applicant's assessment and provides a reasoned critique of that assessment to justify why it comes to a different conclusion. Regarding Purpose A - to check the unrestricted sprawl of large built-up areas; the Applicant refers to the following in support of the view that the Green Belt north of the M56 does not contributing strongly to Purpose A:	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 site is grey belt, the Applicant has responded at reference CWACC5.4 of the Applicant's **Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027].** 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.

Ref	ExA Question	CWCC Comment	Applicant's Response
		i) the existence of large man-made structures (Frodsham Wind Farm, Overhead Pylons, elevated M56); These structures are evident, as are the man-made elements of the landscape (e.g dredging deposit grounds), but the overwhelming attribute of this area is its openness an expanse. The engineered landscape has largely been assimilated to green open expanse, albeit with the former deposit ground landform forming an elevated plateau. ii) the fact that there would continue to be open space between the extent of the Order limits and the existing built up area; Whilst the proposed development would not be physically adjacent to Runcorn or Frodsham, and there would be separating features such as the River Weaver/Weaver Navigation, the resulting sprawl of the solar farm does not have to be a continuous linking element to result in effectively the same perception that the currently largely undeveloped landscape has been replaced by an engineered development covering the majority of the currently open area between these towns. iii) the fact that it would not appear an incongruous pattern of development, There is disagreement over whether the development pattern would be incongruous. By effectively spreading across such an open area of the marshes, containing pasture and agricultural land, the development would by its nature be an incongruous addition, despite the surrounding area being influenced by built development, and there being some significant structures (turbines) already embedded within the otherwise open landscape, the contrast between the marshes area and the urban/industrial landscape adjacent provides the essence of the importance of retaining the open landscape character, and the spread of the solar arrays across this landscape would be incongruous. The landscape sensitivity study provides backing for this conclusion. The Applicant refers to the PPG (paragraph 005) list of illustrative features to assess whether the contribution if an area is 'strong', 'moderate' or 'weak'. Regarding assessing sprawl, freedom from existing development is one attribute, and the Applicant's LVA has already described development withing this part of the Green Belt as sparse (see para 5.23 of [RR-037]). Whilst the River Weaver and M56 provide features that may be seen as restricting/containing development, in practice the proposed solar development would be the overwhelming feature spreading over the landscape. The strong role of this area in checking unrestricted sprawl is amplified by being adjacent/near to two large built- up areas, and its very position between Frodsham and Runcorn. There is disagreement over the relevance of features that the Applicant purports to restrict and contain development. The Applicant refers to the River Weaver, M56 and the railway as features in this context. However, the development in effect leapfrog's these features, and rather than containing development, the solar development fills much of the intervening open landscape, leaving isolated pockets of openness (former INEOS deposit lagoon) and relatively narrow strips either side of the M56. Regarding Purpose B - to prevent neighbouring towns merging into one another; the Applicant refers to Viewpoint 9 [APP-113] to illustrate the elevated view between Frodsham and Runcorn. The Applicant refers to retaining a 'feeling of visual separation', but taking a direct line of view between Frodsham and Runcorn it is clear to see the extent that the solar array closes the existing gap. Again, for Purpose B areas performing strongly are likely to be free of existing development (which has been dealt with above for Purpose A) and forming a substantial part of a gap between towns, which clearly is the case here, with development, resulting in the loss of visual separation.	

Ref	ExA Question	CWCC Comment	Applicant's Response
9.3.1	Safety – CWCC comments CWCC [RR-037 paragraph 12.12] recommended that the applicant contact its Emergency Planning team in relation to flood risk, proximity to hazardous installations/ pipelines, and fire safety associated with the Battery Energy Storage System (BESS). The applicant [PD2-027] subsequently reported on a meeting with the Lead Emergency Planning Officer of the Joint Cheshire Emergency Planning Team. Does CWCC have any outstanding concerns?	Part of the context to consideration of the issue of safe access and egress in the event of a flood is the overarching National Policy Statement for Energy (EN-1) referring to new energy infrastructure being "designed and constructed to remain operational in times of flood" (Section 5.8.7). "5.8.7 Where new energy infrastructure is, exceptionally, necessary in flood risk areas (for example where there are no reasonably available sites in areas at lower risk), policy aims to make it safe for its lifetime without increasing flood risk elsewhere and, where possible, by reducing flood risk overall. It should also be designed and constructed to remain operational in times of flood". CWCC's Lead Emergency Planning Officer made some key recommendations to the Applicant concerning the Outline Flood Warning and Evacuation Plan (oFWEP) (see meeting notes 19 Sept 2025)) (Appendix 7) and the key suggestions were incorporated in an updated plan [PD2-028]. The Lead Emergency Planning Officer noted the exception of carrying out a debrief after an event to cover lessons learnt and improvements. A debrief template was provided to the Applicant and this has now been incorporated it into the plan. See oFWEP (Rev P02) [PD2-028]. Please note the Environment Agency's Written Representations at Deadline 1 [REP1-050] and [RR-024] (EA009) where the EA defer to CWCC regarding consideration of safe access and egress to the site. CWCC is not in a position (and it is understood nor is Cheshire Fire and Rescue Service (CFRS)) to say whether the Applicant's arrangements provide safe access and egress in the event of a flood, although it is understood (from the Environment Agency's correspondence referring to liaison with CFRS, that CFRS consider the Applicant's emergency plans to be adequate; and as noted above CWCC's Emergency Planning team's recommendations have been taken on board. Given no objection from the emergency team/CFRS, CWCC has no further comment.	The Applicant understands that CWCC and the Applicant are now aligned on this matter.
9.4.1	Tranquillity The applicant [APP-128] considered that the area of the site was not perceived as 'tranquil' in the context of the National Planning Policy Framework. CWCC [RR-037 paragraph 12.3] suggested that the proposed development would impact on the "acknowledged relative tranquillity of the area of this locally valued landscape" and said that adding noise into a tranquil area should be included as part of the overall assessment of the impact of the proposed development. The applicant [PD2-027] replied that: • tranquillity was understood as a perceptual quality influenced by both sound and visual context • the existing environment within and around the site was influenced by notable sources of human activity that	Impacts in relation to noise during construction will be additional to the landscape impacts already identified. During the operational phase CWCC make the following comments. The perception of tranquillity in relation to the Frodsham Marshes is arguably heightened (once passing further into the site and away from the M56 motorway) due to the extreme contrast between the noise of the motorway, the activity associated with the urban area of Frodsham and the backdrop of industrial development in Runcorn on the far side of the River Weaver, followed by experiencing the relative quiet and remoteness and associated long range views from the dredging deposit grounds and association with the Mersey Estuary/river environment. There are still urban influences on the deposit grounds, notably the turbines, with their distinctive noise as the blades rotate through the air. The very different nature of the noise sources between the motorway, generating a constant and dominant noise, to the more intermittent/rhythmic and localised turbines, within an otherwise relatively quiet and natural environment, provides an almost unique environment. One only has to experience the residential environment of residential properties along the south side of the M56 and compare this with the benefits of being able to access the Marshes for recreational enjoyment, to appreciate the relative tranquillity and local value of the area. In terms of the proposed development, the construction period will being temporary noise and general disturbance for a period of time that will detract from the qualities of the Marshes, but it is acknowledged that this will be temporary, and during the operational period it is more the visual aspects that will impact on the experience of the landscape.	CWCC's comments are understood as relating primarily to the perceptual qualities of the marshes (including relative tranquillity away from the M56) and the way the contrast between noise sources contributes to recreational experience, rather than alleging a materially different operational noise climate. The Applicant agrees the baseline sound environment is complex, and that relative tranquillity in the more remote areas can be an important part of how the landscape is experienced. Construction noise and activity will be temporary and managed through construction controls to minimise disruption to PRoW users and quieter parts of the site. Importantly, the Applicant considers the proposals will also deliver positive experiential change. The oLEMP commits to enhancing the existing PRoW network and providing approximately 5.34 km of new permissive paths, alongside signage, interpretation, benches, bins and cycle parking (and a potential visitor car park if needed), which will enable more people to appreciate the marsh/estuary environment and biodiversity. The oLEMP also confirms a balanced landscape approach: planting and vegetation management are intended to screen/filter views of new structures while retaining strategic gaps / lower sections to preserve long-range views and an open character, avoiding over-enclosure. Use of set-backs/buffers between operational fencing and routes, together with the retention and reinforcement of existing natural features and the presence of open utility corridors means that generous linear corridors will be available for users moving through the SADA with routes sitting within landscape buffers rather than immediately against operational infrastructure - providing for retention of open character and enhancing recreational amenity.

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	would reduce the area's overall sense of tranquillity and that once away from the main transport corridors, parts of the site can feel open and relatively remote reflecting the flat topography, sparse settlement and wide horizons typical of the estuarine fringe • no local or national landscape designations apply to the site • the noise and vibration assessment demonstrated that construction effects would be temporary and well-managed through standard mitigation measures, and that operational noise would be low and consistent with existing background levels • the proposed development would not materially alter the established acoustic or perceptual environment, nor would it introduce effects likely to change the existing character or perceived tranquillity of the surrounding landscape i) Please could the applicant provide a detailed justification of why it considers that no parts of the site, including those most remote from the M56 and Frodsham Wind Farm, should be considered 'tranquil'? What are the implications for the noise and landscape assessments if parts of the site are considered 'tranquil'? Does CWCC have any outstanding concerns?	The issue / point is largely to recognise that the particular noise environment of the site and the surrounding area is complex, and any existing tranquillity found on the more remote parts of the site, take on a greater value than might otherwise be the case because of the particular mix and relationship between various elements. CWCC's concern is mainly to ensure that the nature and local value of the site is recognised, not that the development itself will lead to a different noise climate once operational or an unacceptable noise climate during construction.	
9.4.2	Piling For the construction phase, the assessment [APP-054] assumed the use of non-percussive mini piling for the solar panels and non-percussive continuous flight augur piling for the BESS. To ensure the integrity of the assessment, should those piling methods be secured and should it be secured that percussive piling would not be permitted?	The noise impact assessment [APP-054] refers to non-percussive piling as part of the assumptions when considering the highest likely vibration levels (Table 5.3), and whilst the assessment may be precautionary, the draft DCO ought to secure the use of such techniques, and to restrict percussive piling (or at least to establish a hierarchy of methods, from continuous flight, pushed and only driven is necessary with local conditions being taken into account). In addition to the need for "careful choice of piling rigs to minimise noise and vibration at ecological receptors (e.g. non-percussive mini piling rigs, CFA piling* at BESS and Frodsham Solar Substation)" as one of the possible range of measures to control construction noise referred to at 5.3.21 of [APP-054], the use of low pressure piling machinery has been advocated in relation to mitigation of potential impacts in relation to peat. (See PD2-027 and Applicant's responses to RR-037 (7.138- 141 and 8.7-8.8).	Refer to the Applicant's response to Q9.4.2 in **Applicant Responses to ExA First Written Questions [REP2-003]**. A hydraulic hammer rig (i.e. percussive piling) was assumed as a worst case for the BESS piling. Reference to CFA piling at paragraph 5.3.21 is made in relation to possible measures that could be employed to reduce or control noise levels during construction if required. On the basis that the assessment demonstrated the use of percussive pilling at the BESS is acceptable, and well below threshold levels, it is not considered necessary to restrict the piling methods proposed.
9.5.1	Visitors' car park CWCC [RR-037 paragraph 11.2] said that further discussion was required to	In hindsight, it may be preferable for the visitor car park to be provided in conjunction with the wider development before operational use of the development commences. CWCC	The Applicant will discuss this matter with CWACC prior to Deadline 4 and seek to provide an agreed resolution to the car park provision and for controls to be introduced into the oLEMP which provides the further reassurance required by

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	clarify the mechanisms for triggering the delivery of the visitors' car park on land to the north of Moorditch Lane as well as other matters including the responsibility for management and maintenance. The applicant [PD2-027] updated paragraph 4.1.7 of the oOEMP to include a commitment for the provision of the car park to be an agenda item on Community Liaison Group meetings during the operational phase. Is CWCC satisfied that the timing of the delivery of the car park is secured sufficiently and does it have any remaining concerns?	will endeavour to discuss this with the Applicant with a view to confirming the position for Deadline 4 (if not before). In principle, there is no objection to deferring the decision as to whether and when to implement the visitor car park off Moorditch Lane to the operational phase of the development. The Applicant's reason for provision of the car park is related to managing any increase in recreational use arising from the mitigation works in relation to PRoW / permissive path enhancements. However, if such decision is to be deferred, it would be beneficial to set out more details of the physical works / parameters for the visitor car park at the same time as other details of the authorised development are submitted for approval. This is in part to avoid uncertainty as to what the proposals for the visitors' car park entail, and in part to ensure that there is no delay to implementation of the car park due to the need for deliberation over the design parameters, once a decision has been taken that a car park is needed. Furthermore, there would be difficulty in establishing appropriate and robust criteria for assessing whether there has been a demonstrable increase in informal parking along Moorditch Lane that would trigger provision of the car park. Establishing a trigger would require further work on the baseline, e.g. with pre-commencement survey of parking in the vicinity of the proposed car park before the commencement of development. There would need to be a mechanism for triggering delivery to be approved by CWCC. This might be in conjunction with approval of the detailed CTMP. There would also need to be a monitoring strategy to establish post-development parking levels e.g. along Moordtich Lane. This would need to be approved by CWCC and funded / administered by the Applicant. It may be preferable to provide the visitor car park at the outset. This is not least because any disruption caused in construction of the visitor car park would be dealt with alongside the wider development and the various control documents. The Applicant should be responsible for the costs of construction, ongoing management and maintenance costs and decommissioning. This should be secured through the draft DCO.	the Council on how the car park would be secured, particularly in a scenario where it is not delivered at the point the project is commissioned; and in relation to on-going management, maintenance and decommissioning.
9.5.2	Public rights of way – CWCC comments CWCC commented on public right of ways matters in its relevant representation [RR-037], including in paragraphs 11.12, 11.13, 11.14, 11.15, 11.16, 11.17, 11.18, 11.19, 11.21, 11.23, 11.26, 11.27, 11.28, 11.31, 11,32, 11.33, 14.12, 19.18, 19.27, and 19.30. The applicant responded [PD2-027]. i) Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037]? CWCC [RR-037 paragraph 19.28] said that there had been issues historically with fly-tipping on parts of the deposit	Please cross refer to comments in i) the LIR: [REP1-046)]; in particular FNP policy referred to at 6.25 and 6.26, Section 24 of the LIR 'tourism and recreation' and Appendix 10 of LIR; and ii) the WR [REP1-048]; in particular in relation to the relationship between footpaths and biodiversity under (paragraphs 4.14 to 4.25) and the proposed layout suggestions in Section 5. 11.11 – 11.12 RR. Regarding Outline Public Rights of Way Management Plan [PD2-021] (oPRoWMP), CWCC welcomes the addition of 3.3.10 relating to advertising closures and diversions to the local community in the Public Rights of Way Management Plan. It would help to include specific reference to publicity of an overarching programme of works as part of that publicity; and that the Community Liaison Group will be consulted on the programme at an early stage in the process; and kept informed of subsequent changes. There is no reference at 3.3.10 of the oPRoWMP to suggest inclusion of online advertising of closures; CWCC's PRoW section recommend that this be included. 11.13 – 11.14 RR. In principle, CWCC accepts the Applicant's approach, which is similar to the construction of the FWF in relation to keeping RB40 open to cyclists during construction, and for providing others access outside of construction working hours. For information, the FWF scheme approved under 12/00217/DIS is provided at Appendix 8 (Frodsham Wind Farm Condition Discharge - Planning Condition 29 – Public Rights of	The Applicant has revised the **Outline Public Rights of Way Management Plan [as updated alongside this submission]** to include the measures proposed by the Council. The Applicant notes the time period for the day time closure of RB40 is shown for the entirety of the construction period as this is a worst case scenario. There may be periods during the construction programme when it may be possible to retain access for pedestrians. Should such periods be identified, these would be advertised as per the commitment made in 3.3.10 of the oPROWMP, noting that RB40 would be available for pedestrian use outside construction working hours. Paragraph 4.2.2 of the oPROWMP has been amended to include this commitment. The points raised in relation to landscape impacts and user experience have been responded to in the reference LIR_CWACC24.3 of the **Applicants' Response to Local Impact Report [EN010153/DR/8.29]**. In relation to the possible re-routing of Permissive Path A and B the Applicant has explained the benefit and rationale for 5.3.23 and 5.3.24 of the **Design Approach Document [APP-130]**. These routes were selected in response to comments received by members of the public and interest groups and are

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	grounds, and the management plan should provide details of measures to control this, particularly given likely increased accessibility of the site. It recommended a review of public rights of infrastructure, and removal of redundant structures, that stiles/gates should ideally be used to control livestock movement, and that stiles that act as a barrier to mobility should be removed. ii) Please could the applicant respond to CWCC's comments, using the same paragraph numbering as CWCC?	Way (Updated March 2015) (Parsons Brinckerhoff March 2015). With reference to the comments under 11.15 RR below, the clarity of Figure 1 Master Plan of Site in Appendix 8 aids the reader's understanding, and it is recommended that the Applicant provides clear and legible plans for the Frodsham Solar Public Rights of Way Management Plan (PRoWMP). The commencement of construction of FWF was notified as being 13 April 2015 (discharge of condition 14 under 10/00597/DECC) and the FWF commissioning date was 13 February 2017; i.e. less than 24 months. The closure of RB40 would have been less again. CWCC do not object in principle to the proposed arrangements, but the longer duration of closure/disruption adds to the adverse impact of the development and is a factor to be weighed in the planning balance. A similar point is made in relation to impacts on, and users of, RB98 and RB103. CWCC's PRoW team advise that if the construction hours are modified (e.g. for abnormal loads) as per 2.5.13 and 2.5.14 in ES Volume 1 Chapter 2 The Proposed Development [APP-035] that the change be advertised to notify the public in advance. It is also appropriate to establish a particular channel that the Applicant would notify CWCC Highways/Public Right of Way teams as per 2.5.14 of [APP-035]. 11.15 RR. As noted previously the Street Works, Public Rights of Way, Vehicular Usage and Access Plans [APP-010] (now [AS-008]) lack clarity and separate/clearer drawings relating to both temporary and permanent arrangements, closures and diversions would assist in the understanding and presentation of the various elements to the works proposed. This would be particularly appropriate to accompany any publicity around temporary diversions and closures. 11.16-11.18 RR. There is disagreement with Applicant's statement that: "The introduction of the Proposed Development into the locality does not significantly change the landscape experience for the majority of the PRoW network that users will access in the area". The LVA conclusions are based on professional judgment, and no doubt the ExA will draw its own view on the matter. CWCC's view is that the experience of walking or cycling along the PRoW network will be significantly changed by the extensive solar array development surrounding the PRoW network within the site. There will be a greater sense of enclosure along parts (where views over the panels are not available); and on the more elevated sections of PRoW, the vast expanse of the solar arrays will be a dominating feature. The presence of the wind turbines in the landscape added an urbanising influence some 10 years ago now, but these have been assimilated without dominating the openness of the landscape to the same extent that the spread of the proposed solar arrays would. The enhancements to the footpath network (e.g. with permissive paths) are generally welcome (noting the biodiversity concerns with some aspects) and the improvements may encourage use of the footpath network, but at the same time the overall experience of users and enjoyment of the wider landscape is liable to be adversely impacted by the proposed development, and to a greater degree than the mitigation works provide in terms of positive impacts. 11.19 – 11.24 RR. It is noted that the Applicant is not proposing to re-route Permissive Path A and B. CWCC considers that this a missed opportunity to reduce the habitat impacts, adding more pressure to the already reduced mitigation area of the NBBMA. In Applicant's Response to CWCC's Relevant Representation (PD2-027), in response to point 11.24 of CWCC's Relevant Representation (RR-037), it is stated that " it is considered that adequate mitigation is proposed to enable these proposed enhanced recreational opportunities to be realised whilst ensuring that the ecology of the area is protected". This is not concurred with; CWCC have proposed changes to the proposed	considered to offer the greatest recreational benefit. Mitigation in the form of screening has been proposed and Natural England has accepted that this is suitable in these locations. CWCC are seeking confirmation over securing a limit / commitment on the maximum timescale the permissive paths may be closed during the operational phase. This is not a practical at this stage and will depend on the nature of the maintenance required. However, the oPROWMP has been revised to ensure that any temporary closures to public rights of way or permissive routes for longer than 1 week would be agreed with CWACC. The Applicant does not consider that Requirement 15 needs to be amended to include permissive paths, the delivery and maintenance of which is secured by Requirement 9(h). The oPROWMP has been updated to require the PROWMP to include contact details and measures to resolve any disputes as requested by the Council. The Applicant has set out within the Application that permissive paths cannot be secured beyond the decommissioning period in accordance with the landownership agreements. The Applicant does not propose a formal vehicle identification process via vehicle markings. Any vehicle accessing the Site in connection with the Proposed Development would be able to explain to interested members of the public the purpose of its visit. If members of the public have concerns regarding unauthorised access or inappropriate driving behaviour, they would be able to notify the Applicant, providing details of the vehicle, so that it can be confirmed whether the vehicle is associated with the Proposed Development or not.

Ref	ExA Question	CWCC Comment	Applicant's Response
		extended footpath network and there has not been any justification provided to demonstrate that the footpaths are essential in this location and that their introduction outweighs the risk to non-breeding birds. Due to lack of a detailed assessment of Recreation in terms of public rights of way in the ES, as per 11.1 of CWCC Relevant Representation (RR-037), CWCC consider that 11.24 is still valid. 11.23 RR. See comment under Q9.5.4 below. 11.26 – 11.27 RR. CWCC welcomes including reference to the programme of implementation at 5.1.4 of [PD2-022] oPRoWMP) and the inclusion of a programme as part of Requirement 9 (2)(h) to the draft DCO [REP1-005]. Further clarity on the opening of the permissive paths, and agreements with the landowners relating to general arrangements over the permissive paths (e.g. provisions relating to temporary closures of the paths) should be confirmed and made available to CWCC. CWCC seek confirmation over securing a limit / commitment on the maximum timescale the permissive paths may be closed during the operational phase. 11.27 RR. The Applicant's response in [PD2-027] refers to Requirement 15 and the Public Rights of Way Management Plan. Requirement 15 should be amended to clarify that this includes permissive paths. It would also assist if the oPRoWMP were updated to include reference to the details of 11.27 e.g. "to include contact details, provision for reporting and dealing with complaints during the operational phase, including standards for resolution of complaints/carrying out remedial action, and ensuring that paths do not remain temporarily closed for longer than necessary". CWCC recommends that these contact details and standards/resolution processes be made available online, and that CWCC / Frodsham Town Council be consulted on the detailed arrangement. 11.28 RR. The professional disagreement over the assessment of the view from Frodsham War Memorial has been well documented, and further comment is not considered necessary or helpful to the ExA. 11.31 - 11.33 RR and 19.18 RR. CWCC welcomes confirmation by the Applicant to the points of relating to retention of the permissive paths in place for the lifetime of the Proposed Development, including the decommissioning period, and responsibility for maintenance of the permissive paths and PRoW within the site during this period. It is noted that there is no proposal to secure an extension of the life of the permissive paths beyond the decommissioning period. This is considered a missed opportunity and reduces the values of the mitigation proposed. With regards to the Applicant's response to paragraph 19.18 of RR-037, it is not clear whether the Applicant approached the landowners (as suggested) to confirm their support or objection for longer term retention. If they are willing to enter into a more permanent arrangement, this could be incorporated into the proposals. Clarification on the position regarding retention of the visitor car park longer term is also noted in paragraph 19.18 of RR-037. CWCC would like confirmation as to whether the Landowners have been contacted by the Applicant in relation to the Permissive Paths and negotiations which have been undertaken 11.32RR. CWCC appreciates the Applicant's commentary regarding the Design Approach Document [APP-130] regarding retaining and enhancing the open character; retaining open vistas looking across Frodsham Marshes and the wider estuary, where feasible; and that the need to maintain qualities of the open character are recognised. These comments should be cross referenced with CWCC's comments on Green Belt openness (Q9.2.1) above. However, as indicated at paragraph 11.32 of RR-037 there would still be a significant change resulting from the development, irrespective of the design and other measures to mitigate the impact of such change.	

Ref	ExA Question	CWCC Comment	Applicant's Response
		CWCC welcome inclusion of reference at 6.6.51 of the oLEMP [REP1-029] to certain hedgerows being maintained at 1.5m height to retain views over the hedgerows from adjacent public rights of way and permissive paths. 14.12 RR. Regarding PRoW closure and RB40, comments as per Q9.5.2 above. 19.27 RR. CWCC welcomes the Applicant's clarification that the powers under Article 13(7) of the draft DCO are sought to provide use of motor vehicles for the purposes of the authorised development and not for the opening up to the public. The Applicant should provide confirmation as to the means of monitoring/identifying use by authorised / unauthorised vehicles (e.g. with windscreen markers or similar to identify authorised vehicles?).	
9.5.4	Public rights of way – cumulative and in-combination effects – CWCC comments CWCC commented on public right of ways cumulative and in-combination effects matters in its relevant representation [RR-037], including in paragraphs 11.1 and 11.29. The applicant responded [PD2-027]. Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037]?	Paragraph 11.1 of [RR-037] is directed at concerns over the biodiversity impacts of promoting increased recreational use via the additional permissive paths in environmentally sensitive areas of the site. Local Policy (e.g. FNP Policy EDVE2 tourism policy) recognises the tension between wanting to encourage recreational opportunities and the need to protect environmental interests, by including criterion: "Will not result in adverse impacts on the ecological value and function of Frodsham Marshes" and DM37 Recreational routeways of LP2 also recognises the potential for increased recreational pressure on designated sites. It is acknowledged, that the Applicant has attempted to address some of these concerns and competing interests by proposing a hierarchy of PRoW and permissive path enhancement, to encourage recreational use closer to the motorway side of the SADA, but the introduction of additional routes near to the NMMBA and around Cell 1 are regarded as unnecessary and detrimental. CWCC's WR [REP1-048] provides more detail on concerns and suggested amendments to address these matters. Paragraph 11.29 of [RR-037] is a relatively general point that the impact of the other known projects liable to directly impact the site (Hynet Hydrogen and Runcorn CO2 spur pipeline) do not feature in consideration of potential cumulative impact in relation to impacts on the existing PRoW and/or any new permissive paths proposed as part of this proposed development.	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. Through on-going consultation Natural England has raised no concerns or objections with regards to this matter [**REP1-056**]. With regards to physical 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. 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] The Applicant provided a response in relation to paragraph 11.29 (see ref CWACC11.11 **PD2-027**]. No likely significant cumulative effects are anticipated based on the application of the measures set out in the **Outline Public Rights of Way Management Plan [as updated alongside the Deadline 3 submission],** and measures that would be adopted within the HyNet Hydrogen Pipeline or Runcorn Carbon Dioxide Spur Pipeline projects which would reasonably be expected to be controlled via planning conditions or requirements.
9.6.2	Cumulative effects, including abnormal loads and decommissioning National Highways [RR-031] said that the construction phase would generate the highest level of traffic and it was essential to manage this effectively to minimise disruption, particularly given the number of other developments proposed in the area, which could lead to cumulative impacts on the M56 and M53 junctions and corridors. It said that it was studying the cumulative traffic generation for the major development proposals in the area to understand where the likely impacts would be, the scale of those impacts, and their likely timings.	CWCC welcomes the introduction of para 4.1.6 to the oCTMP [PD2-013] regarding provision of an illustrative plan for construction access. CWCC requests that 8.3.1 8.3.2 of the oCTMP be amended to refer to submitting a report to the local planning authority (LPA) with a copy to the local highway authority (LHA) (and that the LPA will consult the LHA at the relevant stages). CWCC have no further concerns in relation to the Applicant's proposed mitigation measures for abnormal loads as proposed under the latest oCTMP (Rev P03) [REP1-019]. However, it is recommended that the programme for abnormal loads be part of the agenda/ notification protocols for the Community Liaison Group; and that this be included in the oCTMP. Please note: the track changes to paragraph 5.4.1 made in [PD2-013] have only partially been carried forward to [REP1-019].	The Applicant has amended the wording of paragraph 8.3.1 of the **oCTMP [as updated alongside this submission]** as requested by CWCC.

