



CHESHIRE WEST AND CHESTER COUNCIL

Frodsham Solar DCO - EN010153

CWCC D4

Cheshire West and Chester Council's comments on Deadline 3 documents

(including comments on earlier Deadline 1 and Deadline 2 versions where appropriate)

Submission for Deadline 4

(5 March 2026)

1.0 INTRODUCTION

- 1.1. This document summarises CWCC's responses to the Deadline 3 documents.
- 1.2. The comments in this document must be read in conjunction with previous responses submitted (especially CWCC's Relevant Representations [RR-037], as the comments in this document generally refer to / address the changes made to the documents. Many of CWCC's earlier comments on previous versions have not been addressed, either at all, or CWCC's satisfaction. That is not to detract from a number of positive changes that the Applicant has made to earlier versions, it is just to highlight that this response is not intended to provide a comprehensive overview of all CWCC's comments on a particular document or issue (rather it is a working document commenting on the changes made). However, where relevant and to assist, CWCC's earlier comments from the Deadline 3 submission that remain outstanding have been retained (and highlighted grey).
- 1.3. Where relevant, the end column on each table is used to identify where issues are agreed (green), for / under discussion (amber), and not agreed (red). Where comments have previously been made by CWCC, and the comments have not been addressed in the latest document version, but are considered to be particularly important points that still need to be addressed, these are shown in red as 'not agreed', although CWCC would still welcome further discussion with the Applicant to resolve matters.
- 1.4. The document is separated into three main groups of tables:
 - i) Table 1 Deadline 3 submission – CWCC's comments on application and control documents
 - ii) Table 2 Comments outstanding from CWCC's Deadline 3 submission on other/earlier application and control documents
 - iii) Table 3 Deadline 3 submission – CWCC's comments on applicant's responses to various submissions
 - iv) Table 4 Deadline 1 and 2 submission – CWCC's further comments delayed from Deadline 3 submission

2.0 DEADLINE 3 SUBMISSION – CWCC’s COMMENTS ON APPLICATION AND CONTROL DOCUMENTS

- 2.1. This section summarises CWCC’s responses to the Deadline 3 application and control documents.
- 2.2. Certain comments from CWCC’s submission at Deadline 3 relating to the previous versions of the documents are highlighted in grey where relevant for ease of reference.

Table 1: Deadline 3 submissions - application and control documents.

REP3-002 3.1 Draft Development Consent Order - P05

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-002 3.1 Draft Development Consent Order - P05				
D4.1.1.01		General	<p>Please refer to the following:</p> <p>CWCC’s Local Impact Report [REP1-046] (LIR)</p> <p>Paragraph 8.8.</p> <p>CWCC’s Written Representations [REP1-048] (WR)</p> <p>Section 3</p> <p>Appendix A to CWCC’s Written Representations [REP1-048] (App WR)</p> <p>ISH1 Agenda Item 4</p> <p>CWCC’s Response to ExA’s first written questions (ExQ1) [REP2-005]</p> <p>Questions</p> <p>Q1.0.7 (re: oDEMP);</p> <p>Q3.1.2 / Q 3.2.1 / Q3.2.12 (re: contamination)</p> <p>Q6.0.1. / Q9.4.2 (re: non-percussive piling)</p> <p>Q7.0.4 (re: Article 39 and Requirement 9 (3) and trees)</p> <p>Q9.5.1 (re: costs associated with Visitor car park)</p> <p>Q9.5.2 (re: 11.26-11.27RR and oPRoWMP /Requirement 9 (2) (h))</p>	

			Q9.9.1 (re: detailed design approval / Requirement 6 (1))	
D4.1.1.02	Part 1 Preliminary	Interpretation	<p>The definition of “permitted preliminary works” still includes vegetation clearance in item k and this should either be removed, or qualified, as previously represented at Item 4a in Appendix A CWCC Written Rep [REP1-048].</p> <p>“permitted preliminary works” (PPW)</p> <p>CWCC seeks the removal of site clearance and remedial works from the definition of PPW due to concerns regarding control and these works falling outside of the construction phasing plan. There is the potential for significant impact on habitats which haven't been accounted for (paragraph 3.4 of WR [REP1-048]. See also CWCC’s comments in Appendix A of its Written Representations relating to ISH1 agenda item 4 a); notably:</p> <p><i>“CWCC consider that if site clearance and remedial works are included in permitted preliminary works, these fall outside of the definition of commencement and so are not controlled by the construction phasing plan. There could be a situation where the site is cleared of vegetation, with no mitigation area available for non-breeding birds, leading to significant negative impacts on the non-breeding bird population.</i></p> <p><i>There could be significant impacts on the habitat on site and further detail in the construction phasing plan should be provided to take account of remedial works.</i></p> <p><i>It is CWCC’s position that site clearance and remedial works should be removed from the permitted preliminary works definition, as it requires control and are outside of the proposed construction phasing plan. In addition, the construction phasing plan should be updated to provide further detail on</i></p>	