Ref	ExA Question	CWCC Comment	Applicant's Response
	CWCC [RR-037] said that the proportion of the total cumulative impact that would be a direct result of the proposed development would be minimal. The applicant [APP-134] considered cumulative effects with other proposed infrastructure projects. It considered that there was the potential for significant traffic impacts if the construction periods of these projects should overlap with that of the proposed development. The oCTMP [PD2-013] includes a commitment for the applicant to maintain ongoing communications with other major developments to liaise on managing any potential cumulative impacts and, if there was a significant overlap, to establish a Construction Traffic Management Plan Working Group. The applicant assumed that the other developers would work proactively with it. The oCEMP [PD2-015] includes that the programme for the works would be prepared cognisant of other nearby developments which could result in cumulative construction effects. i) Please could the applicant set out the consideration has been given to potential cumulative impacts in relation to the traffic from any major replacement activities during the operational phase? ii) Please could the applicant comment on the sensitivity of the Transport Assessment [APP-134] to assumptions of timing in relation to the construction of the proposed development and other major development proposals in the area? How can the ExA be satisfied that it has considered as reasonable worst case? iii) Please could National Highways provide its study of the cumulative traffic generation for the major development proposals in the area and set out the proportion of traffic generation that would result from the proposed development? iv) When National Highway's study is available, please could the applicant set out any implications for its		

Ref	ExA Question	CWCC Comment	Applicant's Response
	Transport Assessment [APP-134] and mitigation proposals? National Highways [RR-031] encouraged the applicant to engage with NH at an early stage to establish an appropriate movement strategy for abnormal loads. CWCC [RR-037] said that impacts of abnormal traffic movements relating to the proposed development and considered cumulatively with other projects needed consideration. The applicant updated the oCTMP [PD2-013] to clarify that it would be a responsibility of the proposed Construction Traffic Management Plan Working Group to co-ordinate the planning of abnormal load movements across the identified cumulative developments. v) Do National Highways or CWCC have any outstanding concerns about the applicant's proposed mitigation measures for abnormal loads? The applicant [APP-134] considered that a reasonable worst case of impacts during the decommissioning phase was those for the construction phase. For the construction phase it considered that there was a potential for significant traffic impacts cumulatively with other proposed infrastructure projects. vi) What reasonable worst case of cumulative traffic impacts during the decommissioning phase does the applicant suggest for the purposes of the planning balance?		
9.6.3	Decommissioning phase CWCC [RR-037 paragraph 19.13] said that that the scope of the Decommissioning Traffic Management Plan should be to minimise the environmental and other potentially adverse impacts associated with the transport aspects of the decommissioning and that this should include minimising the extent and duration of temporary road closures and closures of PROW and the permissive paths. The applicant [PD2-027] responded and updated the outline Decommissioning	CWCC consider that prior to the commencement of the decommissioning stage an assessment of the local environment and the changes that have taken place during the operational phase will need to be submitted along with suitable mitigation and control measures. The assessment criteria, mitigation measures and methodology of the decommissioning phase must be approved by the relevant planning authority prior to its commencement.	The Applicant considers that the measures set out in the outline Decommissioning Environmental Management Plan (oDEMP) are sufficient to ensure that the Proposed Development is decommissioned in accordance with the legislation, best practice and guidance prevailing at the time of decommissioning, and that appropriate procedures will be in place to protect the environment. The final DEMP would be required to be prepared substantially in accordance with the oDEMP and approved by the Council prior to the commencement of decommissioning. Through the approval process, the Council would have the opportunity to request additional survey information where this is deemed necessary to inform the decommissioning proposals. The oDEMP also includes measures requiring the Applicant to undertake pre-decommissioning surveys (for example, in relation to ecology) and to submit a decommissioning and site restoration plan as part of the DEMP ensuring that the end state of the Site is agreed prior to decommissioning works being undertaken.

Ref	ExA Question	CWCC Comment	Applicant's Response
	Environmental Management Plan [PD2-019]. Please could CWCC set out any outstanding concerns?		
9.6.4	Transport Assessment – other CWCC comments CWCC commented on the Transport Assessment [APP-134] in its relevant representation [RR-037], including in paragraphs 14.7, 14.10, 14.13, 14.14, 14.15 and 14.17. The applicant responded [PD2-027]. Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037]?	14.7 RR. On reflection, CWCC accepts that linking Frodsham Solar's HGV construction trip generation to the existing cap on operational HGV movements for Protos is not appropriate or necessary. The cumulative impact of construction traffic associated with multiple projects potentially overlapping is a concern highlighted at paragraph 8.6.1 of the Applicant's Transport Assessment (TA).[APP-134]. Whilst the TA provides an assessment of the construction traffic associated with other projects liable to overlap with Frodsham Solar, it would be useful for the Applicant to provide an update / table to quantify the worst case scenario, noting that in the TA (7.3.8) i) the Hynet Hydrogen pipeline scheme is forecast to peak at 96 two-way HGV movements per day, and that this development (lasting over a year) was expected to occur in early 2028, and it is understood to now be delayed and therefore this needs to be updated; and ii) no construction traffic data was available for the Runcorn Carbon Dioxide Spur pipeline at the time of preparing the TA. The Applicant's Table 7.1 in the Transport Assessment sets out the maximum daily HGV movement associated with the Protos development (under reference 21/04477/NMA). The latest amendment to the condition controlling HGV movement is under 24/01799/NMA granted on 2 September 2025 (Appendix 9). The overall number of 2 daily 2-way HGV movements remains 718. Also, on the 7th October 2025,CWCC's Planning Committee resolved to grant planning permission for the most recent amendment to the Ince resource recovery park (RRP) under application ref. 24/01322/S73. This altered the provision for the implementation of the first rail infrastructure prior to the occupation of plots within the Protos site. The extant planning permission for Ince resource recovery park is application ref.14/02277/S73 (as amended by 24/01779/NMA) which altered the phasing of development of the RRP site. 14.10 RR. CWCC notes the Applicant's response, and that any temporary diversion would need to be adhered to. 14.13 RR. CWCC notes the Applicant's response and commitment to clearly identify the construction traffic access route in the CTMP. 14.14 RR. CWCC notes the Applicant's response and commitment to manage and monitor construction staff parking. Reference is made to no construction traffic parking outside the site, but there is no detail over how this may be monitored/enforced, or indeed if there may be a need for offsite parking and transport to the site. It would be helpful to include further commentary in the oCTMP, including dealing with complaints about employee off-site parking in a similar manner to the construction traffic routing. 14.15 RR. CWCC notes the Applicant's response and commitment to the use of qualified banksmen. It would be beneficial to include reference in the oCTMP that provision for forward traffic movements (and potentially use of one way routes to achieve this) would be included in the detailed design principles to avoid/minimise the need for reversing. 14.17 RR. CWCC welcomes the Applicant's recognition over the potential for cumulative impacts associated with other projects, and that this may be addressed via the Construction Traffic Management Plan. However, any apportionment / shared responsibility needs to rest with the developers, and there needs to be clear responsibility for Frodsham Solar to secure enforcement with other parties, without reliance on CWCC. CWCC will address this with the Applicant and update the ExA at the appropriate time.	14.7 RR. The Applicant welcomes CWCC's acceptance that the Proposed Development construction traffic should not be linked to the existing cap on Protos HGV movements. The Applicant would also note that the oCTMP has been updated to include specific reference to Peel NRE to be one of the bodies to be invited to join the CTMP Working Party Group, with regard to the ongoing build-out of the Protos site. With regard to the cumulative impacts resulting from the HyNet Hydrogen pipeline scheme, the TA [APP-134] included an analysis of the cumulative impacts of the peak traffic generation of all schemes occurring at the same time. This therefore remains the worst-case scenario, regardless of the timing of scheme delivery. Review of Appendix 16.5 of the Runcorn Spur Pipeline Environmental Statement indicates that during the peak month of construction (estimated to be June 2028), there would be a maximum of 36 daily two-way HGV movements along the A5117 and Pool Lane. This level of traffic is not considered to be of a level that would materially change the conclusions of the assessment presented in the TA. 14.14 RR. Section 8.2 of the oCTMP provides an outline of the proposed communications strategy and means of handling queries or complaints. Section 8.3 outlines the proposed procedure for identifying any breaches of the CTMP and the corrective measures that would be implemented. This would apply to all elements of the CTMP, including staff parking. 14.15 RR. The oCTMP does not reference the need to rely on CWCC for establishing a CTMP Working Group with other major developers. However, while this group aims to discuss and coordinate the delivery of schemes to minimise cumulative traffic impacts through mutual agreement, CWCC, as the local highway authority, would be the only body with the statutory powers to enforce any measures if necessary. The Working Group's purpose would be to ensure that any measures implemented within the final CTMP for the Proposed Development, or the CTMPs prepared by other developers for their schemes, are prepared with awareness of the other developments, ensuring that control measures are coordinated to reduce impacts on highway safety or function. CWCC would be part of this group, enabling it to influence the measures included in the various CTMPs and it would also be the approval body for the CTMP, enabling CWAC to ultimately enforce the CTMP if required.

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9.7.3	Waste infrastructure i) With reference to paragraph 5.15.15 of NPS EN-1, please could the applicant set out whether the waste from the proposed facility could be dealt with appropriately by the waste infrastructure which is, or is likely to be, available during the construction, operational and decommissioning phases? ii) Please could the applicant identify what policy support is there for any assumptions made about future recycling facilities, e.g. for the likely expansion of specialist recycling facilities in the future? iii) What consideration has the applicant given to cumulative effects with other solar projects? iv) Please could CWCC comment?	The Applicant's Section 2.8 of ES Chapter 2 [APP-035] deals with waste management. The EXA's question (i) appears to be directed principally at the second bullet point under 5.15.15 of NPS EN-1 that: "the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area." In terms of Local Plan policy, ENV8 Managing waste of LP1 and EP6 Ince Park of LP2) are relevant. Land at Ince Park (Protos) is safeguarded for a multi-modal resource recovery park and energy from waste facility for use in connection with the recycling, recovery and reprocessing of waste materials. CWCC's monitoring reports for minerals and waste includes the Waste Needs Assessment 2023 - Hazardous Waste Management Requirements to 2045 (CWaC WNA 2023) (WNA). Appendix 5 of the WNA deals with Hazardous Waste Management Requirements for Cheshire West & Chester to 2045 (see Appendix 10). Paragraph 4.1 of Appendix 5 states that: "Increasing use of producer responsibility schemes, such as those provided for Waste Electrical and Electronic Equipment (WEEE) which require the separate collection of WEEE resulting in more hazardous items being removed from the mixed municipal waste stream, collected separately as hazardous waste". The overall quantity of hazardous waste generated in the borough is expected to fall over time, to end up at a tonnage of c21,500 tonnes in 2045 i.e. nearly halved, although there would be a projected increase in WEEE (from 808 (2025) to 1,029 tonnes (2045) (see tables 85, 86 and 87 in the waste needs assessment). Paragraph 5.2 of Appendix 5 to the waste needs assessment comments: "Comparing the total managed value shown in Table 10 (c96,500 tonnes) to the final arising value derived for Cheshire West and Chester (c46,000 tonnes) suggests a surplus in hazardous waste management capacity of c50,500 tonnes currently exists within the Borough. This comes as no surprise given CW&C hosts a number of strategically significant facilities for the management of hazardous waste, one of which being the Ellesmere Port HTI with capacity of up to 100,000tpa and, the presence of the chemicals sector such as Brunner Mond and oil treatment capacity." Paragraph 5.4 of Appendix 5 continues: "With respect to hazardous waste management capacity in Cheshire West and Chester excluding landfill, comparing the updated capacity value (c152,000tonnes) to the final arising value derived suggests a surplus of between c110,000 tonnes per annum at the start of the Plan period and c130,500 tonnes per annum in 2045 the end of Plan period." In conclusion to Appendix 5 of the WNA, paragraph 5.6 states: "Cheshire West and Chester hosts a number of facilities that manage significant quantities of hazardous waste, including treating such wastes. The combined capacity offered by these facilities equates to at least 152,000 tonnes per annum, with a number of niche operators taking hazardous wastes as a raw material for manufacturing processes. In doing so these operators provide strategically significant management capacity for a number of niche waste streams arising from within the region and beyond". It should be noted that the commentary provided above is based on the contents of the hazardous waste report in the WNA, and assumes that waste solar panels will be classed as hazardous. However, this is generally not the case and would only apply if their chemical composition includes such materials as cadmium. Some electrical components	The points raised by the Council do not alter the position set out by the Applicant in response to Q9.7.3 that there is sufficient recovery and disposal capacity available to accommodate the volumes of waste anticipated, taking into account other waste arising in the area. Applicant confirms that the outline Operational Environmental Management Plan [as updated alongside this submission] includes in Table 5.11 the requirement for a Waste Management Plan. The Waste Management Plan, to the extent applicable under the relevant legislation, will ensure that the undertaker complies with all waste regulations, including adherence to the waste hierarchy. This plan will document the status of the authorized waste operator responsible for the reuse, recycling, or disposal of waste, including end-of-life photovoltaic (PV) panels. Waste carriers, managers, and operators must fulfil their obligations regarding the duty of care for the waste. The Applicant has provided an explanation at point iii) of Q9.7.3 regarding the anticipated approach of the waste market in providing sufficient facilities for the recycling of solar panels and other ancillary waste generated from the maintenance and decommissioning of solar farms.

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		may be classed as such, but the panels themselves being made from crystalline silicon are unlikely to be. All panels and components are likely to be classed as WEEE and therefore are required to be separately collected for onward management at a suitably authorised treatment facility (AATF). It is understood that at present, very few UK AATFs actually process panels. It is understood that those that do only dismantle frames and junction boxes to recover the metals, and then send the laminate elsewhere for management or disposal. An update of the waste needs assessment has been commissioned, and the update is expected to be completed within the next 2 to 3 months. The update will take account of the latest available waste data and anticipated future changes to waste creation and waste recycling and disposal requirements. CWCC is in the process of preparing a new Local Plan and this will contain new policies relating to waste. CWCC is currently reviewing the responses received to the Issues and Options stage consultation and drafting revised policies. The following additional comments may assist: 1. With reference to a Decommissioning Waste Management Plan in Table 5-11 [RE1-024], whilst that may be the point at which the bulk of panels will require removal, it is reasonable to expect a panel failure rate during the life of the solar farm, which will mean panels will need replacement, and those removed will require management. Therefore, the waste management plan should not be confined to decommissioning alone. 2. Table 5-11 states compliance with the waste hierarchy but doesn't state what that will mean in practice. All waste holders need to demonstrate they are complying with the waste hierarchy in priority order i.e. from the top down. This means that any maintenance and decommissioning plan should set out clearly how the panels will be assessed to ensure that: • they are checked for suitability for reuse (following repair or refurbishment if needed), failing that: • that receiving recycling sites are maximising the amount of materials recovered for recycling and achieving high quality recycling with those materials (rather than downcycling); • minimising the amount of materials that end up managed as residual waste (intact panels should be handled as WEEE - see below). 3. Table 5-11 refers to the panels being dismantled and being sent to specialist PV recycling facilities, but it is not clear what such facilities exist. CWCC may need to comment further once the Applicant has submitted its response to the ExA's first written questions.	
9.8.1	Cumulative impacts – CWCC comments CWCC commented on the cumulative impact assessment in its relevant representation [RR-037], including in paragraphs 16.1, 16.2, 16.3, 16.4, 16.5 and 16.6. The applicant responded [PD2-027]. Please could CWCC set out any outstanding concerns, using the same	Please cross refer to CWCC's Written Representations [REP1-048]: (Section 10): i. paragraphs 10.2 to 10.12 for Hynet Runcorn CO2 spur pipeline (and Appendix A (CWCCs response to ISH1 agenda and item 5k) ii. paragraphs 10.13 for HyNet North West Hydrogen Pipeline. Please also cross refer to the Local Impact Report [REP1-046] Section 25. Paragraphs 16.1 and 16.2 [RR-037] refer to the HyNet North West Hydrogen pipeline project. In terms of HyNet Hydrogen pipeline the Applicant's response refers to the route of the HyNet Hydrogen pipeline (illustrated on Figure 4.3, Environmental Statement: Volume 3 Chapter 4 Figures [APP-108]) running along the southern boundary of the site, and that there is very little use of this area by SPA birds. However, the route does go through the	The Applicant has provided a detailed and comprehensive response to the potential cumulative and in-combination effects between the Proposed Development and the Runcorn Spur CO_2 Pipeline in the **Technical Note on Pipeline Interactions [REP1-041]**. Analysis of the different scenarios set out by the Council are discussed in reference WR_CWACC10.1 of the **Applicants' Response to Written Representations [EN010153/DR/8.28]** and within reference CWACC16.1 of the **Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027].** Reference 4.4.6 of Table 2-5 of this document, which relates to responses to Natural England, also summarises the

Ref	ExA Question	CWCC Comment	Applicant's Response
	paragraph numbering as in its relevant representation [RR-037]?	easternmost area of the site and the Skylark Mitigation Area and so assessment should further consider impacts. Paragraphs 16.3 and 16.6 [RR-037] refer to the Runcorn Carbon Dioxide Spur Pipeline Project, and the above Written Representations and Local Impact Report outline further the outstanding concerns. The Applicant refers in CWACC16.1 [PD2-027] to the use of trenched construction techniques being proposed through Cell 1, 2 and 3, with a trenchless crossing proposed at the western extent of Cell 3 into Cell 4. The Applicant has outlined its position regarding the three possible scenarios concerning the sequence of the pipeline construction and the works to establish the NBBMA in [PD2-027]. Scenario 1: Pipeline constructed prior to the NBBMA Scenario 2: Concurrent Construction of the Pipeline and the NBBMA Scenario 3: Pipeline constructed following establishment of the NBBMA As noted in CWCC's response under Q5.5.1, the Applicant refers to works in Cells 1, 2 and 3 being constructed between April 2027 and October 2027. However, this would still lead to disturbance in passage seasons and passage bird species. It is not clear how this corresponds with details of the oLEMP given further down in the response which states: Reference RU-BD-051: High-disturbance activities within land functionally linked to the Mersey Estuary SPA, Ramsar and SSSI will be completed outside of the winter months (November – March, inclusive). A trenchless crossing is proposed at the western extent of Cell 3 into Cell 4, whilst the construction in Cells, 1, 2 and eastern extent of Cell 3 would be open trenched. This does not reduce concerns. It is stated that construction of the NBBMA would also be timed to be undertaken outside of the core non-breeding bird period, November to February inclusive. However, again, this still impacts the passage seasons, so could still have an impact on qualifying non-breeding bird species. It is noted that the scenario where the pipeline is built after the solar farm has not been assessed by the Applicant, and CWCC is deferred to, in terms of imposing planning conditions. This is not acceptable, as all scenarios, which could have significant impacts, have not been assessed. The Applicant has provided an update of the draft SoCG with Liverpool Bay CCS Ltd [REP1-039], and CWCC will comment further for Deadline 3 in response to Deadline 1 documentation provided by the Applicant. The principal concern is that the Applicant has not fully assessed the cumulative impact of the Runcorn Carbon Dioxide Spur Pipeline Project, particularly in the scenario of the CO2 pipeline being implemented post the establishment of the NBBMA, as well as sequencing within project timelines. Reliance is put on the CWCC imposing a planning condition on the CO2 pipeline project, or alternatively, that Liverpool Bay CCS Limited LBCCS) as applicant to the CO2 pipeline would need to propose adequate mitigation measures to ensure there will be no likely significant effects on the integrity of the Mersey Estuary SPA as a result of the temporary impacts from construction of the pipeline through the NBBMA. LBCCS have not assessed the scenario of installing the CO2 spur pipeline post construction of the NBBMA for their application and no means of control for this has been presented by LBCCS. At this stage CWCC do not consider that a planning condition would be appropriate or provide the necessary control.	Applicant position in relation to the cumulative and in-combination assessment of the Proposed Development. In relation to the HyNet Hydrogen pipeline the Applicant has provided a proportionate response to the likely cumulative effects that could arise with this project and has identified a series of mitigation measures which are secured via the **oCEMP [as updated alongside this submission]** pursuant to Requirement 9 of the draft DCO. The Applicant has committed to undertaking construction outside of the core non-breeding bird period November to February inclusive, the period when the qualifying bird species of the Mersey Estuary SPA and Ramsar site are present in their highest numbers and are most dependent on functionally linked land for foraging and roosting. It is acknowledged that qualifying species will also be present in the passage months of October and March, but this period is considered to be less sensitive, as bird usage of the Site during these periods is typically lower. As such, as reported in the **Information to Inform Habitats Regulations Assessment [as updated alongside this submission]** impacts on SPA species through the construction of the NBBMA are largely avoided through timing, or will take place over the very short term (part of spring and/or autumn passage) and therefore de minimis.

Ref	ExA Question	CWCC Comment	Applicant's Response
		CWCC does not consider that this is a sufficiently robust cumulative assessment from the Frodsham Solar Applicant.	
9.9.1	Draft DCO Requirement 6(1) Is CWCC content that Requirement 6(1) secures sufficient details for detailed design approval? Please provide the reasoning for any addition.	Broadly, Requirement 6(1) together with the Design Parameters Statement (latest version [REP1-014]) is considered appropriate for the detailed design approval stage. Paragraph 3.6 of CWCC's Written Representations [REP1-048] refers to the provision of details of fencing; drainage; power cables (with details of conduiting); anti-reflective coating to solar modules and landscape programming to be included in Requirement 6 (1). However, it is noted that landscape implementation is included in Requirement 9, fencing is covered by Requirement 10 and surface water drainage is covered by Requirement 11. Therefore, it is not necessary to include these items in Requirement 6. Regarding power cables, it is the confirmation of proposals for conduiting that is key; and the reason for seeking details of this is in relation to the ability to facilitate replacement and removal on decommissioning. This could be addressed in Requirement 6, or clarification provided in the Design Parameters Statement. For onsite cabling (between PV modules and inverters) and (between cattery containers and inverters) the statement currently refers to the 'cabling being buried within underground trenches' as opposed to reference to the use of conduits. Proposals for all electrical cabling should be clarified. The reasoning for the anti-reflective coating is to secure the mitigation proposed under the Glint and Glare Assessment [APP-056].	The Design Parameters Statement **[as updated alongside this submission]** requires the solar PV modules to have an anti-reflective coating. The Outline Operational Environmental Plan also provides for this, and CWaCC will be able to consider this in approving the detailed version of that plan. The Design Parameters Statement has been revised to confirm that onsite buried cabling (between PV modules and inverters) would be placed within conduits. The cables between battery containers and inverters would be within the BESS compound and of a higher voltage and so not necessarily placed in conduits.

Table 2-2: Response to Environment Agency Submissions

Ref	ExA Question	EA Comment	Applicant's Response
1.0.8	Pollution Control Paragraphs 4.12.2 and 4.12.10 of NPS EN-1 note that the planning and pollution control systems are separate but complementary, that pollution control is concerned with preventing pollution using measures to prohibit or limit the releases of substances to the environment, and to ensuring that ambient air, water, and land quality meet standards that guard against impacts to the environment or human health. It states that the Secretary of State (SoS) should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. Paragraph 4.12.15 of NPS EN-1 requires the SoS to consider if the EA, any pollution control authority, Statutory Nature Conservation Bodies, Drainage Boards, water and sewerage undertakers, and other relevant bodies are satisfied that: • potential releases can be adequately regulated under the pollution control framework; and • the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution would make the Proposed Development unacceptable, particularly in relation to statutory environmental quality limits. i) Please could the relevant bodies comment, highlighting any specific concerns? ii) Please could the applicant provide evidence of whether relevant bodies, including the water and sewerage undertakers, are satisfied and what concerns remain? iii) Please could the applicant set out the steps that will be taken to resolve any outstanding concerns?	i) Our remaining concerns have been outlined in Comments on Relevant Representations and any additional submissions [REP1-050]. Issue EA008 An unresolved water quality issue remains - EA008 within [REP1-050]; consequently we do not consider the development to be compliant with National Policy Statement EN-1. Specifically, we believe that the development does not comply with: • 5.16.3 "Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment, and how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment, as part of the ES or equivalent (see Section 4.3 and 4.10)." • 5.16.7 "The ES [Environmental Statement] should in particular describe…The existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges;" • 5.16.10 "The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be clearly marked" In reference to EA008, we require sufficient water quality monitoring to ensure that adequate pollution control measures are in place, and thereby ensure the development complies with EN-1. Water Quality and BESS advice to Applicant Within the APPENDIX B of [REP1-050], we provided detailed advice to the applicant regarding water quality and the Battery Energy Storage System (BESS). This advice is relevant to the Examining Authority's (ExA) Q1.0.8, specifically regarding pollution prevention and control measures designed to protect water quality receptors from BESS-related impacts. We acknowledge that matters relating to the BESS were previously discussed during the pre-application phase, and our issues raised were mostly resolved at the time. However, we have since gained a greater understanding of the impacts that BESS and substations may have on surface water and groundwater quality. We provided this advice to ensure that the applicant is aware of all the potential impacts their proposal may pose to the water environment. We are cognisant this advice has been provided at a late stage in the process. Therefore, to ensure we are being reasonable, we only raise these comments as recommendations. Therefore, they are not factored into our decision regarding EN-1 policy compliance. iv) We commit to providing regular updates to the examination.	Table 5-4 in the **outline Construction Environmental Management Plan (oCEMP), outline Operational Environmental Management Plan (oOEMP) and outline Decommissioning Environmental Management Plan (oOEMP) [as updated alongside this submission]** have been updated to reflect the regular water quality monitoring requested by the Environment Agency and to provide consistency of approach within each stage of the project. Matters relating to pollution control are addressed within the **Statement of Common Ground with the Environment Agency [REP1-037]** and **Cheshire West and Chester Council [REP1-036]**. The Applicant understands that both organisations are satisfied that there are sufficient controls in place in relation to pollution control, noting that the EA has specifically addressed matters relating to ground conditions within its **Any other information requested by the ExA for Deadline 1 [REP1- 049]**. CWACC have not raised any concerns in relation to pollution control within the **Local Impact Report (LIR) [REP1-046]** or its **Written Representations [REP1-048]**. Similarly, no issues relating to pollution control have been raised within the relevant representation made by United Utilities Water Limited, who are the statutory water and sewerage undertaker for the Site.

Ref	ExA Question	EA Comment	Applicant's Response
	iv) Please could the relevant bodies and the applicant provide regular updates to the examination?		
1.0.9	Local Authority and Other Statutory Body Resourcing Do the relevant bodies have any concerns about their resources for the consideration of submissions, approvals and monitoring necessary for the implementation of the proposed development?	We are currently participating in 7 NSIP examinations. Our technical specialists will therefore have a very high workload. For Frodsham Solar Project, we may struggle with meeting deadlines going forward. Regarding permitting for the development, given the timeframe to determine environmental permits, we encourage applicants to engage with us on permit requirements at the earliest possible stage. Please note that new permits could take many months to determine: Discharges to surface water and groundwater: environmental permits - GOV.UK	The Applicant notes this comment.
3.1.2	Migratory pathways for contaminants Are you satisfied that the migratory pathways for contaminants within soils and perched groundwater and soil dusts to impact sites of special scientific interest (SSSI) and ecology within surface water and terrestrial habitats would not be significant in EIA terms. If you disagree with the applicant's assessment, provide relevant justification and evidence to support your position.	We are satisfied with the information regarding the conceptual site model that has been presented in the application documents. The applicant has acknowledged the requirement to provide further land contamination assessment following the granting of consent. Please also see our response to Q3.2.9.	The Applicant notes this comment.
3.2.1	Migratory pathways for contaminants Are you satisfied that migratory pathways for contaminants within soils and perched groundwater and soil dusts to impact SSSI and ecology can be mitigated by measures such as Groundwater and Surface Water Management Plan? If no, please provide justification and relevant evidence to support your position	We are satisfied with the information regarding the conceptual site model that has been presented in the application documents. The applicant has acknowledged the requirement to provide further land contamination assessment following the granting of consent. Please also see our response to Q3.2.9.	The Applicant notes this comment.
3.2.6	Mobile contaminants Are you satisfied that migration of leachable and otherwise mobile contaminants to groundwater within superficial deposits from soils and perched groundwater can be mitigated by the management practices noted by the applicant in its oCEMP [APP-136]? (Refer to Table 10-14: Assessment of Likely Impacts and Effects with Incorporated Mitigation Applied of	We are satisfied with the information regarding the conceptual site model that has been presented in the application documents. The applicant has acknowledged the requirement to provide further land contamination assessment following the granting of consent. We note that dewatering was also discussed during the Issue Specific Hearing 1, and the applicant was asked to consider risks to groundwater from any dewatering activities. We note that Table 5.5 of the 7.5 Outline Construction Environmental Management Plan - P02 (Clean) [PD2-015] refers to the management of groundwater during excavations. We suggest this is updated to include measures for managing groundwater if it is found to be contaminated.	The Applicant has updated Table 5-5 of the o**CEMP [as updated alongside this submission]** to state that: "*Should groundwater be found to be contaminated, measures shall be adopted for its appropriate handling, remediation, and, if necessary, disposal to an appropriately licensed facility*."

Ref	ExA Question	EA Comment	Applicant's Response
	Chapter 10 Ground Conditions [APP-043]). If no, please provide justification and relevant evidence to support your position.	Please also see our response to Q3.2.9	
3.2.7	Foundation and excavation works Do you have any outstanding concerns regarding the applicant's proposed methodology for foundation and excavation works in relation to the potential for mobilisation of contaminants or the potential for silt-laden runoff, given the continuity between the River Weaver and the Weaver Navigation watercourses? If so, can you provide details of your remaining concerns.	Water Quality We are concerned that silt would not be managed appropriately. We are not satisfied the appropriate mitigation measures are secured: • Managing the timing of works near watercourses • The use of silt fencing and filter strips This will control any risk to the water quality of watercourses. Groundwater and Contaminated Land The applicant has committed to completing a Foundation Works Risk Assessment at detailed design stage, as stated within the 7.5 Outline Construction Environmental Management Plan - P03 (clean) [REP1-020]. We therefore have no remaining concerns regarding the protection of groundwater on this point.	In relation to water quality, the **oCEMP [as updated alongside this submission]** secures the mitigation measures requested by the EA at Table 5-5. In addition, Table 5-4 in the **oCEMP, oOEMP and oDEMP [as updated alongside this submission]** have been updated to reflect the regular water quality monitoring requested by the Environment Agency and to provide consistency of approach within each stage of the project. The Applicant notes that the EA has no remaining concerns regarding the protection of groundwater in relation to foundation and excavation works.
3.2.9	Mitigation approach for contaminants Further to the Issue Specific Hearing 1 and item agenda 5h, can you advise if you are satisfied with the applicant's management approach to: i. Elevated concentration of lead ii. Polychlorinated biphenyls iii. Hydrocarbons in soils iv. Leachable contaminants from dredging materials v. Ground gases from the organic dredging silts and clay	The intrusive investigation and assessments of ground conditions completed to date have established that some contamination exists that will require treatment to break the source-pathway-receptor linkages. However, the applicant has acknowledged that additional assessments are required post-DCO consent. The remedial technical note states that additional assessments are likely to be required, including a detailed ground investigation, risk assessment, and production of a remediation strategy, to confirm the appropriate remedial methodology. Soil stabilisation has been proposed as a method of remediation. If this is taken forward, following the additional assessments discussed above, we would expect the remediation options appraisal to demonstrate lines of evidence that this remedial technique will be suitable for treating all the identified contaminants. The approach adopted by the applicant - conducting a site investigation and then following it up with additional assessments where necessary - is a typical approach to dealing with land contamination. The approach presented in our Land Contamination Risk Management (LCRM) guidance recommends this iterative process. A remediation strategy will be produced, and we expect this to detail whether an Environmental Permit is required for the chosen remediation technique and whether the CL:AIRE Definition of Waste Code of Practice (DoWCoP) route is appropriate. We have had discussions about this with the applicant and will continue to engage post-DCO consent. Verification of the remediation, along with monitoring, will also be required, as acknowledged by the applicant in the remedial technical note. We are therefore satisfied that ground conditions have been sufficiently characterised to determine that remediation is likely to be required to remove any significant effects. This area requires additional work, as acknowledged by the applicant, and is appropriate when managing risks from land contamination. Please note that ground gases are a human health consideration, and are not within the remit of the Environment Agency. The Local Authority consider risks to human health.	The Applicant considers that the EA has raised no outstanding disagreement on this matter. The mitigation measures requested are already secured by **Requirement 12 of the draft DCO [as updated alongside this submission]** and the **oCEMP [as updated alongside this submission]**.

Ref	ExA Question	EA Comment	Applicant's Response
3.2.12	Approach to the risk management of land contamination i. Are you satisfied with the wording in Schedule 2, Requirement 1 of the draft DCO [PD2-005] in regard to the controls secured relating to further detailed investigation of ground contamination, including verification and remediation, specifically the wording of Requirement 1(c)? If not, please explain why not. ii. Are you satisfied with the wording in the oCEMP [PD2-015] in regard to detailed investigation of ground contamination, including verification and remediation? If not, please explain why not. iii. Are you satisfied with the wording in Schedule 2, Requirement 12(2)(c) of the draft DCO [PD2-005] in regard to the controls secured relating to unexpected contamination? If not, please explain why not. iv. Are you satisfied with the wording in the oCEMP [PD2-015] in regard to unexpected contamination? If not, please explain why not.	We are satisfied with: i. The wording of requirement 1 of the draft DCO [PD2-005], specifically 1(c). ii. The wording of the 7.5 Outline Construction Environmental Management Plan - P02 (Clean) [PD2-015] in regard to detailed investigation of ground contamination, including verification and remediation. iii. The wording of requirement 12(2)(c) [PD2-005] regarding the unexpected contamination protocol. iv. The wording in relation to the unexpected contamination protocol, detailed in section 4.1.24 of the 7.5 Outline Construction Environmental Management Plan - P02 (Clean) [PD2-015].	The Applicant notes this comment.
3.2.14	Policy Are you satisfied that the proposed development meets paragraph 5.11.5 of NPS EN-1 that "Where pre-existing land contamination is being considered within a development, the objective is to ensure that the site is suitable for its intended use. Risks would require consideration in accordance with the contaminated land statutory guidance [Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance] as a minimum". If no, please provide justification and relevant evidence to support your position.	We are satisfied that the proposed development meets this objective.	The Applicant notes this comment.
3.2.15	Potential compaction and hydrological impact to peat Are you satisfied with the applicant's response [PD2-027] to CWCC's concern [RR-037] regarding potential compaction and hydrological impacts	We are satisfied with the applicant's response to GWCC's concerns [RR-037]. We agree that the peat is at a depth where it is unlikely to be impacted by development.	The Applicant notes this comment.

Ref	ExA Question	EA Comment	Applicant's Response
	to peat, which state that ground investigation shows there is no peat present at depth which could be impacted by the proposed development? If not, please explain why not.		
8.0.1	Tidal influence of the River Weaver Can you advise if the application considers tidal influence of the River Weaver and whether a tidal influence exists between the River Weaver and the main rivers within the Order limits?	We are satisfied with how the applicant has considered tidal influence on the River Weaver, and the main rivers which cross the order limits for the development. The applicant has undertaken hydraulic modelling which considers the tidal influence of the Mersey Estuary on the River Weaver. A range of fluvial (river flow) and tidal combinations have been considered in the hydraulic modelling for the River Weaver. These include the fluvial design event for the River Weaver which is the 1% (1 in 100) annual exceedance probability (AEP) flow plus 67% climate change with a Mean High-Water Spring (MHWS) tidal cycle with upper sea level rise applied to 2117. Additionally, as a conservative scenario, the design event for the River Weaver (1% (1 in 100) AEP flow plus 67% climate change) has also been modelled in combination with a 0.5% (1 in 200) AEP tidal water level with Upper sea level rise applied to 2075. With regards to the Main Rivers which cross the order limits for the development, and drain into the River Weaver via the Frodsham and Ince Pumping stations, tidal ingress is prevented by the presence of flapped outfalls which close when water levels within the River Weaver are high. During such times the pumping stations would over-pump fluvial flood waters into the River Weaver when certain level conditions are met. With respect to the Main Rivers which cross the site, the applicant has adopted a conservative approach within their modelling and has assumed that the Frodsham and Ince pumping stations would not be operational during times of flooding. The critical aspects of the development such as the BESS and substation are located outside of the fluvial flood extents for the River Weaver and Main Rivers which cross the site and tidal flood extents for the Mersey Estuary. The solar PV panels are raised with an appropriate amount of freeboard above the various fluvial and tidal combination scenarios modelled for the River Weaver.	The Applicant notes this comment.
8.0.3	ES conclusions Are you content with the applicant's assessment that there would be no residual significant effects as a consequence of the proposed development? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.	There is still an element of residual risk from the development proposals these are outlined in our recent deadline 1 response [REP1-050]. Discussions with the applicant are still on-going to resolve our outstanding issues. Once these issues are resolved and the appropriate water quality and flood risk measures are in place, we will then agree that there are no significant residual risks from the development proposal.	The Applicant has updated the oCEMP, oOEMP, oDEMP and the oBSMP [as updated alongside this submission] responding to the points raised by the EA in relation to water quality controls and monitoring.
8.1.2	Licence/Consents Can parties advise if a licence/consent/permit would be required from the MMO and /or EA to construct works such as an area to accommodate foundation/pole to string the conductors across the River Weaver?	The River Weaver is a is a main river until it approaches the confluence with the Manchester Ship Canal and has tidal flood defences running alongside it. We would therefore require a 16-metre offset from these defences to ensure that there is appropriate access for maintenance, inspection, future raisings and replacement when required. A Flood Risk Activity Permit (FRAP) would be required for any works on or within 16-metres of tidal flood defences. Regarding vertical offset over the river, there is no vertical threshold over a main river beyond which a permit would not be needed (e.g., 20 metres above the river or bank would require a FRAP). There exists an exemption in place for power lines which are proposed to cross a main river, with a minimum acceptable height. This can be found here	The Applicant has included an offset of 16m from tidal flood defences, as set out in paragraph 4.4.3 of the **oLEMP [as updated alongside this submission]**. The Applicant has provided a response to the EA in relation to the vertical offset over a river with reference to EA014 of the **Applicant's Responses to Written Representations [EN010153/DR/8.28]**.

Ref	ExA Question	EA Comment	Applicant's Response
		https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities/exempt-flood-risk-activities-environmental-permits#electrical-cable-service-crossing-over-a-main-river-fra2 For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. For a list of activities that may be exempt from a permit, given that they meet certain conditions, see Exempt flood risk activities: environmental permits - GOV.UK (www.gov.uk). Please note, directional drilling within proximity to a watercourse, may be considered for an exemption, if it meets certain conditions. Consideration should be made for navigation of the watercourses. We would recommend liaising with the body responsible for the Manchester Ship Canal for further guidance (this seems to be Peel Holdings). Further to this, the applicant should liaise with the body responsible for the navigation of the River Weaver (this seems to be either the Canal and River Trust or the River Weaver Navigation Society).	
8.1.4	Sampling and analysis Can you summarise what sampling and analysis of the water environment should/would be undertaken prior and during the permitted preliminary works?	A water quality monitoring plan is required prior, during and post construction to ensure there is no negative water quality impacts from construction activities, and transitioning into operation, on these watercourses. A monitoring plan should provide details of frequency, quantity, location and method of monitoring. These locations should include monitoring upstream and downstream of any proposed surface water outfalls and water crossings. Methods may include in-situ hand-held devices or samples sent off to laboratories. We note that requirement 12 (4) of the 3.1 Draft Development Consent Order - P04 (clean) [REP1-004] states that permitted preliminary works will be covered by the monitoring plans stated in the 7.5 Outline Construction Environmental Management Plan - P02 (Clean) [PD2-015]. Please note, within our Comments on Relevant Representations and any additional submissions [REP1-050], we have an outstanding issue relating to the proposed water quality monitoring plan (see EA008).	Table 5-4 in the **outline Construction Environmental Management Plan (oCEMP), outline Operational Environmental Management Plan (oOEMP) and outline Decommissioning Environmental Management Plan (oOEMP) [as updated alongside this submission]** have been updated to reflect the regular water quality monitoring requested by the Environment Agency and to provide consistency of approach within each stage of the project.
8.1.5	Water Framework Directive i) Are you content that the proposed development has regard to the current River Basin Management Plans and meets the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (including regulation 19)? ii) Would the proposed development cause deterioration of a water body or its failure to achieve good status or good potential, unless the requirements set out in Regulation 19 are met?	i) We are content that the proposed development has regard to the current River Basin Management Plans. We do not currently believe the development is meeting the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (including EA008 within our Comments on Relevant Representations and any additional submissions [REP1-050]. We believe that appropriate monitoring measures need to be in-place to ensure that the development's impacts to the water environment are understood and mitigated for appropriately. ii) We believe that the development would cause a deterioration of a waterbody, or its failure to achieve good status/potential. The development requires adequate monitoring measures to be in-place, to provide us with confidence that it would not cause deterioration of a waterbody, or prevent the achievement of good status/potential. This is in accordance with the outstanding issue EA008 within our Comments on Relevant Representations and any additional submissions [REP1-050]. In regards to both i) and ii) we acknowledge that matters relating to the BESS were previously discussed during the pre-application phase, and our issues raised were mostly resolved at the time. However, we have since gained a greater understanding of the impacts that BESS and substations may have on surface water and groundwater quality. We therefore provided further advice in APPENDIX B of [REP1-050], to ensure that the	The Applicant confirms that Tables 5.4 of the outline Construction, Operational and Decommissioning Environmental Management Plans have been updated to include regular water quality monitoring, with monitoring requirements to be agreed with the Environment Agency to ensure consistency across construction, operation and decommissioning phases. This is set out in reference EA008 of the **Applicants' Response to Written Representations [EN010153/DR/8.28].** The Applicant has responded to the points raised by the Environment Agency in relation to the BESS design and the Substation Compound within references EA-BESS-01 to EA-BESS-07 and EA-SUBS-01 **Applicants' Response to Written Representations [EN010153/DR/8.28].** The Applicant has revised the outline Battery Safety Management Plan the outline Operational Management Plan **[as submitted alongside this submission]** to reflect the EAs suggestions in relation to water quality control.

Ref	ExA Question	EA Comment	Applicant's Response
		Applicant is aware of all the potential impacts their proposal may pose to the water environment. We are cognisant that it is a late stage in the process for us to be raising these comments. Therefore, to ensure we are being reasonable, we only raise these comments as recommendations, and have not factored them into our decisions regarding compliance with the Water Framework Directive.	
8.2.1	Flood risk and coastal change - 7-Planning Practice Guidance (PPG) Can you advise if the update to Flood risk and coastal change - 7- Planning Practice Guidance (PPG) dated 17 September 2025 Flood risk and coastal change - GOV.UK necessitates further work by the applicant on its sequential approach?	We defer to the Local Authority or ExA regarding the adequacy of the Sequential test meeting the new policy. The updates do not change the Environment Agency's role in assessing the Sequential Test, as stated in the Planning Practice Guidance paragraph 29, which states the Local Authority should make decisions on the adequacy of the Sequential Test. However, we acknowledge that it may be Secretary of State who makes the final decision for NSIPs. With respect to the sequential approach within the site, the applicant has located more vulnerable infrastructure, such as the BESS and substation, outside of Flood Zones. Solar PV panels are in areas of fluvial and tidal flood risk associated with the River Weaver and Mersey Estuary. However, the panels have been appropriately raised above the design flood level with an allowance for freeboard (+600mm above the design flood level). We are satisfied that tthe applicant has sufficiently assessed flood risk to the proposed development and its third-party impacts. The proposed development and has sequentially sited vulnerable aspects of the development to be in areas of the lowest flood risk.	The Applicant responded with regard the changes to the PPG at Q8.2.1 in the **Applicant's Response to ExA First Written Questions [REP2-003]**. It is noted that the Secretary of State will determine if the sequential test has been passed, but the Applicant considers that it has, as set out in its **Alternative Sites Assessment [APP-053]** and in its response to Q8.2.1. The Applicant notes there is agreement with the EA in relation to sequentially siting vulnerable aspects of the development to be in areas of the lowest flood risk. The Applicant also notes that in their response to Q8.2.1 **[REP2-005]** CWACC have commented 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.
8.2.2	NPS EN-1 Are you satisfied that the proposed development meets paragraph 5.8.12 of NPS EN-1 that "Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development. There should be no net loss of floodplain storage, and any deflection or constriction of flood flow routes should be safely managed within the site. Mitigation measures should make as much use as possible of natural flood management techniques"?	We consider the proposal to be compliant with National Policy Statement EN-1 paragraph 5.8.12. Only the Solar PV panels and Power Conversion Units (PCUs are in areas of fluvial and tidal flood risk. The BESS and substation are located within Flood Zone 1. The applicant has ensured the solar PV panels are raised above the design flood levels for the River Weaver, Mersey Estuary and for watercourses which cross the order limits. The development includes an appropriate allowance for freeboard (+600mm). With respect to increases in flood risk elsewhere, the applicant has tested the impact of the solar panel support frames, PCUs, and bridge crossings on flood risk elsewhere within the hydraulic models for the River Weaver and Mersey Estuary. The applicant has provided water level and flood extent difference mapping which shows the effect of the solar PV panel support frames, PCUs, and access bridge crossings on flood risk elsewhere. This mapping is included within the 8.7 Hydraulic Modelling Report - P01 [PD2-030]. A range of scenarios have been assessed which show there are no increases in flood risk to third parties. Any changes in water level are contained within the proposed development area. We have reviewed the applicant's hydraulic modelling and are satisfied with the approach taken. There is a loss of floodplain storage and some deflection of floodplain flow associated with the Solar PV panel support frames, PCUs, and bridge crossings. The applicant has tested the impact of this loss of storage and deflection of flow within the hydraulic models for the Mersey Estuary and River Weaver design flood events; the results demonstrate that all hydraulic effects remain contained within the development site boundary. The applicant has not designed the crossings to the tidal flood event. In discussions with the applicant, we acknowledged that it would not be reasonable for crossings to be designed to such levels. The applicant's modelling showed that there would be marginal loss of floodplain storage, and that any increases in flood levels were solely within the site boundary.	The Applicant notes this comment.

Ref	ExA Question	EA Comment	Applicant's Response
8.2.3	NPS EN-1 Are you satisfied that the proposed development meets paragraph 5.8.41 of NPS EN-1 that "Energy projects should not normally be consented within Flood Zone 3b, or on land expected to fall within this zone within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows"?	There is only a very small area of the solar panel PV development area which potentially falls within the functional floodplain related to the Ince and Frodsham Watercourses, as illustrated in figure 2 on page 11 of 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 1 of 5 (Tracked) - Revision 2 - Accepted at the discretion of the Examining Authority [AS-020]. It should be noted this extent is based on Frodsham pumping station not operating. If Frodsham pumping station is operational, there wouldn't be out of bank flooding in the vicinity of the solar PV panel areas. No aspect of the development falls within the functional floodplain for the River Weaver, Manchester Ship Canal, or Mersey Estuary. Regarding flood plain storage and flow routes, any displacement caused by the solar PV mounting frames within the Ince and Frodsham watercourse flood zones will be contained entirely within the development site. This is supported by the applicant's hydraulic modelling. It assesses the impact of the development on flood risk from much larger flood extents, and water depths, associated with the Mersey Estuary and River Weaver for the design flood event.	The Applicant notes this comment.
8.2.8	Relevant representation responses The applicant's responses [PD2-027] to your relevant representation (RR) [RR-024] suggest resolution has been achieved for the following issues; EA001, EA002, EA003, EA004, EA005, EA008, EA009, EA012, EA013, EA015, EA017, EA019, EA021, EA026, EA027 and EA028. Please confirm if these issues are now fully resolved. If not, please provide details of outstanding matters in relation to these issues, together with any suggestions as to how they might be resolved.	Our response letter Comments on Relevant Representations and any additional submissions [REP1-050] is our most recent response to the Applicant and the Examining Authority regarding the issues from our relevant representation. Within this response, we have stated that we are content to resolve: EA001, EA002, EA003, EA004, EA005, EA009, EA012, EA013, EA017, EA019, EA021. We have not resolved EA008 and EA0015. Please see these issues below. EA008 We do not consider this issue resolved. Upon reviewing the Applicant's document 6.1 Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water [APP-042], we raised concern that post-construction water quality monitoring would be inadequate and the 7.6 Outline Operational Environmental Management Plan [APP-137] and 7.5 Outline Construction Environmental Management Plan [APP-136] should therefore be updated. The applicant has updated Table 5.4 of the 7.5 Outline Construction Environmental Management Plan [PD2-016] to state that surface water monitoring positions and parameters of testing shall be set out in the CEMP. However, we request that the 'Requirement for monitoring' column in Table 5.4 reflects that regular water quality measurements and samples will be required. The applicant should be aware that we additionally requested reference to a monitoring plan to be included in the 7.6 Outline Operational Environmental Management Plan - P02 (Tracked) [PD2-018]. Table 5-4 of the 7.6 Outline Operational Environmental Management Plan - P02 (Tracked) [PD2-018] currently does not include specific reference to water quality monitoring. We request this be updated. This would provide us with the confidence that as the site completes construction, and transitions into operation, there will be no negative water quality impacts, and the relevant mitigations are performed as expected. We note that Table 5.4 of the 7.7 Outline Decommissioning Environmental Management Plan - P02 (Tracked) [PD2-020] states there will be "Regular water quality monitoring to detect sedimentation and contamination impacts". Any water quality monitoring details	The Applicant has provided comment in relation to points EA008 and EA015 within the **Applicant's Response to Written Representations [EN010153/DR/8.28]** and in its updates to the oOEMP and oCEMP. It is hoped that these matters can now be agreed with the EA.

Ref	ExA Question	EA Comment	Applicant's Response
		should be consistent across the three phases of the project (construction, operation and decommissioning). Advice to applicant For awareness, a monitoring plan should provide details of frequency, quantity, location and method of monitoring. A suggested frequency is monthly, starting six months prior to construction, ongoing throughout construction, and ending six months post construction. The locations should include monitoring upstream and downstream of any proposed surface water outfalls and water crossings. Methods may include in-situ handheld devices or samples sent off to laboratories, it should not be limited to site walkovers, and visual inspections of the drainage water. Any water samples should be sent to a United Kingdom Accreditation Service (UKAS) accredited laboratory, and where applicable Monitoring Certification Scheme for Equipment (MCERTs) accredited testing must be carried out. The results of laboratory analysis of water samples should be tabulated, recorded and be able to be provided to the Environment Agency if requested, or sent automatically in the event of a pollution incident. EA015 For clarity, we have two separate issues that have developed after further discussions in relation to EA015. We have titled the issues as EA015(a) and EA015(b). We do not consider issue EA015 entirely resolved at this stage. EA015(a) is resolved, and EA015(b) is not resolved. Therefore, issue EA015 is not resolved, as we require EA015(b) to be resolved to close the matter. EA015(a) We are satisfied and consider EA015(a) resolved. We were concerned that the Applicant proposed a water storage area on a flood asset. The Applicant has confirmed the water storage wasn't on a flood asset. EA015(b) We do not consider this issue resolved. In the Additional comments section of EA015 of our relevant representation, we were concerned the new walkways were proposed on the crest of a flood asset. We have raised the following issue with the Applicant's project team in correspondence: To ensure flood asset safety, we require the Applicant to provide, as part of the CEMP (to be secured under Requirement 12 of the draft DCO), the following details specific to any works proposed within the vicinity of fluvial or tidal defences: • A comprehensive list and plan of all works proposed within: o 8 metres of any fluvial defence; and o 16 metres of any tidal defence • Detailed drawings and specification of any works that would alter crest level, slope, profile, or composition of the flood assets (including cross-sections and materials) • Construction methodology for all works within the buffer zones, including: o Sequence of works (including temporary works). o Plant and machinery to be used (and associated loading).	

Ref	ExA Question	EA Comment	Applicant's Response
		o Access routes used. • Assessment of loading implications (static and dynamic) from footpaths, viewing platforms/slots, plant, and any other structures on or adjacent to the crest, with justification that the flood asset structural stability is maintained. • A planting plan showing exact locations and species of proposed trees/hedgerows and details of root protection measures (e.g., root barriers, structural soils, distance from crest) to avoid compromising asset stability and future maintenance. • Confirmation that the proposed works will not inhibit future inspections, remediation or replacement of the flood asset, and specifying how access for maintenance will be preserved. • Where relevant, details of protective measures to prevent erosion or washout associated with footpaths or viewing areas (e.g., surface treatments, reinforcement, drainage measures). This wording needs to be included as a commitment in the outline CEMP for us to resolve issue EA015(b), and EA015 in its entirety. EA026, EA027 and EA028 Please note, the issues in our Relevant Representation [RR-024] only went up-to EA021. The applicant has labelled as issues comments which we stated in an advisory capacity. Issues EA022-EA031 are such comments. Our views on the applicant's response on the EA026, EA027 and EA028 are as follows: • EA026: we find this satisfactory. • EA027: we find this satisfactory. • EA028: we find this satisfactory.	
8.2.9	Flood Risk Activity Permits (FRAPs) Can you update the ExA with details of any outstanding matters in relation to the proposed disapplication of the FRAPs within the protective provisions of the daft DCO [PD2-005]?	We provided a response to disapplication and protective provisions in the following response letters sent for deadline 1: • Our response letter Comments on Relevant Representations and any additional submissions [REP1-050] □ See "EA006" • Our response letter Any other information requested by the ExA for Deadline 1 [REP1-049] □ See "Agenda item 4i" At this current time, we do not believe it's appropriate for the Environment Agency to engage in drafting protected provisions on this topic. Due to the associated environmental risk, the need for greater scrutiny and direct enforcement, we do not agree to disapply these activities under Section 150 of the Planning Act 2008. We believe that it would be more beneficial for the applicant to engage with the Flood Risk Activity Permit (FRAP) process as soon as possible. In an email to the applicant's project team (dated 24 October 2025), we stated that we required the following information to consider whether disapplication is acceptable: Works to embankments: • A comprehensive list and plan of all works proposed within: □ 8 metres of any fluvial defence; and	The Applicant remains in discussion with the EA regarding the disapplication of Flood Risk Activity Permits (FRAPs) and the wording of the Protective Provisions for the EA. The Applicant has introduced a row into Table 5-4 of the **outline Construction Environmental Management Plan [as updated alongside this submission]** detailing information that must be provided to the Environment Agency for any works proposed within 8 metres of any fluvial defence and 16 metres of any tidal defence, as requested within the EAs **Comments on Relevant Representations and any additional submissions [REP1-050]** in relation to EA reference EA015(b).

Ref	ExA Question	EA Comment	Applicant's Response
		16 metres of any tidal defence • Detailed drawings and specification of any works that would alter crest level, slope, profile, or composition of the flood assets (including cross-sections and materials). • Technical drawings showing proposed structures including foundations, viewing slots etc. • Construction methodology for all works within the buffer zones, including: Sequence of works (including temporary works). Plant and machinery to be used (and associated loading). Access routes used. • Assessment of loading implications (static and dynamic) from footpaths, viewing platforms/slots, plant, and any other structures on or adjacent to the crest, with justification that the flood asset structural stability is maintained. • A planting plan showing exact locations and species of proposed trees/hedgerows and details of root protection measures (e.g., root barriers, structural soils, distance from crest) to avoid compromising asset stability and future maintenance. • Confirmation that the proposed works will not inhibit future inspections, remediation or replacement of the flood asset, and specifying how access for maintenance will be preserved. • Where relevant, details of protective measures to prevent erosion or washout associated with footpaths or viewing areas (e.g., surface treatments, reinforcement, drainage measures). Fencing: • Offsets from flood defence assets and riverbanks (8m fluvial/16m tidal). A plan/map showing these buffer zones and identifying any proposed works (access tracks, fencing) located within them. Details of the proposed fencing type, height, foundation type, construction method. • Confirmation that the proposed works will not inhibit future inspections, remediation or replacement of the flood asset, and specifying how access for maintenance will be preserved. Cabling over River Weaver and embankment: • Vertical and horizontal offset from the flood defence asset. • Cable height relative to the design event. • Demonstrate how the flood asset would be remediated, replaced or raised with the overhead cable in place. • Confirmation that the proposed works will not inhibit future inspections, remediation or replacement of the flood asset, and specifying how access for maintenance will be preserved. • Construction methodology for all works within the buffer zones, including: Sequence of works (including temporary works). Stock piling, plant and machinery to be used (and associated loading).	