			<p><i>remedial works and site clearance should take place in accordance with the construction phasing plan.”</i></p> <p>The current wording for PPW includes:</p> <p><i>(c) intrusive archaeological surveys to be carried out pursuant to the written scheme of archaeological investigation (or multiple written schemes of archaeological investigation) approved under requirement 18;</i></p> <p>as well as;</p> <p><i>(k) site clearance (comprising vegetation removal and demolition of existing buildings and structures); or</i></p> <p>See above for concerns regarding the inclusion of vegetation removal in the definition of preliminary works. As currently drafted (k) would allow demolition of existing buildings and structures, which includes the brick shafts / ventilation shafts as referred to in the oWSI [AS-029].</p> <p>If site clearance is to be retained within PPW, CWCC recommends that the drafting be amended to exclude the demolition of the brick shafts / ventilation shafts from (k).</p> <p>CWCC has experience of situations where various types of preliminary works have been seen to affect identified archaeological features requiring mitigation. If necessary, this can be dealt with via separate WSIs being submitted before works commence.</p> <p>It is noted the Requirement 12 (4) includes elements of PPW as being commencement of development for the NBBMA, which is welcomed and this should be extended to The Lum.</p> <p>There remain concerns over the potential impacts of PPW, particularly in relation to habitat/ecology impact (e.g. in relation to the LUM where habitat</p>	
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			<p>mitigation groundworks are proposed), and further consideration / discussion with the Applicant is needed. CWCC will confirm if it has any further comments following discussion with the Applicant.</p> <p>The definition of PPW in REP1-004 has been amended to include the following:</p> <p><i>(l)access and highway improvements and use, comprising works to create, improve, repair or maintain streets, roads, haul roads and access points within the limits of deviation for Work No. 8 shown on the Works Plans.</i></p> <p>There are concerns over this addition (mainly in relation to adding potential ecology/habitat impacts); and further consideration / discussion with the Applicant is needed. CWCC will confirm if it has any further comments.</p>	
D4.1.1.03	Part 2	Article 8 - Defence to proceedings in respect of statutory nuisance	<p>The addition of decommissioning is accepted.</p> <p>As noted at ISH2 the CWCC accepts that such defence to proceedings provisions are contained in other DCO's and as such withdraws its concerns to the inclusion of article 8 covering matters such as decommissioning.</p> <p>CWCC welcomes the suggestion of reviewing the wording of the provision to potentially omit reference to operation and use, whilst allowing for such defence to continue to cover replacement activities and other maintenance activities. CWCC will work with the Applicant to agree wording for Deadline 5.</p>	
D4.1.1.04	Part 3	Street Works	<p>See paragraph 3.4 of CWCC's WR (REP1-048]</p> <p>For Article 10 'power to alter layout' see CWCC's comments in Appendix A of its Written Representations [REP1-048] and ISH1 agenda item 4a) referred to under CWCC's comment on PPW's above.</p>	

	article 16	Traffic regulation measures	<p>Subject to any further comments from CWCC Highways, the additions in relation to display of site notices and obtaining approval of the CTMP / DEMP for the relevant works is welcome.</p> <p><i>(c) displayed a site notice containing the same information at each end of the length of road affected; and (d) either— (i) in relation to the construction of the authorised development only, have first obtained approval under requirement 14 (construction traffic management plan) for a construction traffic management plan for the phase of the authorised development in relation to which the power conferred by paragraph (1) is sought to be utilised; or (i)(ii) in relation to the decommissioning of the authorised development only, have first obtained approval under requirement 20 (decommissioning) for a decommissioning environmental management plan for the part of the authorised development in relation to which the power conferred by paragraph (1) is sought to be utilised.</i></p>	
D4.1.1.05	Part 6	<p>Miscellaneous & General</p> <p>Article 36 – Felling or lopping of trees and removal of hedgerows</p>	<p>For the additional wording to 36(3)(c) suggest adding text in bold/red:</p> <p>“(c) the transferee or lessee is a holding company or subsidiary an entity (whether that entity is a group company of the undertaker or any other entity) that is responsible for the on-going management of any part of Work No. 6, the identity of which has been agreed by the local planning authority in consultation with Natural England following approvals given under Requirement 9;”</p>	
D4.1.1.06	Part 6	<p>Miscellaneous & General</p> <p>Article 39 – Felling or lopping of trees</p>	<p>See paragraph 3.4 of CWCC’s WR (REP1-048] and Appendix A of WR.</p> <p>CWCC considers more clarity is needed with approval given to tree and hedge retention and removal plans. Article 39 should apply to approved removal and not retained features.</p> <p>See also CWCC’s response to ExQ1 (Q.7.0.4) [REP2-005].</p>	