Ref	ExA Question	EA Comment	Applicant's Response
		• The oCEMP should consider loading such as stock piling and plant in proximity to the flood assets and mitigations to prevent adverse effects to the flood defence. □ Access routes used.	
8.2.10	Position of bridge abutments and soffit level i. Can you confirm whether the additional information provided by the applicant in Appendix A to their Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] is sufficient or whether any further information is required? ii. Can you confirm if the updated protective provisions in Schedule 23 of the draft DCO [PD2-005] are adequate? iii. Can you confirm if the updated design requirements within the Outline Construction Environmental Management Plan - P02 (oCEMP) [PD2-015] are adequate?	i. We are satisfied regarding the position of bridge abutments, but we are not satisfied regarding soffit heights, and require further information regarding this. Within our response letter Comments on Relevant Representations and any additional submissions [REP1-050], we stated that we were satisfied with the bridge abutments (see "EA007"). Regarding soffit level, we requested confirmation from the applicant that the height of bridge decks will not fall below 5.3m above ordnance datum (AOD). We note that the drawings show levels in metres rather than metres Above Ordnance Datum (mAOD). This may be a minor notational error, but it would be useful if the applicant could confirm that the elevations shown on the drawings for the proposed bridges within Appendix A to their Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] are in mAOD. ii. We do not agree to the inclusions for the protective provisions in Schedule 23 of the draft DCO [PD2-005] for the protection of the Environment Agency. Please see our response to Q8.2.9 regarding this matter. iii. We confirm updated design requirements with the Outline Construction Environmental Management Plan - P02 [PD2-015] are reasonable.	The Applicant can confirm that the dashed incremental 1m lines running through the crossing sections are in mAOD. The Applicant would also refer the Examining Authority to reference EA010 in the **Applicant's Response to Written Representations [EN010153/DR/8.28].** The Applicant remains in discussion with the EA regarding the disapplication of Flood Risk Activity Permits (FRAPs) and the wording of the Protective Provisions for the EA.
8.2.11	Potential risks associated with embedding cables within the proposed crossings i. The ExA notes you suggested [RR-024 issue EA010] outstanding matters with potential risks associated with embedding cables within the proposed crossings could be addressed at the detailed design stage, if the applicant provides adequate commitments secured in the draft DCO. Can you confirm if this is your current view and whether the current dDCO addresses your concerns? ii. Can you update the ExA as to whether you consider the information provided by the applicant in Appendix B - Technical Note Integrity of New Bridges in Flood Event (14740-WCD-XX-XX-TN-S-001) [PD2-027] is adequate? If not, can you provide details of any outstanding matters in relation to this issue and how they might be resolved?	i. We confirm this is our current view. The draft DCO would address our concerns, as we are due to be consulted on requirement 20 Decommissioning. However, as noted under issue "EA010" of our Comments on Relevant Representations and any additional submissions [REP1-050], we require the 7.7 Outline Decommissioning Environmental Management Plan - P02 (Tracked) [PD2-020] to be updated. We require a commitment to removing cables embedded in crossings during the decommissioning phase. This would give us the confidence that the commitments secured in the draft DCO would address our concerns. ii. We do not consider the information provided by the Applicant in the updated Appendix B - Technical Note Integrity of New Bridges in Flood Event [PD2-027] document to be adequate at this stage. As stated in our Comments on Relevant Representations and any additional submissions [REP1-050], under issue "EA010", we require the Applicant to confirm that the height of the bridge decks will not fall below 5.3mAOD.	The Applicant can confirm that the Outline Decommissioning Environmental Management Plan [as updated alongside this submission] has been revised to require the removal of cables from bridge crossings. The effects of this would be managed through the measures set out in the plan. Response reference EA010 in the **Applicant's Response to Written Representations [EN010153/DR/8.28]** confirms the basis of the soffit levels of the bridge decks.
8.2.12	Flood warning, evacuation plan and post flood actions	i. In the Outline Flood Warning and Evacuation Plan P02 [PD2-028], the applicant addressed our concerns relating to high astronomical tides, as stated in our Relevant Representation [RR-024] under issue EA011 by its commitments made under the section	The Applicant notes this comment.

Ref	ExA Question	EA Comment	Applicant's Response
	i. Can you confirm whether information in the Outline Flood Warning and Evacuation Plan P02 [PD2-028] is sufficient to resolve your concerns regarding works undertaken during high astronomical tides [RR-024 issue EA011]? ii. Can you confirm if the updates made by the applicant to the Outline Operational Environmental Management Plan (oOEMP) [PD2-017] to inspect flood defences annually, report defects to the Environment Agency and to inspect bridges after flood events for damage and repaired as necessary, are sufficient to resolve your concerns?	titled 'Actions Following a Flood or Weather Warning for Frodsham Solar'. We also note the applicant's commitment to safe refuge locations on site during the operation phase. ii. The updates to the Outline Operational Environmental Management Plan (oOEMP) [PD2-017] - specifically the commitments made under Table 5-4: Summary of the operational mitigation and management measures – Flood Risk, Drainage and Surface Water, section 'Damage to flood defences' – resolves our concerns on this matter.	
8.2.13	Cable decommissioning Can you confirm whether the applicant's update to the Outline Decommissioning Environmental Management Plan [PD2-019] regarding removal of cables as part of the decommissioning works, where this results in the best environmental outcome, is sufficient to resolve your concerns?	Section 2.4.2 of the Outline Decommissioning Environmental Management Plan - P02 (Clean) [PD2-019] states that a decision as to whether cables will be removed, will be informed based on an environmental benefits assessment at the time of decommissioning. We have outstanding issues relating to Groundwater and Contaminated Land and Flood Risk. Groundwater and Contaminated Land We require the 7.7 Outline Decommissioning Environmental Management Plan - P03 (clean) [REP1-024] to be updated. At the ISH 1 (02 December 2025), there was a discussion about the benefit impact analysis that will be completed at the time of decommissioning. We raised that this assessment should consider potential impacts to groundwater from leaving the cables in situ. The 7.7 Outline Decommissioning Environmental Management Plan - P03 (clean) [REP1-024] does not currently state this will happen. The oDEMP should be updated to confirm that best practice and guidance at the time of decommissioning will be followed. Flood Risk Our flood risk concerns pertain to legacy issues associated with leaving the cables in place within the crossings. This could increase costs relating to remediation and replacement in future. Discussions with the applicant are ongoing in relation to this matter. This relates to issue EA010 of our Comments on Relevant Representations and any additional submissions [REP1-050].	The Applicant confirms that paragraph 2.4.3 of the oDEMP (which was added following the discussions at ISH1) does provide that soil quality and groundwater impacts are matters which will need to be considered in the benefit/impact analysis when deciding whether cables are removed or left in situ. Paragraph 2.4.2 confirms that above and below ground cabling would be removed from the Site and recycled or disposed of in accordance with good practice and market conditions at that time.
8.2.15	Height for above ground cable crossing of the River Weaver Can you confirm whether the applicant's response to your concern [RR-024 issue EA014] is sufficient, or whether you have outstanding concerns?	In our Comments on Relevant Representations and any additional submissions [REP1-050], we had the following response regarding the Applicant's response to issue EA014: We do not consider this issue resolved. We were concerned that the above ground cable crossing of the River Weaver height was undefined. It was therefore unclear if there would be sufficient space for emergency works to flood defence assets. A detailed technical drawing is required showing the: • proposed arrangement, including cable sag; • the horizontal / vertical offsets from the riverbank / flood defence on both sides of the river.	The Applicant has provided a response to the EA in relation to the vertical offset over a river with reference to EA014 of the **Applicant's Responses to Written Representations [EN010153/DR/8.28]**.

Ref	ExA Question	EA Comment	Applicant's Response
		We have not been provided with drawings demonstrating the offset between the above ground cable and the flood defence asset.	
8.2.16	Frodsham pumping station Can you confirm whether you have any concerns regarding the ongoing use of Frodsham pumping station in relation to this application?	We initially had concerns regarding the design flood used to inform modelling for the development, which we raised under issue EA016 of our Relevant Representation [RR-024]. We were concerned that the pumping station had been included within the design flood event. This would be problematic for the development's resilience, if the pumping station were to fail. Within our Comments on Relevant Representations and any additional submissions [REP1-050], we resolved issue EA016, as the applicant confirmed that the design flood was based on a scenario where the pumping station isn't operational. We recommended that the applicant considers either financial contributions to improve the pumping station, or taking over ownership.	The pumping station serves a wider flood risk management function than just the Site, and so at present the Applicant does not consider it necessary to provide a commitment to maintaining Frodsham pumping station. This position has now been agreed with the Environment Agency and will be documented within the Statement of Common Ground with them.
8.2.18	Flood risk development lifetime The ExA notes the Environment Agency's concern [RR-024 issue EA024] that flood risk has only been assessed up to the year 2075. Schedule 2 of the draft DCO would enable commencement of the authorised development at year 5 from the date the Order comes into force. Please comment on the suggestion of a requirement being added to Schedule 2 of the draft DCO to say if for any reason activity was proposed at a later date to persist beyond 2075, then a new flood risk assessment would be required.	We agree with the suggestion of a requirement being added to Schedule 2 of the draft DCO. If for any reason an activity was proposed at a later date to persist beyond 2075, then a new Flood Risk Assessment would be required. Notably this is inclusive of the decommissioning phase.	Please see the Applicant's response to this question submitted at Deadline 2. On the basis of the draft DCO, it is not possible for the Proposed Development to extend beyond 2075 and as such further drafting is not required in Schedule 2.
8.2.19	Hydraulic Modelling Report Addendum Can you provide any general comments you have on the applicant's additional modelling presented in the Hydraulic Modelling Report Addendum [PD2-030]. In addition, can you provide comments in relation to your concern [RR-024 issue EA018] regarding the possible underestimation of flood risk impacts from structures associated with new permanent and temporary crossings?	The applicant has included the new crossings within their hydraulic modelling of the Mersey Estuary and River Weaver. The applicant has assessed the impact of these on flood risk elsewhere and has presented water level difference mapping which has been included within the 8.7 Hydraulic Modelling Report [PD2-030]. We are satisfied with the applicant's approach to the 8.7 Hydraulic Modelling Report [PD2-030] and the representation of permanent and temporary crossings and solar PV panels. We consider issue EA018 of our Comments on Relevant Representations and any additional submissions [REP1-050] resolved.	The Applicant notes this comment.
8.3.2	Risk of chemical and fuel spillages near sensitive water receptors during the operational phase Do the amendments the applicant has made to Table 5-5 of the oOEMP [PD2-017] to reflect the same requirements as the oCEMP [PD2-015] allay you concerns in relation to the risk of chemical and fuel spillages	We assume the question should say Table 5-4 of the 7.6 Outline Operational Environmental Management Plan - P03 (clean) [PD2-017]. This has amendments associated with risk of chemical and fuel spillages affecting surface water quality. There are no updates to Table 5-5 of [PD2-017] observed. However, we are satisfied that Chemical, fuel spillages, leaks or hazardous materials near sensitive water receptors are being appropriated managed and mitigated against. We can confirm that issue EA020 (regarding chemical and fuel spills near sensitive water	The Applicant notes this comment.

Ref	ExA Question	EA Comment	Applicant's Response
	near sensitive water receptors during the operational phase? If not, please specify what further amendments should be made.	receptors during the operational phase) from our Comments on Relevant Representations and any additional submissions [REP1-050] is resolved.	
8.3.4	Non Breeding Bird Mitigation Area (NBBMA) Do the applicant's responses [PD2-027] allay your concerns in relation to issues EA029, EA030 and EA031 [RR-024] regarding controlled water management for wetland areas of the NBBMA, water quality monitoring of the NBBMA and timing of the construction of the NBBMA? If not, please provide further details.	Natural England are leading on matters in relation to the NBBMA. Please note, the issues raised in our Relevant Representation [RR-024] only went up to EA021. The applicant has included our comments made only in an advisory capacity as issues EA022-EA031. In regards to the applicant's responses to EA029, EA030 and EA031, we have the following comments: • EA029: we welcome the clarification on the project's water supply source. • EA030: we advise that the applicant considers issue EA008 within our Comments on Relevant Representations and any additional submissions [REP1-050]. We recommend that the solutions we are requesting under EA008 are also adopted for the NBBMA's water monitoring plan. • EA031: we welcome the comments and agree with the approach.	The Applicant notes this comment. Table 5-4 in the **oCEMP, oOEMP and oDEMP [as updated alongside this submission]** have been updated to reflect the regular water quality monitoring requested by the Environment Agency and to provide consistency of approach within each stage of the project. The Applicant also notes that Table 5-5 of the oCEMP includes a specific commitment to groundwater and surface water monitoring in relation to works within the NBBMA, and that scope shall be agreed with the EA.

Table 2-3: Response to National Highways Submissions

Ref	ExA Question	NH Comment	Applicant's Response
9.5.3	Public rights of way management plan – National Highways approval Referring to Requirement 15 of the dDCO [PD2-005], National Highways [RR-031] said that it required an approval role in relation to any public rights of way management plan as it is the highway authority for the SRN and the SRN fell within the definition of a "street". The applicant [PD2-027] said that its proposals in terms of managing impacts to public rights of way related to public rights of way that were some distance away from the bridges which pass over the SRN. It therefore considered that National Highways did not need to be a consultee for the plan. i) Please could the applicant clarify how public rights of way on the bridges that pass over the SRN would be managed if they are not to be included in the public rights of way management plan? ii) Does National Highways have any remaining concerns?	National Highways' response is in relation to the change of use of the PRoW crossing Brook Furlong Bridge from a Restricted Byway to a potential vehicular access to a car park and an emergency access route and in relation to the change of use of the PRoW crossing Weaver Lane Bridge to include a bridleway or cycle track and an emergency access route. In relation to the NH structures that form part of the SRN (Brook Furlong Bridge and Weaver Lane Bridge), NH has previously expressed concerns that the change of use in the Rights of Way crossing over those bridge structures triggers the need for Structural Review and potentially, Structural Assessment. National Highways understands that the public rights of way management plan will deal with setting out the proposals for the change in use of the PRoWs over Brook Furlong Bridge and Weaver Lane Bridge and therefore National Highways position remains that it will need to be a consultee to the PRoW management plan. Furthermore, National Highways has made clear to the applicant on various occasions, including in this examination process, that it will require Structural Reviews in respect of Brook Furlong Bridge and Weaver Lane Bridge before it can accept any change in use to the PRoWs crossing them. The outcome of those Structural Reviews will inform National Highways as to whether a further, Structural Assessment, is required. The Applicant has suggested that they don't consider such reviews/assessments ought to be required of them as they don't consider there to be a change in use, this is something that National Highways fundamentally disagree with. Some additional information as to why Structural Reviews/Assessments are required is set out below. Reasoning for Structural Review and the Requirement for Completing a Record of Structural Review Form (RSRF) CS 451 Structural review and assessment of highway structures standard in the Design Manual for Roads and Bridges (DMRB) provides a system for the structural review and assessment of highway structures to ensure that their operational capacity remains appropriate for the needs of the Strategic Road Network, taking account of deterioration over time, accidental or other damage and changes in vehicle loading associated with changes in use. The proposed changes in use along Brook Furlong Bridge and Weaver Lane Bridge constitutes a clear trigger for structural review under CS 451. Proceeding without a structural review would be contrary to the objective of CS 451, which is to reduce the risk of structural inadequacy. Therefore, National Highways requires the completion of a RSRF before we can consider whether the proposed changes of use of the PRoWs crossing the bridges are acceptable. The RSRF provides a proportionate and standardised mechanism to review the structural records, to determine the structural form, the current assessed capacity, the current condition, and the clearly defined intended future use, including vehicle types and associated loading. Its purpose in this context is to establish whether the proposed change in use represents any increase in structural or public risk, and whether further structural assessment is necessary to determine whether the structure has sufficient capacity for the proposed change in use. The RSRF should be undertaken by a Chartered Civil Engineer with relevant experience in highway bridge design, assessment and maintenance. Based on experience, the RSRF can be completed within 10 working days prior to submission to National Highways for review. Geometric limitation on Weaver Lane Bridge to Accommodate Combined Vehicle and Cyclist Access	The Applicant will continue to discuss the need for NH to be a consultee on Requirement 6. It notes, for example, that the angles of the solar panels are controlled by the Design Parameters Document, which is what the Glint and Glare Assessment was based on. As such, this risk would not arise. It is not clear how the layout, scale, finished ground level, external appearance, hard surfacing materials, accesses, parking and circulation areas (which are not proposed anywhere near the SRN) or storage, signs and lighting (noting the controls in the Outline Operational Environmental Management Plan) would have any effect on National Highways. It is not clear why National Highways should be consulted on the LEMP – the need for a car park is a local highways issue only. Any effect having a car park may or may not have on the bridge asset is a different consideration. In relation to the bridges: • Weaver Lane: The Applicant has accepted that horse provision is not acceptable on this bridge without structural alteration. It had been discussing whether cyclist provision could be acceptable with National Highways without structural alteration, on the basis that cycles weigh less than humans. It will now discuss with NH its concerns in respect of geometric limitations, noting the Active Travel England guidance and *DfT Cycle Infrastructure Design Local Transport Note 1/20* both recognise that narrow carriageways and low volumes of traffic are characteristics which reduce risks to cyclists. The Applicant wishes to take a proportionate approach, that is sensible and relevant to the specific circumstances of an accommodation bridge which experiences very low volumes of traffic and therefore the Applicant is seeking to have a conversation about the practical reality of how this bridge is actually used and designed today. The Applicant notes that if cycle track status is not able to be agreed, then the Applicant would likely need to revert to changing its plans to not change the status of the public right of way on the bridge • Brooks Furlong: The Applicant is awaiting a response from National Highways to responses to its queries arising from the submission made at ISH and in its post hearing submissions **[REP1-033]** asking what structural or operational information NH has on the bridge. It cannot determine its response until that information is provided.

Ref	ExA Question	NH Comment	Applicant's Response
		With regard to adding cycle access on Weaver Lane bridge, which is an accommodation bridge (the bridge was designed for farm access only, including farm vehicles), we believe the applicant is proposing to have unsegregated cycle and farm vehicle access. While the change in loading is insignificant and the existing parapet height is appropriate for cyclist use, the existing carriageway width (approximately 3.7m kerb to kerb) is unsuitable for combined vehicle and cyclist use from a safety perspective. Lane widths between 3.25m and 3.9m should be avoided, as drivers are likely to attempt to overtake a cyclist, resulting in a close pass, in accordance with Active Travel England advice and Critical safety issues for walking, wheeling and cycling Guidance (section 3: Lane widths), as well as Section 7.2.10 of the DfT Cycle Infrastructure Design Local Transport Note 1/20.	
9.6.1	National Highways [RR-031] said that dDCO [PD2-005] provisions, including articles 10, 12, 13, 14, 16, 17, 18, 19, 23, 24, 27, 29, 30, 31, 39 and 46, which authorise the interference with its statutory powers and responsibilities and/ or grant the applicant powers over the SRN which would have significant safety implications if not properly and proportionately controlled through protective provisions. The concerns included in relation to powers over the SRN and the use of bridges crossing the SRN. National Highways considered that detailed design approval would deal with vehicular and pedestrian accesses including its bridge structures and said that details submitted in accordance with paragraphs 6(1) and 6(4) of Requirement 6 of the dDCO [PD2-005] need to be submitted to and approved by NH. The applicant [PD2-027] responded, and updated the dDCO [PD2-027], including the protective provisions. It considered that the protective provisions did not need to deal with the interaction of the proposed development with the bridges. The applicant said that there would be no new accesses being built directly from the bridges, that the nearest extent of Work No. 8 was some distance away from the bridges, and so National Highways did not need to be a consultee for Requirement 6. i) Please could National Highways set out any outstanding concerns and provide updates during the examination?	i) NH's concerns in relation to the Articles of the dDCO remain as set out in its Relevant Rep and Deadline 1 Written Submission. Unfortunately, the PP's included in the dDCO do not go far enough to alleviate the concerns that NH has and further detail on this is set out at point ii) below. In relation to Requirement 6, National Highways' interest isn't confined solely to Works No 8. For example (but not limited only to this example), if the positioning of the solar panels is altered in any way, this would require a new glint and glare assessment to satisfy National Highways that there will be no impact to users of the SRN. For reasons such as this, National Highways considers that it needs to be involved in the detailed design process. ii) The protective provisions currently in the dDCO [REP1-005] at Schedule 27, Article 43 are not agreed by NH. NH's template form was provided to the Applicant in May 2025. The amendments received from the Applicant were substantial, because the Applicant: a. Does not consider that any works are required to the SRN; and b. Does not consider there to be a change of use to the bridge structures and therefore considers that Structural Review/Assessments are not required. NH considers that the dDCO does include provision for a change of use of the PRoW's that cross both of its bridge structures. Under dDCO Article 13(9), if a landscape and ecology plan approved by the relevant planning authority under requirement 9 of the Order includes provision for a car park, then from the date that such car park is constructed until the date that such car park is no longer available for public use; notwithstanding s48 of the 2000 Act, the use of mechanically propelled vehicles by the public is authorised on Frodsham Restricted Byway 98 (Brook Furlong) to enable access to and from the car park only. In addition, Article 13(12), has the effect of authorising emergency service vehicles to use motorised vehicles on Frodsham Restricted Byway 98 (Brook Furlong). Upon further review, it has come to light that NH ought previously to have set out that it will need to be involved in the approval of the Landscape and Ecology management Plan under Requirement 9 and would therefore ask the Applicant to update Schedule 2, Requirement 9, to this effect. Under dDCO Article 13(3), the undertaker is authorised to permanently stop up Frodsham FP81 (Weaver Lane), as shown by a dark brown line between point P and Q on the street works, public rights of way, vehicular usage and access plans. Article 13(4) goes on to state that it cannot permanently stop up that footpath until it has provided a bridleway along the route shown by a light brown line between points P1 ad Q1 on the same plan. Further to this, Article 13(12), has the effect of authorising emergency service vehicles to use motorised vehicles on Frodsham Footpath 81 (weaver Lane). These Articles represent clear changes of use and intensification from the current position and NH cannot agree to the proposed changes unless and until evidence is provided, by	

Ref	ExA Question	NH Comment	Applicant's Response
	ii) If the concerns are not addressed to National Highway's satisfaction, please could it submit its proposed changes to the protective provisions, with justification for why the changes are required?	way of Structural Review/Assessment, to satisfy NH that those changes can be accommodated by its bridge structures. Furthermore, NH's view is that without carrying out the Structural Review/Assessments which have been requested, the Applicant cannot satisfy NH that there are no works required to the SRN. NH bridges, namely Brook Furlong and Weaver Lane, are structures maintained by NH as part of the SRN and unless and until NH is provided with evidence to satisfy it that no works will be necessary to those structures as a result of the changes of use and intensification of use, NH requires the protection of its full suite of PP's which can be found at Annex A, below. a. The full suite of NH PP's will manage any works to the bridge structures that may be required as part of the Structural Review/Assessment. b. A full justification for each of the key provisions and definitions of NH's protective provisions is set out at Annex B, below.	
9.6.2	National Highways [RR-031] said that the construction phase would generate the highest level of traffic and it was essential to manage this effectively to minimise disruption, particularly given the number of other developments proposed in the area, which could lead to cumulative impacts on the M56 and M53 junctions and corridors. It said that it was studying the cumulative traffic generation for the major development proposals in the area to understand where the likely impacts would be, the scale of those impacts, and their likely timings. CWCC [RR-037] said that the proportion of the total cumulative impact that would be a direct result of the proposed development would be minimal. The applicant [APP-134] considered cumulative effects with other proposed infrastructure projects. It considered that there was the potential for significant traffic impacts if the construction periods of these projects should overlap with that of the proposed development. The oCTMP [PD2-013] includes a commitment for the applicant to maintain ongoing communications with other major developments to liaise on managing any potential cumulative impacts and, if there was a significant overlap, to establish a Construction Traffic Management Plan Working Group. The applicant assumed that the other developers would work pro-actively with it. The oCEMP [PD2-015] includes that the programme for the works	iii) NH's study into the cumulative impacts of construction traffic is a high-level tool intended to allow open discussions with planning applicants in Cheshire West & Chester, or those beyond its boundary where there might be an impact with construction movements (for example, the Connah's Quay site in Flintshire which is forecast to see construction movements from Ellesmere Port). It has been created using publicly available data from transport and highways documents produced for DCO applications. As such, the dataset does not currently include all sites which are proposed to come forward due to a lack of information available at this time. However, it is NH's intention to keep the tool up to date, as and when further information is made available. The tool is not intended to replace the need for planning applicants to undertake assessments of their transport impacts, but to show where and during what periods there is likely to be an overlap in construction movements at specific junctions to enable better planning. For example, if it is known that three developments are likely to overlap in a given period of time, we would expect the promotors to work together to ensure that impacts are mitigated through planning their construction movements more effectively. The format by which this collaboration might take place is not established, though a dedicated construction traffic working group seems like the most appropriate option. Inclusion of joint planning for construction movements should also be included in the Construction Traffic Management Plan. A version of the tool is now available for NH use. However, it currently lacks detailed information from many of the other sites due to those details not being currently available, and we would therefore caution against its use at this time. However, we foresee it being useful for NH, CW&C Council and developers in the future through a transport working group or other forum. v) Planning for abnormal loads should be undertaken as part of an established working group, and NH would welcome advanced site of these movements to enable better planning. It is expected that AIL movements will be dealt with through the normal Electronic Service Delivery for Abnormal Loads (ESDA) system, and as such we wouldn't have further comment to make.	The Applicant notes National Highways submission. The Applicant's **outline Construction Traffic Management Plan [as updated alongside this submission]** provides for a working group in which NH and CWaCC are a member and cumulative projects are invited to attend. The Applicant recognises that having NH being able to bring this tool to this group will be of benefit to the group.

Ref	ExA Question	NH Comment	Applicant's Response
	would be prepared cognisant of other nearby developments which could result in cumulative construction effects. i) Please could the applicant set out the consideration has been given to potential cumulative impacts in relation to the traffic from any major replacement activities during the operational phase? ii) Please could the applicant comment on the sensitivity of the Transport Assessment [APP-134] to assumptions of timing in relation to the construction of the proposed development and other major development proposals in the area? How can the ExA be satisfied that it has considered as reasonable worst case? iii) Please could National Highways provide its study of the cumulative traffic generation for the major development proposals in the area and set out the proportion of traffic generation that would result from the proposed development? iv) When National Highway's study is available, please could the applicant set out any implications for its Transport Assessment [APP-134] and mitigation proposals? National Highways [RR-031] encouraged the applicant to engage with NH at an early stage to establish an appropriate movement strategy for abnormal loads. CWCC [RR-037] said that impacts of abnormal traffic movements relating to the proposed development and considered cumulatively with other projects needed consideration. The applicant updated the oCTMP [PD2-013] to clarify that it would be a responsibility of the proposed Construction Traffic Management Plan Working Group to co-ordinate the planning of abnormal load movements across the identified cumulative developments. v) Do National Highways or CWCC have any outstanding concerns about the applicant's proposed mitigation measures for abnormal loads?		

Ref	ExA Question	NH Comment	Applicant's Response
	The applicant [APP-134] considered that a reasonable worst case of impacts during the decommissioning phase was those for the construction phase. For the construction phase it considered that there was a potential for significant traffic impacts cumulatively with other proposed infrastructure projects. vi) What reasonable worst case of cumulative traffic impacts during the decommissioning phase does the applicant suggest for the purposes of the planning balance?		
10.0.4	Cadent Gas Limited [RR-020], Frodsham Wind Farm Limited [RR-047], Inovyn Chlorovinyls Limited and Ineos Fluor Limited [RR-004], Inovyn Enterprises Limited [RR-001], National Gas Transmission plc [RR-032], National Highways [RR-031], NGET [RR-021], SP Energy Networks [RR-018], The Canal & River Trust [RR-010], United Utilities Water Limited [RR-006] have commented on the powers requested by the applicant. i) Please could each organisation set out any outstanding concerns and provide updates during the examination? ii) If the concerns are not addressed to any organisation's satisfaction, please could it submit its proposed changes to the dDCO [PD2-005], including any protective provisions, with justification for why the changes are required? iii) Please could National Highways advise the full name of its legal entity for relevant land right purposes? iv) Please could SP Energy Networks advise its relation to SP Manweb and the full name of its legal entity for relevant land right purposes?	i) Please see NH comments above in relation to its outstanding concerns. ii) Please see NH comments above in relation to the PP's it requires. iii) National Highways full name for relevant land rights purposes is National Highways Limited (company number: 09346363).	The Applicant notes this comment.

Table 2-4: Response to Natural England's Submissions

Ref	ExA Question	NE Comment	Applicant's Response
1.0.8	Pollution Control Paragraphs 4.12.2 and 4.12.10 of NPS EN-1 note that the planning and pollution control systems are separate but complementary, that pollution control is concerned with preventing pollution using measures to prohibit or limit the releases of substances to the environment, and to ensuring that ambient air, water, and land quality meet standards that guard against impacts to the environment or human health. It states that the Secretary of State (SoS) should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. Paragraph 4.12.15 of NPS EN-1 requires the SoS to consider if the EA, any pollution control authority, Statutory Nature Conservation Bodies, Drainage Boards, water and sewerage undertakers, and other relevant bodies are satisfied that: • potential releases can be adequately regulated under the pollution control framework; and • the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution would make the Proposed Development unacceptable, particularly in relation to statutory environmental quality limits. i) Please could the relevant bodies comment, highlighting any specific concerns? ii) Please could the applicant provide evidence of whether relevant bodies, including the water and sewerage undertakers, are satisfied and what concerns remain? iii) Please could the applicant set out the steps that will be taken to resolve any outstanding concerns? iv) Please could the relevant bodies and the applicant provide regular updates to the examination?	Natural England (NE) is satisfied that pollution impacts can be adequately controlled.	The Applicant notes this comment.
1.0.9	Local Authority and Other Statutory Body Resourcing Do the relevant bodies have any concerns about their resources for the consideration of submissions, approvals and monitoring necessary for the implementation of the proposed development?	NE does not have any concerns.	The Applicant notes this comment.
3.1.2	Migratory pathways for contaminants Are you satisfied that the migratory pathways for contaminants within soils and perched groundwater and soil dusts to impact sites of special scientific interest (SSSI) and ecology within surface water and terrestrial habitats would not be significant in EIA terms. If you disagree with the	NE is satisfied with the applicant's assessment.	The Applicant notes this comment.

Ref	ExA Question	NE Comment	Applicant's Response
	applicant's assessment, provide relevant justification and evidence to support your position.		
3.2.1	Migratory pathways for contaminants Are you satisfied that migratory pathways for contaminants within soils and perched groundwater and soil dusts to impact SSSI and ecology can be mitigated by measures such as Groundwater and Surface Water Management Plan? If no, please provide justification and relevant evidence to support your position.	NE is satisfied with the proposed mitigation measures.	The Applicant notes this comment.
3.2.6	Mobile contaminants Are you satisfied that migration of leachable and otherwise mobile contaminants to groundwater within superficial deposits from soils and perched groundwater can be mitigated by the management practices noted by the applicant in its oCEMP [APP-136]? (Refer to Table 10-14: Assessment of Likely Impacts and Effects with Incorporated Mitigation Applied of Chapter 10 Ground Conditions [APP-043]). If no, please provide justification and relevant evidence to support your position.	NE is satisfied with the proposed mitigation measures.	The Applicant notes this comment.
3.2.9	Mitigation approach for contaminants Further to the Issue Specific Hearing 1 and item agenda 5h, can you advise if you are satisfied with the applicant's management approach to: i) Elevated concentration of lead ii) Polychlorinated biphenyls iii) Hydrocarbons in soils iv) Leachable contaminants from dredging materials v) Ground gases from the organic dredging silts and clay	NE does not have any specific comments to make on this question.	The Applicant notes this comment.
3.2.15	Potential compaction and hydrological impact to peat Are you satisfied with the applicant's response [PD2-027] to CWCC's concern [RR-037] regarding potential compaction and hydrological impacts to peat, which state that ground investigation shows there is no peat present at depth which could be impacted by the proposed development? If not, please explain why not.	NE does not have any concerns in relation to peat.	The Applicant notes this comment.
4.0.2	Great Crested Newts Can you advise if restricted access to ponds/waterbodies within 0.5km of the Main Development Area could have a meaningful impact on the significance of effects assessment including mitigation for Great Crested Newts?	NE notes that there are no licensing requirements with regards to great crested newt therefore we have no specific comment to make on this question.	The Applicant notes this comment.
4.0.6	Consideration of reptiles in the Environmental Statement Are you satisfied with the applicant's relevant representation response (reference CWACC7.85 [PD2-027]) that reptiles	NE notes that there are no licensing requirements with regards to reptiles therefore we have no specific comment to make on this question.	The Applicant notes this comment.

Ref	ExA Question	NE Comment	Applicant's Response
	have been fully and appropriately considered in the Environmental Statement? If no, please provide justification and relevant evidence to support your position.		
4.1.2	Badger Paragraph 7.7.32 of Terrestrial Ecology [APP-040] notes that habitats will be largely retained and protected during the construction process. Can you please provide your comments on this statement and can NE confirm whether you intend to grant or refuse a licence to interfere with a badger sett for the purposes of the proposed development?	NE has not been approached by the applicant with regards to a badger licence request. The applicant should contact NE for further advice if a badger licence is required.	Table 5-1 (page 53) of the **oCEMP [as updated alongside this submission]** presents methods for the avoidance of disturbance to an active badger sett. The Applicant does not consider that a badger license will be required with the implementation of such methods. The same table includes a commitment to a pre-construction badger survey; in the event that the survey identifies changes to badger sett locations, or that there is potential for disturbance of badgers, the Applicant acknowledges the legal protections afforded to badgers and will ensure full compliance, through licensing if considered necessary by the ecological clerk of works.
4.1.3	Badger and Otter Are you satisfied with the applicant's relevant representation response (reference CWACC7.88 [PD2-027]) that the proposed development would not adversely impact wildlife corridors or buffers? If no, please provide justification and relevant evidence to support your position.	NE notes that there are no licensing requirements with regards to badger and otter therefore we have no specific comment to make on this question.	The Applicant notes this comment.
4.1.4	Bat Can you comment on whether spring surveys, additional static detectors, and surveys of the NBBMA would alter the conclusion of no significant residual effects on bats?	NE notes that there are no licensing requirements with regards to bats therefore we have no specific comment to make on this question.	The Applicant notes this comment.
4.4.2	NBBMA Are you satisfied with: i) The applicant's Cleeve Hill Solar Park mitigation method to calculate the amount of NBBMA required to accommodate the types of non-breeding bird utilising the OL ii) The relevant representation response (reference CWACC7.51 [PD2-027]) that the NBBMA would provide adequate mitigation If no, please provide a summary and reasons for your position.	i) NE previously commented on the applicant's use of the Cleve Hill Solar approach in our Relevant Representation (RR) response (NE46) and set out our concerns regarding the methods and figures used. We note that the applicant has since provided further detail within Annex 1 of the Outline NBBMS. Overall NE does not consider the use of the Cleve Hill approach as a robust approach for this development and so it cannot be relied upon. This is based on the following reasoning: • There is insufficient detailed data available from the entire SADA to input to the calculations. • The calculations only give a like for like figure in respect of arable land not grassland or wetland habitats and there is no metric that can be applied to give the area of mitigation of the type that is being proposed. • No reference or justification has been given to the bird-days figure given for curlew. NE is not aware of a figure that exists for curlew, and so justification is required to explain how 1ha of land will feed the same number of curlews as lapwings, when a curlew is about 3 times the size of a lapwing. • We consider the applicant misunderstands the meaning of the bird-days calculation. The applicant has stated that 'Applying a uniform BDC across the whole SADA footprint therefore incorporates large areas that support negligible or zero use by multiple qualifying features'. However, where there is zero use, there are zero bird-days added to the calculation, and where there is minimal use, only minimal bird-days are added to the calculation. In addition, a mean of the bird counts is used, this takes account of zero counts.	The Applicant agrees that the "Cleve Hill approach" is not considered a robust approach if this were to be taken in isolation. The Applicant's position, as previously set out in response to Cheshire West and Chester Council's concerns, is that bird-day calculations have not been intended to be relied upon in isolation and have only been used as a supplementary tool to inform the scale of mitigation required, rather than to define an absolute requirement. The Applicant has previously explained that the reference to Cleeve Hill was used as a methodological benchmark for that supplementary exercise where metrics do not exist, not as a direct quantifiable approach to be strictly applied to the Proposed Development. In terms of the specific point raised by Natural England about curlew bird-day assumptions , the Applicant has previously explained through on-going engagement (in the Applicant's response to Natural England's relevant representation points within **PD2-027**) that the carrying capacity benchmark applied to lapwing was treated as precautionarily applicable to curlew as part of an "open-field wader guild", on the basis of overlapping habitat use and supporting survey evidence, whilst also emphasising that bird-day calculations form only part of the overall

Ref	ExA Question	NE Comment	Applicant's Response
		Used correctly in the right circumstances the calculation can be a helpful way of assessing mitigation needs because it does not overestimate requirements based on area lost that might be used only occasionally, but it gives a way of not dismissing that occasional use. However, we do not consider that the bird-days calculation can be used for this particular development. ii) NE is satisfied that the NBBMA will provide adequate mitigation via an uplift in habitat quality as: • The site investigations show that the scrapes and wet grassland areas based on the earthworks proposed can be delivered. • Water balance calculations (Annex 4 of Appendix B Outline NBBMS) show that the wetland is deliverable. Better water level control will mean that the quality of the NBBMA will be more reliable, which is an improvement over the current situation. • The improved sward management will lengthen the season that the grassland is in suitable condition for SPA birds. • Improved habitat quality across the NBBMA with better management will increase the capacity sufficiently to accommodate displaced birds and so help to reduce the impacts of the development and avoid an AEoSI. Our advice is given subject to the NBBMA being managed by an appropriate conservation body and that an Adaptive Management Plan (AMP) is included as part of the detailed NBBMS. The AMP must set out the further measures that may be required to ensure the success of the habitat creation and appropriate water and grassland management. This may range from identification of further adaptive changes to the management practices within the NBBMA or the inclusion of additional areas of land that could be managed for non-breeding birds in addition to the NBBMA.	mitigation rationale. Natural England were satisfied with the response and had requested that justification was included in the **oNBBMS [EN010153/DR/8.32]** where the bird-day calculations are situated. The additional information has been provided in the updated **Information to Inform a Habitat Regulations Assessment (HRA) Report [as updated alongside the Deadline 3 submission].** Accordingly, and consistently with the Applicant's previous submissions, the Applicant agrees with Natural England's overarching point that bird-day calculations should not be treated as a standalone or determinative metric and reiterates that the mitigation strategy is not dependent on that calculation alone. The Applicant has engaged with Natural England since the first submission and has welcomed their advice. ii) The Applicant notes Natural England's conclusion that it is satisfied that the NBBMA would provide adequate mitigation via an uplift in habitat quality, subject to the NBBMA being managed by an appropriate conservation body and an Adaptive Management Plan (AMP) being included as part of the detailed NBBMS. The Applicant has already committed to dynamic management of the NBBMA and the oNBBMS has been updated to reflect the requirement for an appropriately experienced conservation to be responsible for its management, noting that discussions are ongoing with the RSPB. The final management arrangements to be confirmed prior to commencement of works. The Applicant has also taken Natural England's considerations with regards to sward length and has updated the oNBBMS to reflect this. The Applicant has also already set out that monitoring and review will be undertaken against success criteria and that remedial measures will be implemented under the Adaptive Management Plan where monitoring indicates criteria are not being met. On this basis, and consistent with the Applicant's existing submissions, the Applicant maintains the position referenced at CWACC7.51 that the NBBMA will provide adequate mitigation, alongside management, noting that the Applicant's commitments on management governance, monitoring, and adaptive management align with the conditions identified by Natural England in its response to Q4.4.2.
4.4.3	Frodsham windfarm mitigation areas Can you respond to CWT's relevant representation [RR-019] that the applicant should not be re-allocating Frodsham windfarm mitigation areas for its NBBMA and should be providing additional mitigation areas on top of that?	NE advises it is possible to have mitigation on the same parcel of land which is an existing mitigation area, subject to a sufficient uplift in habitat quality to mitigate for all birds displaced by both developments.	The Applicant notes this comment, which is consistent with the Applicant's approach.

Ref	ExA Question	NE Comment	Applicant's Response
4.4.6	Mersey SSSI Are you satisfied that the mitigations proposed by the applicant will mitigate any harmful aspects of the proposed development on the Mersey SSSI and, where possible, would conserve and enhance the SSSI affected by the proposed development?	NE provided updated comments on the Mersey Estuary SSSI in our recent Written Representation (WR) response. We have outstanding concerns which need to be addressed, noting that there are coinciding impacts on non-breeding bird features of the SSSI, and issues in relation to the works that will take place within part of the Mersey Estuary SSSI. We welcome further clarification from the applicant on our comments within our WR.	The Applicant has updated both the updated **Information to Inform a Habitat Regulations Assessment (HRA) Report [as updated alongside the Deadline 3 submission]** and the **oNBBMS [EN010153/DR/8.32].** in line with ongoing engagement with Natural England regarding the SSSI. These updates include specific measures setting out how the SSSI canal pools will be restored, managed and maintained, and what this management will deliver in terms of their condition and function. The oNBBMS and the relevant draft DCO requirement together secure the long-term management of the canal pools within the SSSI, ensuring they continue to function as supporting habitat and a high tide roost for overwintering bird features of the SSSI (and SPA), including beyond the life of the solar farm. The Applicant is committed to restoring and maintaining the SSSI canal pools to favourable condition (as is currently unfavourable), consistent with the relevant SSSI conservation objectives, for roosting overwintering birds. The measures to achieve this are set out in the **oNBBMS** and are secured via Requirement 9 of the draft DCO.
4.5.1	Environmental Statement conclusions for terrestrial ecology Are you content with the applicant's assessment in its Terrestrial Ecology Chapter 7 (Vol 1) [APP-040] that there would be no residual significant effects as a consequence of the proposed development? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.	Natural England does not have any further concerns beyond those already outlined within our WR.	The Applicant notes this comment.
4.5.4	Impacts on Local Wildlife Site (LWS) Can you advise if you agree with the applicant's assessment that although there would be significant temporary adverse effects on Frodsham, Helsby and Ince Marshes LWS during the construction phase, and that there would be significant positive effects in the medium-long term? If you disagree with the applicant's assessment, please provide justification and evidence to substantiate your position.	NE does not have any specific comments to make on this question.	The Applicant notes this comment.
4.5.5	Frodsham, Helsby and Ince Marshes LWS Can the applicant confirm if its significance of effects conclusion (during permitted preliminary works/construction, operation, and decommissioning stages) took into account Frodsham, Helsby and Ince Marshes LWS qualifying features? If any party believes the applicant's significance of effects conclusion omitted any qualifying features associated with	NE does not have any specific comments to make on this question.	The Applicant notes this comment.

Ref	ExA Question	NE Comment	Applicant's Response
	Frodsham, Helsby and Ince Marshes LWS, please provide justification and evidence to substantiate your position.		
4.5.6	Noise assessment Are you satisfied with the applicant's noise assessment and that there would be no significant effect on any species? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.	NE is satisfied with the applicant's noise assessment, this has been confirmed in our WR. We are satisfied that impacts with regards to noise can be mitigated.	The Applicant notes this comment.
4.5.7	Biodiversity net gain metric Are you satisfied that the latest BNG metric [PD2-032] : i) Follows best practice/guidance? ii) Contains the necessary information? iii) That habitat, hedgerow and watercourse are classified accurately? iv) The metric results are correct? If no, please provide justification and relevant evidence to support your position.	NE does not have any specific comments to make on this question.	The Applicant notes this comment.
4.5.8	Biodiversity net gain proposal Are you satisfied with the Applicant's assessment that the proposed development will deliver a measurable gain in biodiversity units? The project design committed to achieving a minimum increase of 10 % in habitat and hedgerow units and no net loss in watercourse units (paragraph 7.7.66 of ES Chapter 7: Terrestrial Ecology [APP-040]. If no, please provide justification and relevant evidence to support your position.	NE does not have any specific comments to make on this question.	The Applicant notes this comment.
4.6.2	NPS EN-1 Can you comment whether paragraph 4.6.7 of NPS EN-1 has been satisfied which notes that the latest version of the biodiversity metric is encouraged and that calculation data for biodiversity baseline and present planned biodiversity net gain outcomes are presented in full as part of the application?	NE does not have any specific comments to make on this question.	The Applicant notes this comment.
4.6.3	NPS EN-1 Are you satisfied that the proposed development meets the following paragraph in NPS EN-1: paragraph 4.6.15 Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where appropriate, incorporated into proposals as part of good design (including any relevant operational aspects) of the project.	NE does not have any specific comments to make on this question.	The Applicant notes this comment.

Ref	ExA Question	NE Comment	Applicant's Response
	If no, please provide justification and relevant evidence to support your position.		
5.1.3	NE's conclusions on likely significant effects and AEoI Can NE confirm whether it agrees with the applicant's conclusions in respect of likely significant effects and AEoI for the European sites and features considered in the Information to Inform Habitats Regulations Assessment (the HRA Report) [PD2-009] which are not specifically referenced in its RR [RR-012]?	NE agrees with conclusions for likely significant effects and no Adverse Effect on Site Integrity (AEoSI) that are not referenced within our RR.	The Applicant notes this comment.
5.1.4	Functionally linked land NE in its RR [RR-012] highlights concerns in relation to the definition utilised for functionally linked land (FLL) and the need for the HRA to ensure the assessment considers the SADA as a whole as FLL and provide suitable mitigation for all FLL affected. The applicant provided an updated HRA Report [PD2-009] at Procedural Deadline B which incorporates additional data analysis and clarifies the applicant's approach to FLL. Can NE confirm whether it is content that its comments in relation to this matter have been resolved and whether they consider the proposed NBBMA to be sufficient for the entire SADA?	NE is satisfied that this matter has been resolved now.	The Applicant notes this comment.
5.1.5	In-combination assessment NE [RR-012] and CWCC [RR-037] have provided advice on the approach and projects to be considered within the in-combination assessment. The applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] submitted at Procedural Deadline B provides a response to the matters raised. Can NE and CWCC confirm whether they agree with the applicant's approach and projects to be considered within the in-combination assessment?	NE welcomes the additional information provided by the applicant with regards to in-combination however we consider that there are matters outstanding which require further consideration by the applicant. Our detailed advice is given within our WR.	The Applicant has provided a response to this point with reference to Ref. NE35 of the **Applicant's Response to Written Representations [as provided alongside this submission]**.
5.1.7	Redshank i) Can you confirm if passage redshank is a qualifying feature of the Mersey Estuary SPA and whether it should appear as such in Chapter 8 of the ES [APP-041] and the Information to Inform the Habitats Regulations Assessment [PD2-010]? ii) If so, and noting that redshank was recorded in ornithological surveys during September [APP-082], for example, should the assessment of possible AEoI in relation to redshank from the Mersey Estuary SPA (including those using the functionally linked land) clearly address the wintering flock and the passage flock separately? iii) Which months of the year might passage redshank be expected to be present, and do the ornithological surveys	i) Redshank is a non-breeding feature for the Mersey Estuary SPA and is recorded correctly as such within both the ES and HRA. ii) NE is satisfied with the assessment of redshank within the HRA. There is no requirement for separate assessment of passage and wintering birds. iii) Data from the BTO Wetland Bird Survey (WeBS) for the Mersey Estuary (which includes the SPA/Ramsar and wider areas) shows that redshank are present in large numbers between August and April, however the data for the specific sector that covers the Western SADA and Cell 6 does not show particularly high numbers of redshank at any time of year. NE is satisfied that the surveys are sufficient with regards to redshank in view of the WeBS data, further supported by the survey data gathered by the applicant. iv) NE does not consider specific mitigation measures are required for Redshank. v) NE is satisfied that additional mitigation is not required for redshank.	The Applicant notes this comment.

Ref	ExA Question	NE Comment	Applicant's Response
	adequately cover these autumn and spring periods in terms of the survey dates and the number of surveys caried out? iv) Could disturbance avoidance mitigation measures of a similar nature to those identified to avoid an AEoI of the wintering qualifying bird species be required to avoid an AEoI of a passage redshank qualifying feature? v) Noting the intention to start construction works on the non-breeding bird mitigation area in March and the possibility of these extending into November, could these include extended seasonal restrictions on noisy and otherwise disturbing construction activities in addition to physical mitigation commitments? If so, what should these be?		
5.1.9	Zone of influence The HRA identifies European sites within a Zone of Influence (ZoI) of 10km from the OL. i) Can the applicant provide a justification as to why the 10km ZoI buffer utilised is considered sufficient? The applicant is requested to consider NE's definition of FLL in its response. Can NE confirm whether it considers that any additional European sites should have been identified in addition to those already identified within the HRA Report?	NE is satisfied that there are no further European sites that require consideration within the HRA. NE is satisfied with the buffer distance applied by the applicant with regards to FLL for the Mersey Estuary SPA/Ramsar.	The Applicant notes this comment.
5.2.1	Mitigation proposals for habitat loss affecting SPA species NE [RR-012] and CWCC [RR-037] state that they do not consider that sufficient information has been provided to demonstrate that the mitigation proposals for habitat loss for SPA species are satisfactory. The applicant provided further information in the updated NBBMS (contained within the OLEMP [PD2-023]) which included a Water Balance Report (Annex 4) at Procedural Deadline B. i) Can NE and CWCC confirm whether they consider adequate information has been provided to demonstrate that the mitigation proposals for habitat loss affecting SPA species are satisfactory, and if not, identify any outstanding issues? Additionally, can they confirm whether they are satisfied with the updated details on the long-term management of the mitigation area?	NE provided detailed comments within our WR on the matters outstanding with regards to the NBBMS. Our remaining main concerns regarding the NBBMS relate to the securing of a conservation body to undertake the long-term monitoring and management of the NBBMA. We welcome the applicant providing a letter from the RSPB regarding their position with regards to the NBBMA, and that they have an ongoing interest in the long-term management of the area. Confidence can be taken from this and it does help overcome our concerns to some extent. However, we wish to have further updates from the applicant on their ongoing discussions with RSPB to ensure there is a firm commitment in place prior to decision. It is fundamental to the NBBMS that a conservation body take on the long-term management, but equally that they are on board and involved with detailed design of the NBBMA too. For this reason, the NBBMS should include a firm commitment to having a conservation body as the management body and not 'suitably qualified and experienced personnel will be employed and / or contracted by the Applicant' as has been stated within the NBBMS. We do not consider that there are other suitable personnel that could manage the NBBMA to the required level to ensure success of the mitigation area and accordingly provide sufficient certainty with regards to the HRA.	The Applicant has provided a response to this point with reference to Ref. NE30 of the **Applicant's Response to Written Representations [as provided alongside this submission]**. The **Outline NBBMS [EN010153/DR/8.32]** has been updated to be clear that it will be a nature conservation body that takes on management of the NBBMA with references to other professionals deleted. The identity of this organisation will need to be confirmed for the NBBMS to be able to be approved and construction of the Proposed Development to commence. As such, this is secured.
5.2.2	Quantity and type of habitat loss Limited detail has been provided within the HRA Report [PD2-009] with regard to the quantity and type of habitat loss.	ii) NE is satisfied that the habitats proposed within the NBBMA will meet the habitat requirements of displaced SPA birds. The habitat diversity and size of habitats as proposed within the NBBMA is accepted on the basis that they will provide additional suitable habitat of high quality that will be subject to high level grassland and water level management to	The Applicant notes this comment.

Ref	ExA Question	NE Comment	Applicant's Response
	i) Can the applicant please provide further detail on these matters including reference to the timeframes for each proposed habitat component within the NBBMS to become functional? ii) Can NE and CWCC confirm whether they agree with the applicant's proposed NBBMA habitat components and whether they consider the NBBMA to be of a sufficient size and habitat makeup to mitigate for the loss of land within the entire SADA?	create optimum conditions for SPA birds across the entire non-breeding season on a consistent year to year basis, supporting SPA bird populations and ensuring no AEoSI.	
8.0.3	ES conclusions Are you content with the applicant's assessment that there would be no residual significant effects as a consequence of the proposed development? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.	NE does not have any specific comments to make on this question.	The Applicant notes this comment.
8.1.4	Sampling and analysis Can you summarise what sampling and analysis of the water environment should/would be undertaken prior and during the permitted preliminary works?	NE does not have any specific comments to make on this question.	The Applicant notes this comment.
9.4.2	Piling For the construction phase, the assessment [APP-054] assumed the use of non-percussive mini piling for the solar panels and non-percussive continuous flight augur piling for the BESS. To ensure the integrity of the assessment, should those piling methods be secured and should it be secured that percussive piling would not be permitted?	NE advises that the piling methodology is secured, the assessment has been undertaken to account for non-percussive piling and any changes to this will invalidate the assessment conclusions. Should percussive methods be required as an alternative for use during construction then these should be assessed at this stage.	Refer to the Applicant's response to Q9.4.2 in **Applicant Responses to ExA First Written Questions [REP2-003]**. A hydraulic hammer rig (i.e. percussive piling) was assumed as a worst case for the BESS piling. Reference to CFA piling at paragraph 5.3.21 is made in relation to possible measures that could be employed to reduce or control noise levels during construction if required.

Table 2-5: Response to Canal and River Trust's Submissions

Ref	ExA Question	CRT Comment	Applicant's Response
3.2.7	Foundation and excavation works Do you have any outstanding concerns regarding the applicant's proposed methodology for foundation and excavation works in relation to the potential for mobilisation of contaminants or the potential for silt-laden runoff, given the continuity between the River Weaver and the Weaver Navigation watercourses? If so, can you provide details of your remaining concerns.	The Trust raised the concern of the potential for mobilisation of contaminants and silt-laden runoff, given the continuity between the River Weaver and the Weaver Navigation, and that a particular risk of contaminant mobilisation is associated with ground disturbance during foundation works. The Trust sought reassurance that ongoing investigation and mitigation would apply to the Frodsham SPEN Grid Connection works in association with Work No. 4A as defined in the dDCO (REP1-005) and in Chapter 2 of the Environmental Statement (APP-035). These works are referred to as the 'SPEN Grid Connection' in the outline Construction Environment Management Plan (OCEMP) (REP1-020), hereafter called Frodsham SPEN Grid Connection. The Trust is satisfied with the proposed mitigation and environmental measures to be secured in the Requirements outlined in Schedule 2 of the dDCO (REP1-005) and as required to be provided in later detailed Construction Environment Management Plans (CEMP(s) for each package of works, in substantial accordance with the OCEMP (REP1-020) as outlined below. Requirement 12 of the dDCO (REP1-005) secures a CEMP to be prepared for each phase of the authorised development, and Requirement 11 secures a Surface Water Drainage Strategy and a Construction Groundwater and Surface Water Management Plan (CGWSWMP). The OCEMP secures the requirement for the Applicant to produce a Foundation Works Risk Assessment (FWRA), and a Piling Risk Assessment (PRA) in the interests of safeguarding water quality and preventing contaminant remobilisation when foundation works are needed. The mitigation practices and environmental management outlined in the OCEMP (REP1-020), in Requirements of Schedule 2 of the dDCO (REP1-005) and in Chapter 10 in the Environment Statement (Ground Conditions) (APP-043), along with matters to be addressed in any FWRA, PRA and CSWGWMP, are considered appropriate at this stage. Potential pollution and mobilisation of contaminates would be addressed through preparation of the above documents and the Trust request to be consulted on any FWRA(s), PRA(s), CGWSWMP(s) and any final CEMP(s) relevant to Work Package 4a - Frodsham SPEN Grid Connection. If the ExA considers it appropriate to secure that the Trust is consulted on the development of these specific documents, requirements 11 and 12 could be amended to include wording along the lines of: "…such approval to be in consultation with the Environment Agency and, in respect of the [construction ground water and surface water management plan][construction environmental management plan] which relates to Work No. 4A only, the Canal & River Trust." On the basis that Requirement 12 of the dDCO secures the preparation of a CEMP for each phase of the authorised development, which would include the construction of Works Package 4A 'Frodsham SPEN Grid Connection', the Trust is satisfied that the Frodsham SPEN Grid Connection would be mitigated by the above.	The Applicant notes the Canal and River Trust are satisfied that the mitigation secured by the **draft DCO [as updated alongside this submission]** is appropriate. The Applicant has also updated the draft DCO to account for CRT's requests in relation to the Requirements.
9.6.6	Canal & River Trust comments The Canal & River Trust raises concerns, including: • clarification that the works to the SPEN substation, in connection with grid connection, would not exceed the level of vehicle use outlined in the Transport Assessment [APP-134] • any proposed increase in use of the Access Track and Sutton Swing bridge (which is owned and managed by the Trust), including the impact of	The Trust raised concerns regarding potential impact on the Frodsham SPEN Access Track, including the adjacent bank of the Weaver Navigation, as a result of the type and number of construction vehicles required for Works Package 4A (Frodsham SPEN Grid connection) having to use the Access Track to Frodsham SPEN substation during the works. The Trust welcome written confirmation from the Applicant that the forecast number of vehicle movements are adequate to accommodate the Frodsham SPEN Grid Connection works and that the Applicant does not anticipate the predicted number of vehicles movements on the Frodsham SPEN Substation Access Track to exceed the level of vehicle use outlined in the Transport Assessment (APP-134). It is welcomed that the outline Construction Traffic Management Plan (oCTMP) (REP1-018) confirms the anticipated	The Applicant has updated the **oCEMP [as updated alongside this submission]** in line with the CRT's requests.