		and removal of hedgerows		
D4.1.1.07	Schedule 1	Authorised development	<p>Work package 6 and Schedule 2 requirements should be clear in what is meant in terms of Skylark habitat and also should include “enhance” in the definition. The biodiversity enhancement area by Marsh Farm and the Lum areas should be included in this work package, as previously represented at Item 4f of Appendix A CWAC Written Rep [REP1-048]:</p> <p>.</p> <p>See paragraph 3.4 of CWCC’s WR (REP1-048] and Appendix A (ISH1 Agenda item 4 f).</p> <p>CWCC recommends the addition of Work No 6D to include creation and maintenance of habitat works (new scrapes) by the LUM (Fig 2.2. Indicative Operational Layout) of APP-109 and new wetland area adjacent to the NBBMA (between fields A01 and A02)).</p> <p>CWCC considers the drafting should be made clearer; and it is helpful to have the mitigation works listed separately from other works. A breakdown of the various mitigation areas in Work No. 6 would help achieve this.</p>	
D4.1.1.08	Schedule 1	Ancillary Works (h)	<p>The definition of Ancillary Works (h) in Schedule 1 of the draft DCO, includes construction and decommissioning compounds which appears to be an unnecessary duplication of Work No 7</p>	
D4.1.1.09	Schedule 2	Requirement 1 Interpretation	<p>As stated in CWCC’s response to ExQ1 (Q.3.2.12) [REP2-005], it would be beneficial/preferable to reference inclusion of dealing with unexpected contamination as part of the remediation strategies and verification reports in Requirement 1(c)</p> <p>CWCC welcomes the addition 1(h) peat investigations.</p>	

D4.1.1.10	Schedule 2	Requirement 2 Commencement	<p>See paragraph 3.4 of CWCC’s WR (REP1-048] regarding addition of 14-day notice of commencement of development.</p> <p>CWCC notes the Applicant’s Response to ExA First Written Questions (Q11.3.1) [REP2-005].</p> <p><i>“The Applicant does not consider that “begin” should be replaced with “commence”. The use of the word “begin” is deliberate to ensure that the development consent can be kept alive where only permitted preliminary works have been undertaken, which would not be possible if ‘commence’ was used. This had precedent in the recent Cory Decarbonisation Project Order 2025, amongst others. The Applicant notes for context, however, that begin should be read in the context of section 155 of the Planning Act 2008, which defines development beginning by reference to a ‘material operation’ being carried out. As such, the development can be begun by permitted preliminary works, but those works in and of themselves must be a material operation. As such, the development would not be kept be alive by trivial works.”</i></p> <p>The explanation at 5.2.7 of REP3-004 is noted, but CWCC’s initial view is that the development consent should only be kept alive by virtue of commencement, and that carrying out PPW should not be sufficient. The background to this development is CNP and an urgent need for energy infrastructure, allowing a consent to be kept alive in this way seems to be counter to the context that the project is being considered against.</p> <p>Further comments on this will be provided at Deadline 5 if necessary.</p>	
D4.1.1.11	Schedule 2	Requirement 3 Phasing and Final Commissioning	<p>Following discussion with the Applicant, it is understood that the Council’s comment from Deadline 3 has been agreed and that this will be addressed.</p> <p>LIR 8.8. it would be of public interest and transparent for the export capacity of each phase and the cumulative total to be confirmed as part of notices to be</p>	

			<p>provided under Requirement 3 (4) of Schedule 2 relating to phasing and date of final commissioning.</p> <p>See paragraph 3.4 of CWCC's WR (REP1-048] regarding adding 3(4) requirement for notification of the gross electrical output capacity / export capacity of each phase (and the cumulative total) to be confirmed as part of the notice.</p>	
D4.1.1.12	Schedule 2	Requirement 4 Written approval	No comments	
D4.1.1.13	Schedule 2	Requirement 5 Approved details and amendments	No comments	
D4.1.1.14	Schedule 2	Requirement 6 Detailed design approval	<p>Following ISH2 it is understood that the Applicant has agreed to include reference to the anti-reflective coating in the details covered by this requirement.</p> <p>See CWCC;s response to ExQ1 Q.9.9.1. [REP2-005]</p> <p>The Applicant's response to CWCC's WR in terms of power cables is awaited, and at present it is considered these details should be included in Requirement 6.</p> <p>CWCC considers it important to establish an agreed programme for landscape phasing and implementation and note that provision for an implementation timetable is included in Requirement 9.</p>	
D4.1.1.15	Schedule 2	Requirement 7 Battery safety	Recommend also including consultation with CWCC's Emergency Planning team as well as Cheshire Fire and Rescue Service and the Environment Agency	