Ref	ExA Question	CRT Comment	Applicant's Response
	traffic on the route and the stability of the embankment of the Weaver Navigation • existing movement and longitudinal cracking in areas of the Access Track, and that the means of supporting the roadway along the river sections, or condition below water level, is not known • details of any indivisible abnormal load vehicles needing to cross the Sutton Swing bridge • clarification that mitigation measures and management of construction traffic would also apply to the Access Track i) Please could the applicant respond? ii) Please could the Canal & River Trust set out any outstanding concerns and provide updates during the examination?	vehicle numbers in Section 4.2 for reference. Based on the confirmation that the forecast figures can accommodate the construction traffic for Works 4A, no concern is raised by the Trust in connection with use of the Access Track and traffic route over Sutton Swing bridge subject to figures not increasing. The Trust welcome that the OCTMP (REP1-018) refers to a commitment to 'liaise with the Canal and River Trust pre and during construction to confirm vehicle numbers and any traffic measurement requirements on the access road to SPEN Frodsham Substation, ensuring that access is able to be made to Marsh Lock at all times, which will allow for the Trust to feedback on and influence these measures. It is acknowledged that any subsequent finalised CTMP for any phase must be in substantial accordance with the oCTMP (REP1-018), and the Applicant has outlined the respective CTMP would apply to the Frodsham Substation Access Track. We consider an explicit reference in the OCTMP that the mitigation measures and management of construction traffic outlined in the OCTMP would be relevant to Works Package 4A, where applicable, including any subsequent CTMP for Works Package 4A (connection to Frodsham SPEN substation), would provide greater clarity to the undertaker and its contractors, which would in turn provide help ensure protection of the narrow access track during the works. In line with confirmation that the construction use of Frodsham SPEN Access Track would not exceed that assessed in the Transport Assessment, the Trust note that Schedule 1, describing the authorised works themselves, Part 2, Article 6 in the dDCO with reference to maintaining the authorised development, and Schedule 2 Article 5 relating to approval of any amendment to the Approved scheme, do not authorise the carrying out of any works which are likely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement. Eg, any works resulting in a material increase in construction traffic numbers using in the access track for Works Package 4A including the Sutton Swing bridge is not authorised. The revised oCTMP (REP1-018) refers to the management of Abnormal Indivisible Loads (AIL) and the Trust would seek that the outline CTMP is updated to refer to the requirement to accord with the AIL procedure for Sutton Weaver Bridge, for clarification for further detailed CTMP(s) for each phase, where applicable, and to ensure any necessary consents are obtained. The OCEMP outlines, at page 71, 'The appointed contractor will undertake such monitoring as is necessary. Further details to be confirmed in the DEMP.' The Trust requests this is amended to 'Requirement for monitoring and further details to be confirmed in the CEMP and CTMP.' The Trust's concerns regarding the Access Track are satisfied by the confirmation of the transport figures not increasing, the requirement to prepare a CEMP and CTMP for each phase, including Work Package 4A Frodsham SPEN grid connection and the OCTMP being revised to reflect that traffic management applies to Works Package 4A.	
10.0.4	Cadent Gas Limited [RR-020], Frodsham Wind Farm Limited [RR-047], Inovyn Chlorovinyls Limited and Ineos Fluor Limited [RR-004], Inovyn Enterprises Limited [RR-001], National Gas Transmission plc [RR-032], National Highways [RR-031], NGET [RR-021], SP Energy Networks [RR-018], The Canal & River Trust [RR-010], United Utilities Water Limited [RR-006] have commented on the powers requested by the applicant.	The Applicant has agreed that the Trust would be able to access Marsh Lock at all times (24/7 as required by our operational needs) and the revised dDCO accurately reflects the Trust's request to amend Part 3 Article 12 to account for the need to maintain the Trust's access to Marsh Lock and its infrastructure.	The Applicant notes this comment.

Ref	ExA Question	CRT Comment	Applicant's Response
	i) Please could each organisation set out any outstanding concerns and provide updates during the examination? ii) If the concerns are not addressed to any organisation's satisfaction, please could it submit its proposed changes to the dDCO [PD2-005], including any protective provisions, with justification for why the changes are required? iii) Please could National Highways advise the full name of its legal entity for relevant land right purposes? iv) Please could SP Energy Networks advise its relation to SP Manweb and the full name of its legal entity for relevant land right purposes?		

Table 2-6: Response to Cheshire Wildlife Trust's Submissions

Ref	ExA Question	CWT Comment	Applicant's Response
4.0.6	Consideration of reptiles in the Environmental Statement Are you satisfied with the applicant's relevant representation response (reference CWACC7.85 [PD2-027]) that reptiles have been fully and appropriately considered in the Environmental Statement? If no, please provide justification and relevant evidence to support your position.	We do not believe that the applicants have adequately considered the reptiles on the site. The desk search for reptiles in the area was limited to 2km, which would not (and clearly has not) capture species records for the wider area. Despite the applicant's claims that "the closest reptile was recorded at Sandiway Golf Course and LWS, approximately 13 km southeast of the Main Development Area", there is a known population of slow worms in the Helsby Allotments (a designated Local Wildlife Site for this reason), about 2.3km from the development site. It is likely a remnant population from a time when they were more widely dispersed in the landscape, which used to be less fragmented and better habitat. The presence of this isolated population within a residential area indicates that other remnant populations could be present in the area, for example in the scrub along the railway lines, or in the scrubby and rough grassland at Frodsham Marshes. Slow worms are highly sedentary. While this characteristic makes them unlikely to colonise new areas, it also means that they would easily get trapped within a site bounded by barriers to dispersal. Their restriction to one spot also makes them easy to miss if their exact location is not surveyed. Unless every single suitable habitat on the site has been surveyed for reptiles, the presence of reptiles cannot be excluded. It is therefore imperative that the surveys be as thorough and robust as they could possibly be. This is not the case of the surveys undertaken to date, which are out of date, do not meet CIEEM standards, and do not cover the entire site (the NBBMA having been excluded). Better surveys will be required in order to thoroughly assess the impacts to 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 Section CWACC7.85. The Applicant remains satisfied that reptiles have been fully and appropriately considered, for the reasons already set out in its response to CWCC's relevant representation at CWACC7.85 in the **Applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]**. In that response, the Applicant recorded that no evidence of reptiles had been found within the areas surveyed in 2022, or through desk study, and that no reptiles were recorded within either the Sutton Causeway or East Clifton Tip survey areas during WSP UK Limited's baseline surveys for the proposed HyNet North West Hydrogen Pipeline. The Applicant's conclusion from that evidence base was that there is no evidence of reptiles within the Order Limits or the immediate wider area. CWT's comments identify an asserted slow worm population at Helsby Allotments, approximately 2.3 km from the development site, and argue that this indicates potential for remnant populations to occur and to be missed without surveying the entire site including the NBBMA. The Applicant notes that this does not alter the evidence base relied upon at CWACC7.85 **[PD2-027]**, namely that reptile surveys and desk study for the Proposed Development did not record reptiles and that other recent baseline surveys in the immediate wider area (HyNet) also did not record reptiles. It is further added that the M56 presents a clear barrier to reptile colonisation of the Order Limits. The Applicant also notes that CWT has not provided evidence of reptiles within the Order Limits; rather, it contends that reptiles cannot be excluded. The Applicant's position remains that, in the absence of evidence of presence on the Site, the adopted proportionate approach is to apply precautionary construction controls (as secured through the **oCEMP [as updated alongside that 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.

Ref	ExA Question	CWT Comment	Applicant's Response
4.1.2	Badger Paragraph 7.7.32 of Terrestrial Ecology [APP-040] notes that habitats will be largely retained and protected during the construction process. Can you please provide your comments on this statement and can NE confirm whether you intend to grant or refuse a licence to interfere with a badger sett for the purposes of the proposed development?	We defer to CWACC's comments on this matter.	The Applicant notes this comment.
4.1.3	Badger and Otter Are you satisfied with the applicant's relevant representation response (reference CWACC7.88 [PD2-027]) that the proposed development would not adversely impact wildlife corridors or buffers? If no, please provide justification and relevant evidence to support your position.	The only otter surveys that have been done seem to only cover about half of the site, and no further surveys were conducted to determine whether the "unidentified mammal holes" were in fact used by otters. Furthermore, these "unidentified mammal holes" were located in the one part of the site that will be fenced off to otters, completely blocking off any wildlife corridors and buffers to the wider Mersey SSSI they would currently be using. While it is clearly to limit predation on the birds in the NBBMA, In the SADA, the movement of badgers and otters will also be restricted by fencing, and though the design claims to include badger gates, this is inevitably a restriction of their movement. This would likely impact their foraging and commuting habits by constraining their routes, and it could also increase competition between clans as they are forced to use the fewer routes and foraging areas available to them. It is difficult to predict how much disturbance would be caused to the badgers as they are resilient and adaptable animals, but if badgers and their setts are disturbed during construction as well, the severing of wildlife corridors is likely to compound those effects.	The Applicant refers to its response at CWACC7.88 in the **Applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]**. The Applicant's position is that linear habitats such as hedgerows, ditches and areas of woodland will be retained, and that significant areas of trees, hedgerows, wetland and species-diverse grassland will be created and managed for the benefit of wildlife. On this basis, the Applicant disagrees that the Proposed Development would adversely impact wildlife corridors or buffers. In relation to CWT's otter-specific comments, the Applicant has previously responded to this point at CWACC7.77 **[PD2-027]** and in summary does not agree that additional surveys are required and maintains that the baseline is robust and adequate for impact assessment. A commitment to pre-construction surveys is included and is considered more appropriate given that locations of otter holts would be likely to change between the baseline survey period and construction. In relation to CWT's badger connectivity comments (including the contention that fencing and badger gates will "inevitably" restrict movement and affect foraging and commuting), the Applicant has addressed the role of fencing and the basis for maintaining landscape permeability for common mammals using established measures. In CWACC7.82 **[PD2-027]** the Applicant explained that security fencing is a standard requirement for solar farms and that fences commonly include mammal gates to ensure access for badgers and brown hares, such that the large majority of the SADA will remain available for foraging badgers. The Applicant also noted that land management across large parts of the SADA will change to grassland from current arable use, which is likely to increase invertebrate prey availability for badgers. As noted by CWT, badgers are "resilient and adaptable animals". CWT's comment also raises the potential for compounded effects if setts are disturbed during construction. The Applicant has already addressed the approach to avoiding harm to badgers and setts through legal compliance and construction controls at CWACC7.81 **[PD2-027]**.

Ref	ExA Question	CWT Comment	Applicant's Response
4.4.2	NBBMA Are you satisfied with: i) The applicant's Cleeve Hill Solar Park mitigation method to calculate the amount of NBBMA required to accommodate the types of non-breeding bird utilising the OL ii) The relevant representation response (reference CWACC7.51 [PD2-027]) that the NBBMA would provide adequate mitigation If no, please provide a summary and reasons for your position	We are not satisfied with the Cleve Hill approach to mitigation. The approach was already contentious for its own proposals, with Kent Wildlife Trust (KWT) submitting several objections arguing that "the calculations presented are insufficiently robust, and the predicted outcomes overly optimistic". We recommend that the Examiners read KWT's response as it raises many of the same issues as we are raising ourselves, namely the use of mitigation areas that already have management requirements, the underestimation of bird usage of the site in the calculations, and the disregard for basic and precautionary principles. As they elegantly explain: "An enhancement in the outcome for a one ecological receptor does not mitigate for a negative impact on another". If the Cleve Hill approach did not work for Cleve Hill, it certainly does not work for Frodsham Marshes. We take issue with the basic principles and assumptions made, as well as with the methodology employed to calculate the required mitigation, as described in Annex 1 of the Outline Non-Breeding Bird Mitigation Strategy. First and foremost, the applicants have claimed throughout the application that the NBBMA/Cell 3 will be "retained" and "enhanced". Not only is this false, but it greatly minimises the impacts that the scheme will have on that area. If Cell 3 is completely reengineered for the purposes of habitat creation, this means that the entire area will be destroyed and recreated, which is vastly different from retention and enhancement. The large-scale engineering works would result in the complete suspension of the area's ecological function for a period of time during its construction, impacts which will not be mitigated/compensated for elsewhere. These impacts are further discussed in sections Q4.5.4: Impacts on Local Wildlife Site (LWS) and Q4.5.8: Biodiversity net gain proposal. When assessing Annex 1 specifically, a number of erroneous assumptions have been made in the introductory paragraphs that belie the poor understanding of the ecological principles underpinning the need for mitigation. The applicants state that "scaling compensation to the entire SADA potentially overestimates the functional land requirement, whereas a like-for-like approach based on the actual functional area (predominantly Cell 3) provides a more realistic basis for mitigation scale". Calling Cell 3 the "actual functional area" assumes that the number of birds using the area is the only measure of value of the land, whereas in reality its value comes from its size, connectivity, relative lack of disturbance, and proximity to other important sites for wildlife. This should be mitigated for in addition to the use by birds, and for which 63ha is nowhere near sufficient. The applicants also state that "there is no agreed metric that exists to calculate what the non-linear habitat enhancements and additive mitigation being implemented as part of the NBBMA design". It is unclear what the applicants think that the BNG metric is used for, if not for this exact purpose. In fact, the applicants have provided completed a BNG metric exclusively for the NBBMA/Cell 3, which clearly shows that the newly created habitat will not even provide a 10% net gain for itself, let alone for the rest of the site. There is also a frustrating lack of justification for the poorly detailed methodology used to calculate the mitigation area required. The calculations only include 3 species of birds (Curlew, Lapwing, and Golden Plover). While it is true that the Cleve Hill approach only used 3 species (Dark-bellied Brent Goose, Golden Plover and Lapwing), this is because these were the only species predicted to be impacted by the development in their assessment. This clearly does not apply to the Frodsham Solar Farm, where the "SPA species" requiring mitigation include "wintering wildfowl and waders, migrating birds in spring and autumn, pintail, teal, shelduck, wigeon, dunlin, curlew, redshank, plover". No justification has been provided as to why these additional species have not been included in the calculations for mitigation. However, much area for mitigation is calculated (once redone to take into account the correct species), the mitigation should not be on land that is already under (however poor)	The Applicant refers to its responses in Natural England (Table 2-4) and CWAC (Table 2-1) on these points. Points i) and ii) addressed below. Please also see response to CWACC in 4.4.3. The Applicant disagrees with CWT. It is clear that the NBBMA / Cell 3 will be both retained and enhanced in the context of bird mitigation as presented in the **oNBBMS [EN010153/DR/8.32]** .This is entirely different to BNG. With regards to the duration of the construction of the NBBMA, this is scheduled to last between 6 and 9 months only, so is considered to be short-term. Further, it should be noted that the current wind farm mitigation is scheduled to cease in 2042, so the oNBBMS will extend mitigation (for both the wind farm and solar farm) by an additional 27 years. It is incorrect to suggest the Applicant has a 'poor understanding of ecological principles underpinning the need for mitigation' for birds; the approach to mitigation has been discussed extensively and agreed with Natural England and RSPB through on-going consultation. CWT appear to conflate the use of bird day calculations with BNG calculations. The latter is a measure of habitat extent and quality; it does not and is not intended to account for levels of bird use, which only bird counts can provide. It is the Applicants position that the two should not be conflated and it is not accepted that a 10% measure for BNG is in any way directly relevant to mitigation for bird sue. CWT do not explain how they have considered the quality of the habitat improvements which will be delivered in the NBBMA, nor of the adaptive management by a conservation body. These will ensure that the habitat is optimised and available over a longer seasonal period in each year. These measures will ensure a very substantial improvement on the habitat which is currently available to SPA birds. This is Natural England which considers that the NBBMA will deliver an acceptable 'uplift' in habitat quality (see Table 2-4, point 4.42). The Applicant's bird-day calculations are only applied to the grassland-wader guild for which the approach is suitable, namely lapwing, golden plover and curlew. The Applicant has explained to Natural England, in the context of the same mitigation package, that bird-day calculations are not suitable for other SPA feature species, and that those other SPA features are instead addressed through the wider habitat design, enhancements and management proposed within the NBBMA and across the Order Limits. The Applicant has also explained that the bird-day benchmark applied to lapwing is precautionarily applicable to curlew in this context, reflecting overlapping habitat use and the guild-based approach to mitigation design that

Ref	ExA Question	CWT Comment	Applicant's Response
		management for wildlife. Mitigation works the following way: land that is good for wildlife is destroyed; therefore, land that is not good for wildlife is made good for wildlife to compensate. This is the most basic principle of "additive mitigation", and it is being blatantly ignored. The use of Cell 3 for mitigation purposes cannot be justified. Finally, the methodology, specific equations, and justification for the calculations have not been provided, making it very difficult to assess (and requiring a lot of digging through the Cleve Hill examination documents). We request that these be submitted for further review, and that they include the following: • how the hectarage of mitigation has been determined from the bird days which "literature" is referred to • why lapwing and plover have been combined in this way, as this was not the • methodology used for Cleve Hill (where it was indeed assumed that plover and lapwing mitigation area needs were not additional, but the higher of the two hectarage requirements was applied for both) • any justification for any of the decisions that were made regarding the calculations It therefore follows that we are not satisfied with the mitigation proposed by the NBBMA, neither with the overarching principles nor with the details of the calculations.	aligns with how the existing wind farm mitigation area has been conceived. This is the reason that the bird-day calculations focus on those grassland-wader receptors, whereas the mitigation proposals themselves provide a broader habitat mosaic intended to support a wider range of SPA species. The Applicant has addressed the point raised by Cheshire Wildlife Trust regarding the inclusion of only three species in the calculations by making clear that the calculations are not the sole basis for concluding adequacy. The Applicant has confirmed, in response to Natural England's commentary, that all SPA species have been taken into account through the enhancement and improvement of the NBBMA, with the bird-day calculation providing only one input to inform scale for the grassland-wader guild. The Applicant's response also explains that the NBBMA is intended to operate as part of the wider estuary-scale mosaic of habitats utilised by the SPA assemblage, rather than as an isolated refuge, which is relevant to the question of how mitigation functions in practice.The Applicant does not accept Cheshire Wildlife Trust's characterisation that the mitigation is not "additive" because Cell 3 is within an existing mitigation landscape. The Applicant has consistently acknowledged that the Proposed Development's effects are separate to, and in addition to, those arising from the wind farm, and on that basis the Applicant has treated the wind farm mitigation as part of the environmental baseline and has proceeded on the basis that mitigation for the Proposed Development must be additive to that baseline. In that context, the Applicant has explained that the NBBMA (centred on Cell 3 with a small section of Cell 2) will be enhanced to provide a substantially greater carrying capacity than the current baseline conditions, and that the bird-day calculations which helped, in part, to inform the mitigation strategy were based on the current, unenhanced baseline condition (meaning the uplift from enhancement represents additional capacity beyond the baseline which includes the wind farm mitigation). The Applicant notes that Cheshire Wildlife Trust requests further detail of equations and justification. The Applicant's position remains that bird-day calculations are used as a supplementary tool only, and are not the sole rationale for the adequacy of the NBBMA. The adequacy case is founded on the overall mitigation package, including the habitat mosaic, the designed uplift in carrying capacity compared to baseline, the phasing and protection measures, and the secured long-term management and monitoring, including provision for an Adaptive Management Plan. The overall approach has been discussed extensively with Natural England and the RSPB and is set out across the Applicant's examination submissions, including the

Ref	ExA Question	CWT Comment	Applicant's Response
			Applicant's response to other Relevant Representations. For these reasons, and consistent with the Applicant's prior submissions, the Applicant remains satisfied that the mitigation approach (including the supplementary bird-day exercise informed by the Cleve Hill methodology) is appropriate, and that the NBBMA provides adequate mitigation for the non-breeding birds utilising the Order Limits.
4.4.6	Mersey SSSI Are you satisfied that the mitigations proposed by the applicant will mitigate any harmful aspects of the proposed development on the Mersey SSSI and, where possible, would conserve and enhance the SSSI affected by the proposed development?	The measures set out in section 2.8 of the oLEMP are likely to have positive impacts on the Canal Pools associated with the Mersey SSSI. However, the loss of functionally linked land to the Mersey Estuary will have lasting negative impacts on the SSSI and the bird populations it is designated for. As discussed in our answer to Q4.4.2: NBBMA, the loss of functionally linked land is not adequately compensated for, therefore neither are the impacts to the Mersey SSSI and the larger SPA/SAC/Ramsar site. The Mersey Estuary (the SSSI/SPA/SAC/Ramsar as well as its functionally linked land) provide one of the few large-scale havens for populations of threatened species (birds, mammals, plants) in the North-West. The loss of its functionally linked land will constrain the remaining habitats and species to smaller areas, such as the NBBMA, making them more vulnerable to external pressures (disease outbreaks, other developments, pollution, climate change, etc). Most of the species that the Mersey SSSI is designated for are declining at worst and stabilising at best, making them already vulnerable to disturbance, particularly from development. The impacts of a development such as the Frodsham Solar Farm have consequences that extend beyond the red line boundary, as many species are mobile and volatile, and rely on the connectivity and diversity of habitats. If they no longer have access to their habitats, weak populations might be unable to reproduce successfully or abandon the area, leading to local extinction. This could then have knock on effects to the wider estuary, which will be under more pressure to host all its various species without the buffer of Frodsham Marshes.	Please also refer to response to CWCC 4.4.6 The Applicant does not accept the premise that there is an unmitigated, lasting harmful effect on the Mersey Estuary SSSI arising from the loss of functionally linked land. The Applicant considers that the mitigation package secured through the **oLEMP [as updated alongside the Deadline 3 submission]** and the **draft DCO [as updated alongside the Deadline 3 submission]** will both mitigate relevant effects on the Mersey Estuary SSSI and, where possible, deliver conservation and enhancement outcomes through habitat creation, water level management and long-term stewardship within the SSSI extent of the NBBMA. It is also important to note that bird species designated under the SSSI are the same species as those designated under the SPA and (or) fall within the same groups i.e. dabbling ducks, as there is a large cross over. The Mersey Estuary SPA citation includes a 'waterbird assemblage' which is not defined to species-level, and therefore all non-breeding waders and waterfowl have been considered as part of the overall assessment and under the HRA. Only a small portion of the SSSI interacts with the NBBMA, referred to as the Canal Pools, and these are currently designated by Natural England as unfavourable condition. As stated in the HRA **[as updated alongside the Deadline 3 submission]** and **oNBBMS [EN010153/DR/8.32]**, the Applicant will be restoring the Canal Pools located within the SSSI, through the eradication of invasive New Zealand Pigmy Weed and through on-going management as part of the wider NBBMS. These measures have been agreed with Natural England and will restore the SSSI unit (that falls within the Order Limits) to favourable status; agreed with Natural England to be adjudged as suitable for use as a high-tide roost. The measures to restore the SSSI unit within Order Limits to favourable status ensure that the landowner fulfils its obligations to do so under the Wildlife and Countryside Act 1981. As such, mitigation for the Proposed Development is not claimed through works within the SSSI unit, rather it is a necessary function of the wider oNBBMS. It is, however, the Applicant's view that the on-going 40 year management of the SSSI unit by a nature conservation organisation goes considerably above

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			landowner obligations and therefore the NBBMS provides benefit to the SSSI, which would not occur in the absence of the Proposed Development.
4.5.1	Environmental Statement conclusions for terrestrial ecology Are you content with the applicant's assessment in its Terrestrial Ecology Chapter 7 (Vol 1) [APP-040] that there would be no residual significant effects as a consequence of the proposed development? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.	We disagree with the conclusions described in section 7.11 Conclusions of the Terrestrial Ecology chapter. We do not believe that the BNG has been calculated correctly (see Q4.5.8: Biodiversity net gain proposal and Q4.5.7: Biodiversity net gain metric) and therefore we dispute the claims of a 10% increase in biodiversity units in paragraph 7.11.2. "Retained" or "enhanced" features are actually likely to be degraded (such as the grassland under panels, see Q4.5.4: Impacts on Local Wildlife Site (LWS)), or downright destroyed (such as Cell 3, see Q4.4.2: NBBMA), despite the claims made in paragraph 7.11.3. There are likely to be negative overall impacts to the habitats onsite (discussed in Q4.4.2: NBBMA, Q4.5.5: Frodsham, Helsby and Ince Marshes LWS, and Q4.5.8: Biodiversity net gain proposal), despite the claims made in paragraph 7.11.4. There are likely to be negative impacts to the Local Wildlife Site (discussed in Q4.5.4: Impacts on Local Wildlife Site (LWS)), despite the claims made in paragraph 7.11.6. We therefore strongly disagree with the overall conclusion that "with the incorporated mitigation and enhancement measures, no significant residual adverse effects are predicted to occur upon any important terrestrial ecology feature as a result of the construction, operation or decommissioning of the Proposed Development" as claimed in paragraph 7.11.9.	The Applicant considers its conclusions regarding the lack of adverse residual effects on important terrestrial ecology are accurate and refers to other responses in this table, as follows: i. 4.0.6 – Reptiles. ii. 4.12 / 4.1.3 – Badgers and Otters. iii. 4.4.2 – Non-breeding bird mitigation. iv. 4.4.6 – The Mersey Estuary SSSI v. 4.5.4 / 4.5.5 – Local Wildlife Site vi. 4.5.7 / 4.5.8 / 4.6.2 – Biodiversity Net Gain vii. 4.6.4 - Wildlife corridors and connectivity It is further noted that the CWT does not elaborate on their position, aside from referencing points as listed above and addressed elsewhere in this table. As such the Applicant considers that CWT has no additional concerns that have not been addressed in the above points.
4.5.4	Impacts on Local Wildlife Site (LWS) Can you advise if you agree with the applicant's assessment that although there would be significant temporary adverse effects on Frodsham, Helsby and Ince Marshes LWS during the construction phase, and that there would be significant positive effects in the medium-long term? If you disagree with the applicant's assessment, please provide justification and evidence to substantiate your position.	According to the Local Wildlife Site Selection Criteria, Local Wildlife Sites are "sites with 'substantive nature conservation value'. They are defined areas identified and selected locally for their nature conservation value, based on important, distinctive and threatened habitats and species with a national, regional and (importantly) a local context". We vehemently refute the claim that the development will have "significant positive effects in the medium-long term". Much of the Local Wildlife Site's value derives from its size and connectivity, both of which will be heavily compromised by the development. Fragmentation caused by fencing and lost habitats will result in a severing of the wildlife corridors throughout the site. The development of the area will remove the potential for habitat restoration and landscape-scale nature recovery works, which are crucial to conservation work and would be particularly effective on this site. Presumably the applicants' claims of long-term benefits to the LWS as a whole are based on the enhancement of the NBBMA/Cell 3 and the management of small pockets of newly created habitat throughout the development. It is important to note that newly created habitat does not count towards the LWS criteria until it is completely established and stable, and functioning to support the species it may have been designated for. The LWS Criteria Guidance states that newly created grasslands can only qualify once they've been established for approximately 20 years, and while no such provision is made for other habitats, this temporal condition is likely to apply to newly created wetlands as well. If Cell 3 is "completely reengineered", it would have to be removed from the LWS boundary as it would no longer serve its designated ecological purpose during construction and is likely to take several years to reestablish enough to qualify. This means that claims of enhancement to the LWS derived from habitat creation/enhancement of the NBBMA are erroneous. They are unlikely to have any benefits outside of their localised range and will certainly not offset the extensive damages to the rest of the Local Wildlife Site. More likely is that the effects of development will exacerbate the ongoing disturbance and damage that the site has	The Applicant notes CWTs comments; however maintains that, with the provision of mitigation through the NBBMA, the cessation of arable farming on parts of the Order Limits and through the delivery of a substantial uplift in Biodiversity Units for habitats, hedgerows and watercourses, the Proposed Development is evidenced to provide positive impacts. It is also untrue to suggest that the development will remove the potential for habitat restoration. The land can be returned to farmland or other habitats following decommissioning - the Proposed Development is not a permanent feature. Furthermoremore, the Applicant does not recognise CWT's calculation that 67% of the LWS will be developed, and notes this includes 'various pending applications'. To clarify, the LWS occupies an area of 1,124 ha, of which the Order Limits occupies 309.6 ha (with a further ~28ha outside the LWS). As such, the Order Limits (which is not the area that would be physically altered as a result of development) occupies 27.54% of the total LWS total area. Within the Order Limits, the Applicant considers that the vast majority of habitats features of notable value (ditches, hedgerows, embankments and wetlands) are avoided and retained, and the large majority of the remainder will be enhanced.

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		experienced over the last century (significant cumulative impacts from the wind farm, Protos, ship canal, pollution from the wider industrial landscape). If the various pending applications for development on the site are approved, the red line boundaries will cover more than 67% of the Local Wildlife Site. This does not bode well for its next review, which is likely to require a revision of the boundary or even a de-designation.	It is further noted that the CWT does not have any control over the land within the Order Limits. As such the Applicant is not aware of any restoration plans for this land. The expectation would be for the land to continue to be managed in a similar manner were Frodsham Solar not proposed. There are no obligations on the landowner to restore habitats and the limited existing management measures as implemented under the Frodsham Wind Farm will cease in 2042. The Applicant consider it relevant that the Cells (1-6) are all located within the LWS. These are an operational feature of the Manchester Ship Canal and are subject to regular change over the timescales. Through creation and operation of Cells, the habitats within these quickly mature and provide habitat for wildlife, changing through the lifecycle of the cells. In the absence of these operations, Cell 6 as an example, the value of the LWS for estuarine birds would be greatly diminished. It is likely that future work on the Cells will be necessary to continue management of the ship canal, such as through creation of a new Cell or further engineering. In this context, in it is entirely false to suggest that creation of wetland habitat features within the NBBMA must be in place for 20 years before they have value for wildlife, and this is not a view shared by Natural England. If the LWS is designated for its value for SPA birds, then it stands to reason that habitat improvement – as are unequivocably provided in the NBBMA, provide benefits to the LWS.
4.5.5	Frodsham, Helsby and Ince Marshes LWS Can the applicant confirm if its significance of effects conclusion (during permitted preliminary works/construction, operation, and decommissioning stages) took into account Frodsham, Helsby and Ince Marshes LWS qualifying features? If any party believes the applicant's significance of effects conclusion omitted any qualifying features associated with Frodsham, Helsby and Ince Marshes LWS, please provide justification and evidence to substantiate your position.	The Assessment of Frodsham, Helsby and Ince Marshes Local Wildlife Site goes through the LWS criteria and assesses the site against its qualifying features, concluding that all criteria are still met. A few criteria for which the site is designated have not been assessed (Coastal and Floodplain Grazing Marsh, Saltmarsh and Mudflats, and Mosaics), and while there is no justification for this omission, it is assumed that they are not present within the site boundary. However, we question the omission of criterion H27 Mosaics, as many of the habitats mapped in the Habitat Plans in the Habitats Baseline Report have multiple habitat codes, which implies a mosaic. However, the Assessment does not provide any detail as to how the qualifying features will be impacted by the development, which would provide the evidence necessary to substantiate the applicant's conclusion of significant effects. While these are touched on in the chapter on Terrestrial Ecology, they should have been laid out more clearly and systematically to allow for more thorough assessment. I will go through the qualifying criteria below to describe the potential impacts to those features, which could then impact the LWS's designation for them. Whether this ends up being the case would have to be determined through detailed surveys of the LWS post-development and a reassessment of the site against the criteria, but it is the applicant's responsibility at this stage to demonstrate that the qualifying features will not be negatively impacted by the scheme. If this cannot be done with a high degree of certainty, then claims of "benefits to the LWS" cannot be substantiated. H7 Neutral Grassland and H11 Restorable Grassland: at the moment, the grassland across the LWS is vast and continuous, characteristics that are likely to be compromised by the development. The grassland under the panels is considered by the applicants to be "retained", though we question the retention of its quality and its ecological function. Light	The Applicant refers to its previous responses to these points in its **Response to Written Representations, submitted at Deadline 3 (points WR_CWACC4.42 to WR_CWACC4.45**). The Applicant has responded to each point raised by CWT in turn below. H7. The matter of grassland under panels is addressed in **Response to Local Planning Authority and Statutory Environmental Body Relevant Representations** [**PD2-**

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		availability is a fundamental driver of grassland community structure and directly affects the composition of wildflowers, grasses, rushes and sedges within the sward. Studies have found that areas directly beneath solar panels may receive as little as 30% of total daily light inputs and areas at the edge of the panels 40-70%. Where species-rich grasslands pre-exist, this fundamental change will shift the species composition to a more shade-tolerant community reducing the number of flowering species associated with grasslands as they struggle to compete with vigorous shade-tolerant species. Grassland plant communities associated with high light availability (such as NVC MG5 and MG6) will in time be replaced by less diverse communities such as modified grasslands NVC MG1, MG7, MG9 and MG10 if solar panels are introduced. If solar panels are installed on areas of low grassland diversity (such as NVC MG7) it may be possible to increase species diversity if habitat creation between the panels is undertaken, however this is highly unlikely to achieve an equivalent value to a pre-existing diverse grassland. The fundamental determining factor for the overall impact of such a scheme is the diversity of the pre-existing habitat on the site and what fauna and flora it currently supports. H18 Marsh Fens, swamps, bogs and reedbeds: there is currently a net loss of reedbeds, which could impact the viability of this qualifying feature. H24 Wildlife Corridors Wildlife corridors / buffers: As explained in the previous question, fragmentation will lead to loss of connectivity and a reduction of buffers. This could also impact the viability of this qualifying feature. H26 Other Qualifiers Accessible Natural Greenspace: This feature will probably be enhanced by development, as they have included provisions for accessibility in the design of the scheme. S2 Birds: The primary mitigation area for birds is the Cell 3/NBBMA, which as previously mentioned might have to be removed from the LWS boundary if it is completely reengineered. Regardless, breeding birds are likely to be impacted by the scheme, as we have made clear that the Skylark mitigation area is nowhere near enough mitigation to compensate for loss of area across the site. While it is unclear how the rest of the site will be used by birds after development, reduction in overall bird populations (particularly if the NBBMA is discounted) cannot be ruled out. S13 Species Vascular Plants: The criterion is met through its populations of spindle, including the one present in the site boundary. Can the applicants demonstrate that the spindle will not be affected by the development? H2 wet woodland: The wet woodland is set to be retained, though further details (exact location, likely impacts) would be helpful to determine that the criterion would not be impacted by the development. H20 Ponds and Ditches: The applicants claim that the ditch network will be improved, though this is difficult to assess without all the necessary BNG information (see Q4.5.7: Biodiversity net gain metric). H25 High Value Hedges: Hedges are set to be enhanced and improved by the development. S1 Butterflies and S4 Dragonflies and damselflies: The NBBMA is likely to improve habitat availability for invertebrates, though once again this is likely not to count towards the LWS due to its complete reengineering. S3 Mammals: As discussed in Q4.1.3: Badger and Otter, fencing and fragmentation are likely to lead to restrict their movement and impact their commuting and foraging behaviour. Especially if they are displaced during construction, there is a chance they would leave the area entirely. Conditions are likely to improve for water voles if the ditch network if improved.	**027]** It should be noted that CWACC have confirmed they are content with the approach taken within the Biodiversity Net Gain Metric (5% rule), as outlined in CWCC 4.5.7 of this document. H18. Impacts to reedbed are discussed extensively, including **Response to Local Planning Authority and Statutory environmental Body Relevant Representations [PD2-027]** ref CWACC7.87. It is acknowledged that trading rules are not met, with further discussion provided in response to CWCC 4.5.7. H24. The Applicant refers to its earlier response in 4.1.3 of this Table, and 4.1.3 of Table 2-1. H26. The Applicant notes this comment. S2. 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].** With regards to other breeding birds species, the Applicant does not accept that there could be an overall reduction in bird populations – a position which contradicts research published by the RSPB and Cambridge University – and refers to its previous response in CWACC7.53 of the **Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027].** S13. Spindle is a hedgerow species, and as acknowledged in H25 hedges are to be enhanced and improved by the development. H2. The only area of wet woodland mapped is located at SJ4836978024. This is located adjacent to a retained access track and retained biodiversity area. As such there will be no loss of this habitat. This is confirmed within the **Arboricultural Assessment [APP-146]** as group G007**.** The latest **biodiversity metric [PD2-032]** reflects this. This has previously been clarified through the response to CWACC7.96. within **Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]**.

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		S7 Fresh water fish (mainly European Eels): Mitigation measures have been proposed to ensure that eels are not impacted by the scheme. It is our role to assess the proposals for their potential worst-case scenario impacts, and it is the applicant's role to provide evidence (beyond declarative statements) to assuage these concerns. We do not consider that enough evidence has been provided to guarantee the prevention of a worst-case scenario, much less to indicate any positive outcomes for the site.	H20. The biodiversity metric indicates a net increase of +9.84 units in pond habitats and + 13.54 units of ditches. For detailed responses on BNG see responses to Q4.5.7. H25. The Applicant notes and concurs with this comment. S1. The Applicant notes this comment; however also considers the extensive wildlife enhancement measures provided (as demonstrated in BNG units) across the Order Limits and the removal of agricultural practice will benefit invertebrates overall. S3. The Applicant refers to its earlier responses (Table 2-1, points 4.1.2 and 4.1.3). The Applicant further notes that the Proposed Development will provide increased habitat for water voles (in the NBBMM and creation of new pools by Marsh Farm). S7. the Applicant notes this comment. In summary, the Applicant maintains its position on positive outcomes and considers this has been adequately evidenced, proportionate to the nature of impacts anticipated for a solar farm in this location.
4.5.6	Noise assessment Are you satisfied with the applicant's noise assessment and that there would be no significant effect on any species? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.	We defer to Cheshire West and Chester Council's comments on this matter.	The Applicant notes this comment.
4.5.7	Biodiversity net gain metric Are you satisfied that the latest BNG metric [PD2-032]: i) Follows best practice/guidance? ii) Contains the necessary information? iii) That habitat, hedgerow and watercourse are classified accurately? iv) The metric results are correct? If no, please provide justification and relevant evidence to support your position.	As we do not currently have access to the necessary supporting BNG materials (habitat condition assessments or map of habitats with reference codes, BNG report that details decisions made with regards to classification), our comments regarding BNG are based on any currently available documentation. This includes the latest BGN metrics that have been provided to us and the BNG report. <u>i) Best practice/guidance</u> We do not believe that the majority of the CIEEM good practice principles have been adhered to, which we detail below: • Principle 1. Apply the Mitigation Hierarchy o There is no mention of the mitigation hierarchy in the BNG report, no evidence that it has been applied. Which losses were avoided due to the implementation of the hierarchy in the early stages of the project? Why is the project not reaching a 10% net gain in watercourses if BNG was considered at the beginning of the project? • Principle 2. Avoid losing biodiversity that cannot be offset by gains elsewhere o Reedbeds are not being fully compensated, as indicated by the trading rules not being met. • Principle 3. Be inclusive and equitable	Comments on the design approach and mitigation hierarchy have been addressed previously in the **Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]** ref CWACC7.96. It should be noted that while the mitigation hierarchy requires avoidance in the first instance, it does not state that no loss can occur. Indeed, if this were the case there would be no requirement for the remainder of the hierarchy. The approach to the biodiversity design is described in the **Design Approach Document [APP-130]**. Impacts to reedbed are discussed extensively, including **Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]** ref CWACC7.87. It is acknowledged that trading

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		o I cannot speak to whether other stakeholders were engaged early for involvement in "designing, implementing, monitoring, and evaluating the approach to Net Gain", but we certainly have not been included in any discussions. In fact, when we were consulted later in the process, our concerns about the metric were ignored at the pre-app stage or dismissed in the Consultation Report. • Principle 4. Address risks o CIEEM's Practical Guide states that "there should especially be no net reduction in resources for endangered species during a project life cycle, even if there is a gain at some point in the future". This is not adhered to in the Frodsham Solar Farm plans, due to the complete reengineering of Cell 3, which will significantly reduce the amount of habitat available to SPA birds and most other wildlife on the site during its construction. • Principle 5. Make a measurable Net Gain contribution o The final assessment will require the applicants to fill out the BNG metric correctly, particularly that the mitigation hierarchy is applied and the habitat trading rules are met, ensuring that the good practice principles are respected. • Principle 6. Achieve the best outcomes for biodiversity o The proposals do not deliver compensation that is equivalent in type or amount. It does not account for the interim extensive losses of habitat within the development site or the compensation site. It does not contribute to nature conservation priorities as identified in the Local Nature Recovery Strategy and it significantly diminishes ecological connectivity by considerably reducing in size a core site (LWS) within the Local Nature Recovery Strategy. Instead of resulting in more, bigger, better, joined habitat it will result in less, worse, and highly fragmented habitat. • Principle 7. Be additional o CIEEM's Practical Guide advises that "if several biodiversity projects are taking place within one area, good practice requires the BNG design to be clearly additional to the other projects, and to maximise complementary interactions with other projects". The use of an already existing mitigation area for BNG is the antithesis of "clearly additional to other projects". Furthermore, the Frodsham Wind Farm's biodiversity mitigation required by its planning conditions will be invalidated for Cells 2 and 5, and superseded on Cell 3, which is the exact opposite of "complementary interaction". • Principle 8. Create a Net Gain legacy o This is compromised by the fact that after the net gains both on the SADA and the NBBMA can only be secured for as long as the solar farm is in operation, after which the future of these newly created habitats is uncertain. • Principle 9. Optimise sustainability o Despite the fact that the project is for renewable energy infrastructure, environmental sustainability will not be achieved if significant damage or destruction of habitats and species populations occurs. • Principle 10. Be transparent o The lack of transparency has been very frustrating, with the metric not being provided as an excel spreadsheet until specifically asked, with the habitat condition assessments being submitted blank, with the BNG report containing the bare minimum information, and with communication with the applicants being difficult and slow.	rules are not met, with further discussion provided in response to CWCC 4.5.7. The Applicant has undertaken consultation through the pre-application and application process, including with the Cheshire Wildlife Trust as noted in the **Design Approach Document [APP-130]** and the **Consultation Report [APP-022].** **The Information to Inform a Habitat Regulations Assessment (HRA) Report [as updated alongside this submission]** addresses how Cell 3 will ensure continued habitat provision for SPA species. The conclusions of the Information to Inform a HRA Report **[as updated alongside this submission]** has been accepted by Natural England. The proposed development delivers an uplift in biodiversity units, although it is acknowledged that trading rules are not met. The Applicant disagrees with this point. The development provides a net increase in biodiversity units. The mitigation area has been in operation since 2016 (i.e., 10 years) and as such is considered part of the ecological baseline with the proposed works additional to this. The proposed development delivers a net increase in biodiversity units. The proposed works will improve upon existing mitigation delivered by the windfarm as set out in the Information to Inform a **HRA Report [as updated alongside this submission]**. The conclusions of the Information to Inform a **HRA Report [as updated alongside this submission]** has been accepted by Natural England. The biodiversity net gains will be secured for the lifetime of the development which is 40 years, ten years longer than the minimum requirement of 30 years. As acknowledged by CWT, low carbon (renewable) energy is a sustainable energy source. Impacts to biodiversity (including habitats and species) are fully addressed in the **Environmental Statement Chapter 7 [APP-040] and Chapter 9 [APP-041]**. This concluded no significant residual effects on ecological or ornithological features. The 'blank' condition assessment sheets were provided to inform future monitoring requirements, as is made clear in the **Outline Landscape Ecological Management Plan [REP1-028].** CWT have been provided the metric

Ref	ExA Question	CWT Comment	Applicant's Response
		ii) Necessary information We do not have access to the BNG supporting materials (see response to Q4.6.2: NPS EN-1). However, there are certain issues with the metric and the way that it has been filled out, which make assessment difficult if not impossible. Some habitats are entered as having an area of 0, with no explanation as to why that is. Furthermore, there is no explanation of where each habitat is located on the map, which could be done either through detailed comments in the 'User Comments' column, or with a habitat map that is labelled with the 'Habitat Reference numbers'. Since neither are available, it is impossible to identify where the parcels are located and therefore assess whether they have been classified correctly. iii) Habitat, hedgerow, watercourse classification This cannot be fully assessed until the necessary information is required (see response to question Q4.6.2: NPS EN-1). However, the applicants have provided additional information regarding the classification of reedbeds, which is based on a misinterpretation of the habitat definitions. - They claim that the reedbed in the NBBMA is not priority reedbed due to its size, even though there is no size specification in the JNCC definition of reedbed priority habitat. - They claim that the reedbed in the Frodsham Windfarm East does not meet the UKHab definition of reedbed because it is dry, whereas the definition explicitly provides for "reed-dominated vegetation extending onto dry land"; code f2f should only be used if the parcels of Common Reed are <5m wide. - They also claim that the reedbed in the Wildfowlers location is "not a priority habitat due to extensive willow shrub cover", even though the JNCC reedbed priority habitat definition explicitly states that "carr woodland may be associated with them". It is also unclear why the reedbed areas are being assessed against the priority habitat definition in the first place, as all reedbeds are priority habitat regardless of their condition (there are no exclusions in the JNCC priority habitat definition) and its status as such is not relevant to the BNG metric. iv) The metric results are correct This cannot be fully assessed until the necessary information is provided (see response to question Q4.6.2: NPS EN-1).	spreadsheet in excel format and accompanying shapefiles with condition assessment information. See Applicants response to CWT Q4.6.2: NPS EN- 1). Cells entered as 0 are where a row has been included in a previous iteration but is now no longer required. This may be for a number of reasons, including small size (less than 0.001 ha) or where slither polygons have been removed as part of the recalculations undertaken in September 2025. See Applicants response to CWT Q4.6.2: NPS EN- 1. The reedbed within the NBBMA has been input into the BNG metric as reedbed. Soil moisture is a key factor for classifying reedbed, and while the definition includes 'reedbed extending onto dry land' this is not the case in this location. The water table was not 'at or near the table' and as such the Applicant maintains that the areas of reed around Frodsham Windfarm East do not have sufficient inundation to classify as reedbed and are instead g3~16 as noted in the UKHab handbook. The reedbed within the wildfowlers Area has been input into the BNG metric as reedbed. The priority habitat description was included for additional context. All areas of reedbed meeting the UKHab description for reedbed have been included as such in the Biodiversity Metric Spreadsheet. See Applicants response to Q4.6.2: NPS EN- 1.
4.5.8	Biodiversity net gain proposal Are you satisfied with the Applicant's assessment that the proposed development will deliver a measurable gain in biodiversity units? The project design committed to achieving a minimum increase of 10 % in habitat and hedgerow units and no net loss in watercourse units (paragraph 7.7.66 of ES Chapter 7: Terrestrial Ecology [APP-040]. If no, please provide justification and relevant evidence to support your position	We cannot definitively answer this question until we have received all updated BNG supplementary documents. However, we have identified certain concerns based on the metric spreadsheets that we have received as well as claims made in the submitted documents, particularly the BNG Report and its figures. While net gains in hedgerows seem likely, we suspect that once the metric is correctly filled out, measurable net gains for area habitats will not be achieved. If Cell 3 is to be completely reengineered and recreated, the habitats cannot be considered retained or enhanced (as they are in Figure 2 and seem to be in the BNG metric). They must be entered into the metric as lost in the habitat baseline tab and recreated in the habitat creation tab. This is important as the metric accounts for the time during which the habitat is not ecologically functional and the time it takes for the habitat to be fully functional again once created. Similarly, no justification has been provided as to how the potential/likely degradation of the grassland under the solar panels has been accounted for in the metric. Figure 2 currently suggests that it will be marked as retained, though as discussed in the answer to question	The Applicant has provided responses to specific points in the previous question relating to the adequacy of the BNG at the Site as a result of the proposed landscaping scheme which is secured pursuant to the **Landscape and Ecology Management Plan [as submitted alongside the Deadline 3 submission].** The **Information to Inform a Habitat Regulations Assessment (HRA) Report [as updated alongside this submission]** addresses how Cell 3 will ensure continued habitat provision for SPA species. The conclusions of the report has been accepted by Natural England, subject to agreement on recent modifications requested by Natural England. In relation to grassland beneath solar panels this matter is addressed in **Response to Local Planning Authority**

Ref	ExA Question	CWT Comment	Applicant's Response
		Q4.5.5: Frodsham, Helsby and Ince Marshes LWS, there are likely to be impacts to the quality of the existing grassland from the change in light availability. As has been brought up many times before, trading rules have not been satisfied for the reedbeds; this will result in uncompensated losses of rare and important priority habitat, which is especially important for a wide range of declining bird species. The applicants invoke Rule 4 to justify this loss, stating that "Rule 4 of the metric guidance expressly allows deviation from trading rules where there is clear ecological justification and where the proposed habitats represent the most appropriate outcome for the site context. In this case, compliance with the trading rules on reedbeds would be ecologically inappropriate and contrary to the primary mitigation objectives of the project, i.e., to the aims and objectives of the oNBBMS". However, this is clearly a misinterpretation of the guidance, which states that Rule 4 only applies to projects that involve "highly complex landscape scale habitat changes such as creation of heathland, heathland grassland mosaic or other mosaic habitats" (not applicable), "river re-meandering" (not applicable), or "large-scale restoration of natural processes" (not applicable). Regardless, a large part of the reedbed that is being lost without compensation is in the SADA, where no habitat creation is being done that can justify its loss. For further comments regarding reedbed, see response to question Q4.5.7: Biodiversity net gain metric.	**and Statutory Environmental Body Relevant Representations [PD2-027]** It should be noted that CWACC have confirmed they are content with the approach taken (5% rule), as outlined in CWCC 4.5.7 of this document. It is inaccurate to state the Applicant has invoked Rule 4, however this matter it is discussed in relation to CWCC 4.5.7.
4.6.2	NPS EN-1 Can you comment whether paragraph 4.6.7 of NPS EN-1 has been satisfied which notes that the latest version of the biodiversity metric is encouraged and that calculation data for biodiversity baseline and present planned biodiversity net gain outcomes are presented in full as part of the application?	We agree that the latest version of the metric has been used. However, none of the supporting materials required to assess Biodiversity Net Gain have been provided. This includes: - Condition assessment sheets (filled in version, not just the templates) - A map of all habitats with their corresponding 'habitat reference numbers' - An updated BNG report that details and justifies the way that BNG has been determined and calculated	The 'blank' condition assessment sheets were provided to inform future monitoring requirements, as is made clear in the Outline Landscape Ecological Management Plan [REP1-028]. CWT have been provided the metric spreadsheet in excel format and accompanying shapefiles with condition assessment information. These digital information files have also been provided to the ExA with the Deadline 3 submission. The applicant commits to providing an updated BNG report including labelled map showing Habitat Reference numbers at Deadline 4.
4.6.3	NPS EN-1 Are you satisfied that the proposed development meets the following paragraph in NPS EN-1: paragraph 4.6.15 Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where appropriate, incorporated into proposals as part of good design (including any relevant operational aspects) of the project. If no, please provide justification and relevant evidence to support your position.	No document has been provided as such, though we acknowledge that various commitments and attempts at justifying environmental net gains have been made across other documents, including the Environmental Statement, the Design Approach Document, the BNG report, the Information to Inform HRA, etc. However, as has hopefully been made clear already, we disagree with the conclusions that these attempts will provide any wider environmental net gains, or that these have informed the design of the scheme. This is particularly clear in the fact that the applicants have been "consulting" with us for several years in the pre-app stage, and that none of our concerns around ecological harm have been addressed or assuaged in the final design of the scheme that was submitted to PINS.	The Applicant notes this comment but disagrees with the Cheshire Wildlife Trust on this point.
4.6.4	NPS EN-1 Are you satisfied that the proposed development meets the following paragraph in NPS EN-1: 5.4.22 The design of energy NSIP proposals will need to consider the movement of mobile/migratory species such as birds, fish and	We agree that the movement of mobile/migratory species have been considered (some surveys have been conducted, some reports submitted, some mitigation), though we do not believe that these considerations are adequate, nor have they been incorporated into the scheme or mitigation proposals in any satisfactory way (see response to Q4.4.2: NBBMA).	The Applicant notes the CWTs comment but does not agree. The movement of mobile and migratory species has been considered through multi-year field surveys and desk-based assessment, with the findings presented in the **Information to Inform a Habitat Regulations Assessment (HRA) Report [as updated alongside this submission]**. These assessments informed the

Ref	ExA Question	CWT Comment	Applicant's Response
	marine and terrestrial mammals and their potential to interact with infrastructure.		identification of functionally linked land, the assessment of likely significant effects, and the design of mitigation and enhancement measures within the Proposed Development. The Applicant considers that the assessment appropriately reflects the behaviour and spatial use of mobile and migratory species at the relevant ecological scale, and that the conclusions reached are robust and proportionate.

Table 2-7: Response to Mersey Estuary Conservation Group's Submissions

<table>
<tr><th>Ref</th><th>ExA Question</th><th>MECG Comment</th><th>Applicant's Response</th></tr>
<tr>
<td>4.4.2</td>
<td>NBBMA

Are you satisfied with:

i) The applicant's Cleeve Hill Solar Park mitigation method to calculate the amount of NBBMA required to accommodate the types of non-breeding bird utilising the OL

ii) The relevant representation response (reference CWACC7.51 [PD2-027]) that the NBBMA would provide adequate mitigation

If no, please provide a summary and reasons for your position</td>
<td>I am not familiar with the Cleeve Hill Solar Park mitigation measure method so cannot comment on that.

However, I am not satisfied with the response to CWACC7.51. The solar farm on the site of the Manchester Ship Canal Dredging Lagoons includes areas important to birds that move between the Mersey Estuary Special Protection Area and dredging lagoon cells or cells. The cells are numbered 1 to 5 and solar farm is proposed on cells 1, 2 and 5 with cell 3 proposed as a mitigation area.

Since 2012 there has been comprehensive coverage of these cells by Wetland Bird Survey (WeBS) surveyors. The WeBS data covers all 5 cells. However, while all the cells except 4 are good for waders, cells 2 and 3 are particularly good for Lapwing, Golden Plover, Ruff and Curlew. The table below shows the average annual maximum since 2012, and the most recent average annual maximum for the last 5 years. It also shows the maximum number recorded since 2012 and in the last 5 years.

The table also shows that for Lapwing and Golen Plover 42 and 44% of the birds using the Mersey estuary are using Frodsham. The applicant's data (Table 8-12 to 16 in the APP-041 6.1 Environmental Statement: Volume 1 Chapter 8: Ornithology) rather underestimates the importance of these cells when compared to WeBS data. The birds are not evenly distributed and in the last 5 years no 6 cell has not been very suitable for Lapwing, golden plover and curlew. We have recorded an average of almost 2,000 Lapwing and 900 Golden Plover using the area. Most of these are within the applicant's boundary. So, while the figures below include no 6 cell the vast majority of the birds are using cells 1, 2 and 3. The applicant's data referred to above does shows that most of the birds are using cells 2 and 3 with cell 1 being less used. Our observations as WeBS counters agrees with that. Their data also shows that while the largest cell, no 3, holds the largest number of birds. However, cell 2 hold does a significant number and given its size may be of equal importance. Cells no 1 and 5 are much less important.

It is a similar story for Curlew, however, the table below shows that Curlew is far less dependent on Frodsham than Golden plover and Lapwing with only 12% of the Mersey Estuary birds using Frodsham. However, this species is recoded in nationally significant numbers on the Mersey.

<table>
<tr><th>Species</th><th>Average Max since 2012</th><th>Max since 2012</th><th>Average max last 5 years (2021-25)</th><th>Max since 2021</th><th>National impt threshold</th><th>Mersey 5 year av. (2021-25)</th><th>% using Frodsham</th></tr>
<tr><td>Lapwing</td><td>1,527</td><td>3,000</td><td>1,959</td><td>3,000</td><td>6,200</td><td>4,702</td><td>42%</td></tr>
<tr><td>Golden Plover</td><td>786</td><td>1,400</td><td>921</td><td>1,400</td><td>4,000</td><td>2,097</td><td>44%</td></tr>
<tr><td>Curlew</td><td>187</td><td>500</td><td>155</td><td>322</td><td>1,200</td><td>1,343</td><td>12%</td></tr>
<tr><td>Ruff</td><td>19</td><td>130</td><td>15</td><td>24</td><td>9</td><td>18</td><td>84%</td></tr>
</table>

The orange column shows the nationally important threshold for each species and this shows that for Ruff the Frodsham area on its own is nationally important. This has not been identified by the applicant. The birds are not evenly distributed and the highest numbers of Ruff are usually counted in no 6 cell (not within the application area), however, these birds also use the other cells and are mixed with the feeding lapwing and golden plover and so the solar could have a significant affect on a species for which the area is nationally important.

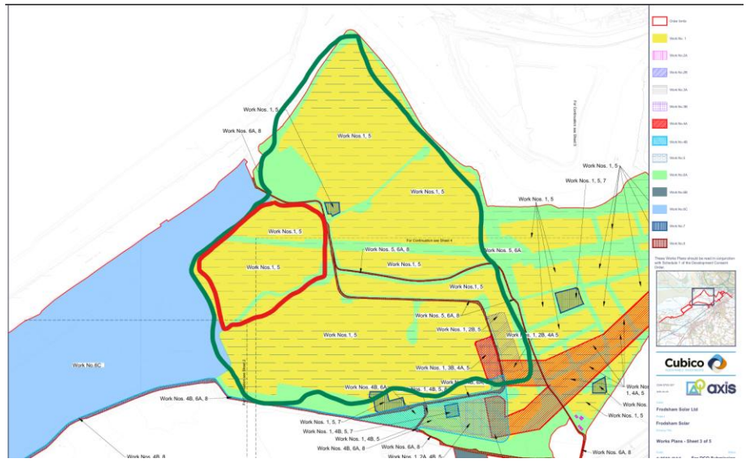
The above data shows that the area is important for Lapwing, Golden Plover, Curlew and Ruff and the cell 2 is of particular importance. Therefore, I believe that putting solar panels on no 2 cell will have a significant impact on the birds using the area and that for lapwing, golden plover and Ruff this will have a significant impact on the birds using the Mersey Estuary Special Protection Area.

These are mobile species and prone to disturbance from raptors, foxes and people and their dogs. Currently there are large areas where they can fly to when disturbed. The</td>
<td>The Applicant notes that the Respondent's comments relate to APP-041, Section 6.1 of the Environmental Statement (Volume 1, Chapter 8: Ornithology). Subsequent to submission of that document, consultation with Natural England has continued, and discussions and reporting and data presentation have progressed. These are presented in The Information to Inform a Habitat Regulations Assessment (HRA) Report [as updated alongside the Deadline 3 submission] , in which the field survey data are presented in a revised format and assessed alongside the relevant BTO WeBS data highlighted by the Respondent, and accepted by Natural England

The most recent and up-to-date BTO WeBS data for Frodsham Sludge Lagoons, Weston Marshes, and the Mersey Estuary SPA (at the time of submission) was assessed in conjunction with the Applicant's field data. It is important to note that the Applicant's surveys covered a limited number of cells (specifically Cells 1, 2, 3, and 5) and did not include Cells 4 and 6 or the wider area, which are also form part of the BTO count sector referred to by the Respondent (with Cell 6 being heavily used by wetland birds, which the Respondent acknowledges). This distinction is critical when comparing results on a side-by-side basis.

The Information to Inform a Habitat Regulations Assessment (HRA) Report [as updated alongside the Deadline 3 submission] demonstrates broadly comparable patterns of bird usage, distribution, and relative cell importance when assessed at the appropriate spatial scale. By way of example, for lapwing, the combined total across all assessed cells (excluding the Eastern SADA) was 1,355 birds recorded in November 2024. In contrast, the Respondent reports an average maximum count of 1,959 birds over five years across all six cells. The origins of the larger figure provided by the Respondent are unknown to the Applicant, and do not appear to be consistent with the WeBS data provided by the BTO. This difference is potentially consistent with the Respondent's inclusion of a wider spatial area, whereas the Applicant's figures are constrained to a subset of cells within the Order Limits.

The Applicant also refers to the WeBS data purchased from the BTO for the assessment (Table 4d: five-year annual peak counts and month of peak). These records indicate that the maximum lapwing peak over the five-year period was 2,359 birds, occurring in December, with a five-year mean of 1,207 birds. There is no reference to a count of 3,000 birds, as noted by the Respondent. These data further illustrate the episodic nature of peak counts within both the Order Limits and the wider area and</td>
</tr>
</table>

Ref	ExA Question	MECG Comment	Applicant's Response
		proposal means that there will be a considerable reduction in the area available to these birds to disperse to when disturbed. The increase in habitat quality of cell 3 cannot make up for this reduction in overall space. I am therefore proposing that the Non-Breeding Bird Mitigation area on cell 3 is extended to include all of cell 2. I do not think that extensive and expensive habitat creation works would be needed on cell 2, though that would be nice, as it is its current state that supports good flocks of golden plover and lapwing. The plan below shows the area of the grasslands that will be occupied by the solar farm. While much of this is only occasionally used by waders the area I have highlighted in red, cell 2,is particularly important. Even including for the improved habitat on no 3 cell I feel the reduction in total area will not be made up for in the improved habitat quality as these birds require extensive areas of open grassland. I am therefore asking for the no 2 cell, area outlined in red, to be taken out of the solar farm development and be used as part of the mitigation area.  	demonstrate that maximum peaks are not indicative of prolonged or sustained use of the area. Importantly, the Applicant's counts fall within the range reported by the BTO WeBS datasets and do not contradict them. Differences in magnitude are potentially attributable to variations in spatial coverage and reporting metrics, rather than to any underestimation by the Applicant. A similar pattern is evident for curlew. The Respondent reports a five-year average of 155 birds, with a maximum of 322 birds recorded since 2021 across all six cells. The Applicant recorded a peak count of 219 birds across Cells 1, 2, and 3 in February 2024. The higher maximum reported by the Respondent is potentially attributable to the inclusion of additional cells that were not assessed and/or surveyed by the Applicant. While the Applicant recognises the value of reporting maximum peak counts, which allow comparison with five-year averages, assessment against long-term datasets requires consideration of sustained and repeated usage rather than isolated peak events. Accordingly, five-year mean values are considered the most appropriate metric for comparative assessment. This approach represents standard practice and is accepted by Natural England in the HRA [APP2-009], as it reflects typical usage and avoids over-reliance on short-term peak events. When assessed on a like-for-like basis, the Applicant's survey results, as presented in **The Information to Inform a Habitat Regulations Assessment (HRA) Report [as updated alongside the Deadline 3 submission]**, fall within the range reported by both the Respondent and the BTO WeBS datasets and is supported by Natural England's conclusions of the results presented within **The Information to Inform a Habitat Regulations Assessment (HRA) Report [as updated alongside the Deadline 3 submission].** On this basis the Applicant, and as agreed by Natural England, that the mitigation proposed at Cell 3 through the creation of the NBBMA is appropriate to ensure that the integrity of the Mersey Estuary SPA is maintained.
4.5.1	Environmental Statement conclusions for terrestrial ecology Are you content with the applicant's assessment in its Terrestrial Ecology Chapter 7 (Vol 1) [APP-040] that there would be no residual significant effects as a consequence of the proposed development? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.	I have not had time to examine this in enough detail to comment	The Applicant notes this comment.
4.5.4	Impacts on Local Wildlife Site (LWS)	As outlined in my response to 4.4.2 I think the impact on overwintering birds (Golden Plover, Lapwing, Curlew and Ruff) has been underestimated. I do not think the mitigation	The Applicant notes this response and refers to the position set out in paragraph 4.4.2. The Applicant does

Ref	ExA Question	MECG Comment	Applicant's Response
	Can you advise if you agree with the applicant's assessment that although there would be significant temporary adverse effects on Frodsham, Helsby and Ince Marshes LWS during the construction phase, and that there would be significant positive effects in the medium-long term? If you disagree with the applicant's assessment, please provide justification and evidence to substantiate your position.	area is big enough to accommodate the birds that use the whole area and that the increase in quality does not mitigate the loss of overall space. However, including cell 2 in the mitigation area may mitigate that effect.	not agree that bird species numbers have been underestimated, noting that both the Applicant and the Respondent have relied on the same dataset provided by the British Trust for Ornithology (BTO).
4.5.6	Noise assessment Are you satisfied with the applicant's noise assessment and that there would be no significant effect on any species? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.	I have not had time to consider this	The Applicant notes this comment.
4.5.7	Biodiversity net gain metric Are you satisfied that the latest BNG metric [PD2-032]: i) Follows best practice/guidance? ii) Contains the necessary information? iii) That habitat, hedgerow and watercourse are classified accurately? iv) The metric results are correct? If no, please provide justification and relevant evidence to support your position.	Yes	The Applicant notes this comment.
4.6.3	NPS EN-1 Are you satisfied that the proposed development meets the following paragraph in NPS EN-1: paragraph 4.6.15 Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where appropriate, incorporated into proposals as part of good design (including any relevant operational aspects) of the project. If no, please provide justification and relevant evidence to support your position.	Yes	The Applicant notes this comment.
4.6.4	NPS EN-1 Are you satisfied that the proposed development meets the following paragraph in NPS EN-1: 5.4.22 The design of energy NSIP proposals will need to consider the movement of mobile/migratory species such as birds, fish and	It has considered this aspect, however, the reduction in current size means that bird species do not have enough alternative places to rest and feed if disturbed from the mitigation area. See my response to question 4.4.2	The Applicant notes the Respondent's comment and refers to the response to Question 4.4.2. As set out in **The Information to Inform a Habitat Regulations Assessment (HRA) Report [as updated alongside the Deadline 3 submission]** and accepted by Natural England, the assessment demonstrates that sufficient alternative resting and foraging habitat is available within the relevant functional ecological unit, including beyond the mitigation area. It is also important to note that the

Ref	ExA Question	MECG Comment	Applicant's Response
	marine and terrestrial mammals and their potential to interact with infrastructure.		Lum and area adjacent to the NBBMA will also provide further carrying capacity, particularly for dabbling ducks, redshank (not limited to). The Applicant does not agree that the current size of the mitigation area would result in a lack of suitable alternative habitat for bird species if disturbed, as this conclusion is not supported by the Applicant's survey data or the BTO WeBS datasets when assessed, spatially on a like-for-like basis.
8.0.3	ES conclusions Are you content with the applicant's assessment that there would be no residual significant effects as a consequence of the proposed development? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.	The answer is no. The application does not acknowledge the significant effect on nonbreeding populations of Lapwing Golden Plover, Curlew and Ruff. This could have been done easily with some interpretation of the WeBS data that provide 13 years of good quality data. The Frodsham deposits grounds are clearly functionally linked to the Mersey Estuary SPA and these species move freely between the Mersey Estuary Saltmarsh and the Frodsham grasslands. The provision of cell 3 as a mitigation area is good. However as outlined in my answer to question 4.4.2 the area is not big enough and should be extended to include cell 2. Further to this cell 3 is already the mitigation area for the wind farm development. So, if they are replacing the mitigation for a previous development, have they assessed the impact of the wind farm to ensure that the "new" mitigation mitigates the effect of both developments? The wind farm mitigation may not have been well designed or managed. However, why should the mitigation for this development be re-used as mitigation for the solar farm? Shouldn't the developer of the wind farm be responsible for ensuring that it is successful? And the applicant for the solar farm should be creating mitigation in a different place that mitigates the effect of losing large areas of important grassland. This also makes one ask what confidence we have in the ability of this proposal to be successful? The whole area is important for the species mentioned earlier and the areas under the solar panels will become completely unsuitable for these species once the panels have been installed. Given the evidence presented in answer to question 4..4.2 I don't think the mitigation area will mitigate all the effects. This is because these species already use the area and there is a limit to how many more birds it can accommodate even with improved habitat quality. A better balance would be to increase the size of the mitigation area to include cell No. 2. The impact on the fields down by the Weaver Bend (known as Weston Marshes WeBS site) I think is also underestimated.. The field just inland from the Weaver has some very good habitat and wetland scrapes (I created the scrapes in 1998 and they have been improved since). It is hard to understand the importance of these areas by looking at bird counts as the area is densely vegetated and does not attract large flocks of birds but does hold many breeding species including reed bunting, stonechat and reed, sedge and grasshopper warbler. It may also contain breeding redshank and snipe, or at least has the potential to, if managed better. Erection of solar panels in this area will have a significant impact on these species, in particular breeding waders making it totally unsuitable for them. This area is relict landscape of how the Weaver valley once was. Solar panels will completely change that character and affect its ecology.	The Applicant does not agree with the Respondent's conclusions. **The Information to Inform a Habitat Regulations Assessment (HRA) Report [as updated alongside the Deadline 3 submission]** explicitly considers non-breeding populations of lapwing, golden plover, curlew and ruff (and beyond these), using a combination of the Applicant's field survey data and the most recent and relevant BTO WeBS datasets available at the time of submission, assessed at the appropriate spatial scale and over representative time periods. The functional linkage between the Order Limits and the Mersey Estuary SPA is acknowledged and forms the basis of the assessment, which has been undertaken in accordance with accepted practice and is supported by Natural England. The HRA demonstrates that, when assessed on a like-for-like basis, the Applicant's survey results fall within the range of the long-term WeBS data and do not indicate a significant effect on non-breeding SPA populations. Reliance on isolated maximum peak counts, rather than sustained patterns of use, is not considered an appropriate basis for impact assessment and is not realistic and (or) supported by Natural England. The provision of Cell 3 as the NBBMA has been specifically designed to deliver higher-quality habitat than is currently available, through re-engineering, hydrological control and long-term conservation management. The HRA concludes that the size and quality of the NBBMA are sufficient to mitigate the effects of the Proposed Development, and that extension into Cell 2 is not necessary to avoid AEoI. The NBBMA delivers mitigation in addition to, and not in replacement of, the existing Frodsham Wind Farm mitigation. The **oNBBMS [EN010153/DR/8.32]** secures enhanced habitat quality, extended seasonal functionality and long-term management beyond that required under the wind farm consent. Accordingly, the mitigation strategy has been assessed on a cumulative basis of the existing baseline and is not reliant on the success or otherwise of earlier mitigation alone. It is also noted that the Applicant is committed to the management of the NBBMA being undertaken by an appropriately experienced conservation organisation and has received a letter of intent from the

Ref	ExA Question	MECG Comment	Applicant's Response
			RSPB (**Appendix D to Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027**]. With regard to Weston Marshes, the Applicant acknowledges the ecological value of the area and considers that the Respondent is referring to the area known as the Lum. This area will be retained and enhanced as part of the Proposed Development, including proposals to provide additional wetland habitats along the boundary of the Site with the River Weaver. The Applicant can confirm that breeding redshank and snipe were not recorded during the three-year field survey programme. While a range of breeding passerine species were recorded, the assessment has taken account of their habitat requirements and distribution. The Proposed Development avoids the Lum. The proposed enhancements to the Lum, including the creation of additional scrapes and improved wet grassland management, are anticipated to maintain and improve its ecological function. On this basis, the Applicant does not agree that the Proposed Development would hinder and (or) reduce the suitability of the area for breeding waders or result in a significant adverse effect on its ecological value or character. When considered as a whole, the evidence presented in the **The Information to Inform a Habitat Regulations Assessment (HRA) Report [as updated alongside the Deadline 3 submission]** demonstrates that the Proposed Development, with the secured mitigation in place, will not result in an adverse effect on the integrity of the Mersey Estuary SPA

Table 2-8: Response to National Grid Electricity Transmission's Submissions

Ref	ExA Question	NGET Comment	Applicant's Response
9.8.4	Frodsham 400kV Substation NGET [RR-021] raised concerns about the cumulative impacts of the proposed development with HyNet Hydrogen Pipeline and Runcorn Carbon Dioxide Spur Pipeline. It would like to understand how the applicant would work with the promoters of the other schemes to minimise disruption to the access road to NGET's Frodsham 400kV Substation and ensure the protection of the associated overhead and underground apparatus including cables. i) Please could the applicant respond to NGET's comments? ii) Please could NGET set out any outstanding concerns and provide updates during the examination?	The Written Representation submitted on behalf of NGET [REP1-061] sets out NGET's concerns with regards to the cumulative impacts of the proposed development with HyNet Hydrogen Pipeline and Runcorn Carbon Dioxide Spur Pipeline. Whilst discussions are ongoing with the Applicant in respect of this issue, an agreed position has not yet been reached to adequately address NGET's concerns. As noted in NGET's Written Representation, this is a critical access road and it is essential that any access required by the projects is coordinated to minimise disruption to the operation of the Frodsham Substation to ensure that NGET can continue to discharge its statutory obligations. NGET also needs to maintain access rights to all of the 400Kv Infrastructure within the Order limits both during construction and operation of the Applicants Authorised Development. NGET will provide a further update at the next deadline.	The Applicant and NGET have continued to discuss this matter. The Applicant accepts the criticality of the access road and remains willing to put in place appropriate protections in the context of those already existing within the Protective Provisions.
10.0.4	Individual objections Cadent Gas Limited [RR-020], Frodsham Wind Farm Limited [RR-047], Inovyn Chlorovinyls Limited and Ineos Fluor Limited [RR-004], Inovyn Enterprises Limited [RR-001], National Gas Transmission plc [RR-032], National Highways [RR-031], NGET [RR-021], SP Energy Networks [RR-018], The Canal & River Trust [RR-010], United Utilities Water Limited [RR-006] have commented on the powers requested by the applicant. i) Please could each organisation set out any outstanding concerns and provide updates during the examination? ii) If the concerns are not addressed to any organisation's satisfaction, please could it submit its proposed changes to the dDCO [PD2-005], including any protective provisions, with justification for why the changes are required? iii) Please could National Highways advise the full name of its legal entity for relevant land right purposes? iv) Please could SP Energy Networks advise its relation to SP Manweb and the full name of its legal entity for relevant land right purposes?	The Written Representation [REP1-061] submitted on behalf of NGET sets out NGET's concerns with regards to the powers requested by the Applicant and its proposed changes to the dDCO [PD2-005]. This includes, inter alia, the a request that the Applicant removes the extent of NGET's operational substation (which sits predominantly over plot 5-17 and 5-18) from the compulsory acquisition powers shown on the Land Plans [APP-008], and the removal of the green infrastructure works within the substation boundary (as shown on the Works Plans [APP-009]). Further details are set out in NGET's Written Representation. As noted in its Written Representation, changes are also required to the protective provisions to ensure protection for retained NGET assets, along with facilitating all future access and other rights as are necessary to allow NGET to properly discharge its statutory obligations. Without inclusion of acceptable protective provisions, serious detriment would be caused to NGET's undertaking as well as to other third-party projects that are reliant on NGET's infrastructure, including the Project itself. Further details are set out in NGET's Written Representation. Whilst discussions are ongoing with the Applicant in respect of these concerns, and negotiations on the protective provisions are in progress, an agreed position has not yet been reached to adequately address NGET's concerns. NGET will provide a further update at the next deadline and will provide a set of requested protective provisions if these are not yet agreed.	Please see the Applicant's response to NGET's written representation also submitted at Deadline 3.

Table 2-9: Response to SP Energy Network's Submissions

Ref	ExA Question	SPEN Comment	Applicant's Response
10.0.4	Individual objections Cadent Gas Limited [RR-020], Frodsham Wind Farm Limited [RR-047], Inovyn Chlorovinyls Limited and Ineos Fluor Limited [RR-004], Inovyn Enterprises Limited [RR-001], National Gas Transmission plc [RR-032], National Highways [RR-031], NGET [RR-021], SP Energy Networks [RR-018], The Canal & River Trust [RR-010], United Utilities Water Limited [RR-006] have commented on the powers requested by the applicant. i) Please could each organisation set out any outstanding concerns and provide updates during the examination? ii) If the concerns are not addressed to any organisation's satisfaction, please could it submit its proposed changes to the dDCO [PD2-005], including any protective provisions, with justification for why the changes are required? iii) Please could National Highways advise the full name of its legal entity for relevant land right purposes? iv) Please could SP Energy Networks advise its relation to SP Manweb and the full name of its legal entity for relevant land right purposes?	SP Energy Networks Holdings Ltd (SPEN) (Company Number SC389555) is part of the ScottishPower Group of companies. SP Manweb Plc (SP Manweb (SPM)) (Company Number 02366937) is the asset owner of electricity distribution apparatus and the licenced Distribution Network Operator for 1.5 million customers in Cheshire, North Shropshire, Merseyside and North Wales. SPM is a wholly owned subsidiary of SPEN. SPM is responsible for the safeguarding, operation, maintenance and continuing development of the distribution networks across our licence area. For the land right purposes references should be made to SP Manweb PLC.	The Applicant notes this comment and is continuing its discussions with SPEN in respect of their Protective Provisions.

Table 2-10: Response to National Gas Transmission's Submissions

Ref	ExA Question	NGT Comment	Applicant's Response
10.0.4	Individual objections Cadent Gas Limited [RR-020], Frodsham Wind Farm Limited [RR-047], Inovyn Chlorovinyls Limited and Ineos Fluor Limited [RR-004], Inovyn Enterprises Limited [RR-001], National Gas Transmission plc [RR-032], National Highways [RR-031], NGET [RR-021], SP Energy Networks [RR-018], The Canal & River Trust [RR-010], United Utilities Water Limited [RR-006] have commented on the powers requested by the applicant. i) Please could each organisation set out any outstanding concerns and provide updates during the examination? ii) If the concerns are not addressed to any organisation's satisfaction, please could it submit its proposed changes to the dDCO [PD2-005], including any protective provisions, with justification for why the changes are required? iii) Please could National Highways advise the full name of its legal entity for relevant land right purposes? iv) Please could SP Energy Networks advise its relation to SP Manweb and the full name of its legal entity for relevant land right purposes?	I am pleased to confirm that my client has reached agreement with the Promoter regarding the Protective Provisions for its assets, and as such I should be grateful if you would take this email as confirmation of withdrawal of my client's objection to the said application (made by way of its Relevant Representation of 21 August 2025).	The Applicant notes and welcomes this comment.

Table 2-11: Response to Frodsham Wind Farm's Submissions

Ref	ExA Question	FWF Comment	Applicant's Response
10.0.4	Individual objections Cadent Gas Limited [RR-020], Frodsham Wind Farm Limited [RR-047], Inovyn Chlorovinyls Limited and Ineos Fluor Limited [RR-004], Inovyn Enterprises Limited [RR-001], National Gas Transmission plc [RR-032], National Highways [RR-031], NGET [RR-021], SP Energy Networks [RR-018], The Canal & River Trust [RR-010], United Utilities Water Limited [RR-006] have commented on the powers requested by the applicant. i) Please could each organisation set out any outstanding concerns and provide updates during the examination? ii) If the concerns are not addressed to any organisation's satisfaction, please could it submit its proposed changes to the dDCO [PD2-005], including any protective provisions, with justification for why the changes are required? iii) Please could National Highways advise the full name of its legal entity for relevant land right purposes? iv) Please could SP Energy Networks advise its relation to SP Manweb and the full name of its legal entity for relevant land right purposes?	In response to the Examining Authority's written question 10.0.4 issued on 18 December 2025, we are pleased to confirm that a number of concerns have been addressed between the Applicant and FWFL during the course of negotiating the draft commercial agreement and protective provisions. However, there are still a number of outstanding points to be addressed primarily relating to: • sharing and maintenance of the access track which currently serves FWF and is intended to additionally serve the Frodsham Solar Project; • the potential for ground subsidence to the wind turbines and associated equipment during construction of the Frodsham Solar Project and the responsibilities of both parties during the lifetime of the projects; and • the practicalities and set back distances, specifically around oversail and the lay down areas for the turbines when it comes to repowering or decommissioning of FWF. The Applicant and FWFL are in direct contact to discuss a commercial solution to these concerns, which we hope will allow the side agreement/asset protection agreement to be swiftly concluded and, in any event, ahead of the close of examination on 30 April 2026. We shall continue to keep the Examining Authority updated as the negotiation of this agreement progresses and, consequently, the status of FWFL's outstanding objection.	The Applicant notes these comments and agrees that these are the primary issues under discussion between the parties. Discussions are continuing to seek to reach agreement as soon as possible.

Table 2-12: Response to Inovyn's Submissions

Ref	ExA Question	Inovyn Comment	Applicant's Response
10.0.4	Individual objections Cadent Gas Limited [RR-020], Frodsham Wind Farm Limited [RR-047], Inovyn Chlorovinyls Limited and Ineos Fluor Limited [RR-004], Inovyn Enterprises Limited [RR-001], National Gas Transmission plc [RR-032], National Highways [RR-031], NGET [RR-021], SP Energy Networks [RR-018], The Canal & River Trust [RR-010], United Utilities Water Limited [RR-006] have commented on the powers requested by the applicant. i) Please could each organisation set out any outstanding concerns and provide updates during the examination? ii) If the concerns are not addressed to any organisation's satisfaction, please could it submit its proposed changes to the dDCO [PD2-005], including any protective provisions, with justification for why the changes are required? iii) Please could National Highways advise the full name of its legal entity for relevant land right purposes? iv) Please could SP Energy Networks advise its relation to SP Manweb and the full name of its legal entity for relevant land right purposes?	<u>Response on behalf of INOVYN Chlorvinyls Limited</u> Regarding ICL, the position remains as stated in its Written Representation [REP1-070]. The terms of a draft Option Agreement and Deed of Easement are in the process of being negotiated between ICL and the Applicant. ICL is waiting to be provided with an undertaking in respect of its legal costs, together with a revised plan for appending to the Option Agreement which shows an accurate registered title boundary and a reduced 'option area', i.e. an appropriate construction corridor rather than the entirety of the land comprised in plots 5-3 and 5-4 (as shown on Sheet 5 of the Land and Crown Land Plans (P03) [REP1-003] (the "Land Plans"); referred to hereinafter together as the "ICL Land"). Upon receipt of these items, ICL will share its detailed comments on the draft Option Agreement and Deed of Easement with the Applicant. Engagement between ICL and the Applicant has been constructive to date and ICL remains positive that an agreement can be reached with the Applicant within the examination period. However, in order for this to be the case, certain critical items are required to be established and legally documented, notably: 1. the retention by ICL of the freehold ownership (and control of) the ICL Land; acquisition by the Applicant of the freehold interest in the ICL Land is considered by ICL to be wholly disproportionate; 2. regarding the rights which ICL is prepared to grant to the Applicant to facilitate the delivery of the connection between the on-site substation for the Project and the Frodsham substation (also known as the SPEN substation), the limitation of the rights to rights of 'oversail' for overhead lines only; ICL cannot accept and will not agree to the installation and retention of permanent Project infrastructure in the ICL Land; and 3. a prohibition on the extinguishment of or interference with the existing rights of ICL1 and IFL2, including (without limitation) rights of access, and to support and service installations in respect of the land at Frodsham Marsh Lagoon. At the present time, ICL does not envisage requiring the inclusion of bespoke Requirements and/or Protective Provisions in the draft Development Consent Order (P-04) (the "dDCO") [REP1-004]. However, should it not be possible to progress negotiations in respect of the draft Option Agreement and Deed of Easement during the intervening weeks between the date of these submissions and the Compulsory Acquisition Hearing which is scheduled to take place on 24 February 2026 (the "CAH"), it will be necessary for ICL to alter its position. Should these circumstances arise, ICL will update the ExA at the CAH and provide summary details of its proposed changes to the dDCO and the basis upon which the requisite provisions are considered justified. <u>Response on behalf of INOVYN Enterprises Limited</u> Turning to IEL, as the ExA will be aware, the Applicant submitted updated versions of the Book of Reference (P-04) [REP1-008] and the Land and Rights Negotiations Tracker (P-02) [REP1-010] at Deadline 1. Read together, these documents – following certain Land Registry updates – confirm the removal of IEL's interests (i.e. concerning an Option to enter into a Deed of Grant in respect of a pipe and outfall for discharge of saline water into the Manchester Ship Canal) from plots 3-25 and 3-31 (as shown on Sheet 3 of the Land Plans). These changes are also recorded in the Schedule of Land Rights Changes (P-02) [REP1-031]. Accordingly, there is no requirement for IEL to continue participating in the examination and we confirm that its request to be heard at the CAH is withdrawn.	The Applicant notes this comment and is continuing its discussions with Inovyn in respect of a private agreement.

Table 2-13: Response to Liverpool Bay CCS Submissions

Ref	ExA Question	Liverpool Bay CCS Comment	Applicant's Response
10.0.4	Individual objections Cadent Gas Limited [RR-020], Frodsham Wind Farm Limited [RR-047], Inovyn Chlorovinyls Limited and Ineos Fluor Limited [RR-004], Inovyn Enterprises Limited [RR-001], National Gas Transmission plc [RR-032], National Highways [RR-031], NGET [RR-021], SP Energy Networks [RR-018], The Canal & River Trust [RR-010], United Utilities Water Limited [RR-006] have commented on the powers requested by the applicant. i) Please could each organisation set out any outstanding concerns and provide updates during the examination? ii) If the concerns are not addressed to any organisation's satisfaction, please could it submit its proposed changes to the dDCO [PD2-005], including any protective provisions, with justification for why the changes are required? iii) Please could National Highways advise the full name of its legal entity for relevant land right purposes? iv) Please could SP Energy Networks advise its relation to SP Manweb and the full name of its legal entity for relevant land right purposes?	LBCCS confirms that we have continued to have constructive and productive discussions with the Applicant regarding the matters highlighted in the draft Statement of Common Ground submitted by the Applicant at Deadline 1 [REP1-039]. LBCCS will continue to work collaboratively with the Applicant towards a mutually acceptable outcome. LBCCS does not intend to submit a response to ExQ1 at this stage. We would be grateful if the Examining Authority does not assume that LBBCS has no comments; LBCCS reserves the right to provide a substantive reply at a later Examination deadline, in accordance with the examination timetable in the Rule 8 Letter [PD-008]. LBCCS remains available in the interim to assist the Examining Authority with any other queries arising.	The Applicant notes these submissions. Its position remains as has been set out in its Examination submissions.