D4.1.1.16	Schedule 2	Requirement 8 Permitted preliminary works (PPW)	<p>CWCC recommended adding to the requirement that the local planning authority be given 14 days notice of the commencement of PPW in any phase.</p> <p>CWCC considers that further control over the carrying out of PPW during specified months requires further consideration / discussion with the Applicant. CWCC will confirm any if it has any further comments.</p> <p>Suggest adding wording in bold/red:</p> <p>“8. The permitted preliminary works must be carried out in accordance with the measures set out in appendix 2-3 of the environmental statement relating to Permitted Preliminary Works”</p>	
D4.1.1.17	Schedule 2	Requirement 9 Landscape and ecology management plan (LEMP)	<p>The addition in 9 (2) b) of ‘<i>and confirmation of hedgerows to be retained</i>’ is welcomed.</p> <p>The addition of 9 (5) ‘<i>The permission for the public to make use of any permissive path listed within the landscape and ecology management plan ceases on the date of decommissioning for that phase of the authorised development</i>’ is understandable and there is no objection to it, although it is regrettable that extended life beyond decommissioning for the permissive paths has not been designed into the project.</p> <p>See paragraph 3.4 of CWCC’s WR (REP1-048] regarding:</p> <p>9 (2) e) implementation timetable add ‘for landscaping works’ for clarity</p> <p>9 (3) add reference to replacement of trees on a 2:1 ratio, and hedgerows on a 3:1 ratio</p> <p>9 (4) add reference to LEMP being carried out for the operational life of the development</p> <p>add reference to works being carried out in accordance with Arboricultural method statement (as well as LEMP)</p>	

			<p>add details of BNG monitoring.</p> <p>CWCC welcomes inclusion of a programme for permissive paths and Work no 6B under Requirement 9 (2)(h) and 2(i).</p> <p>CWCC notes the Applicant’s Response to ExA First Written Questions (Q11.3.7) copied below.</p> <p><i>“The Applicant confirms that the reference in Requirement 9(2)(g) does not mean that ecological surveys must be undertaken prior to permitted preliminary works.</i></p> <p><i>Some ecological surveys may be carried out as part of the permitted preliminary works (PPW). For all PPWs, with the exception of ‘the temporary display of advertisements’, Appendix 2-3 of the ES [REP1- 012] requires badger, otter and water vole surveys where the PPW lies within specified distances of badger setts or watercourses. For certain PPWs there is a requirement for a CEMP or LEMP to be prepared prior to undertaking works. In these instances ecological surveys must be undertaken in order to inform the preparation of these plans. Hence, surveys would be undertaken prior to these PPWs being carried out.”</i></p> <p>CWCC consider that it is important to set out which PPW will need which surveys, and for this to be approved by CWCC.</p> <p>Any further comments on this will be provided at Deadline 5.</p>	
D4.1.1.18	Schedule 2	Requirement 10 Fencing	No comments	
D4.1.1.19	Schedule 2	Requirement 11 Surface and ground water management	No comments	

D4.1.1.20	Schedule 2	Requirement 12 Construction environmental management plan (CEMP)	<p>Requirement 12 of the draft DCO be amended to include additional matters including provision for a community liaison plan.</p> <p>See paragraph 3.4 of CWCC’s WR (REP1-048] regarding:</p> <p>12 (2) adding the following: pre-construction updated habitat surveys; habitat constraints plan and precautionary measures; surface water management plan (including pollution control); community liaison plan and complaints procedure; security and lighting details; soils management plan; procedures and controls for working outside core construction hours;</p>	
D4.1.1.21	Schedule 2	Requirement 13 Operational environmental management plan (OEMP)	<p>Query relating to reference to including decommissioning timing in the oEMP? Can this be explained?</p> <p>“(2) The operational environmental management plan submitted for approval under subparagraph (1) must include decommissioning timing provisions that are consistent with the required decommissioning timing provisions and be otherwise substantially in accordance with the outline operational environmental management plan to the extent that it is applicable to that phase and must be accompanied by, or include the following— “</p> <p>See paragraph 3.4 of CWCC’s WR (REP1-048] regarding:</p> <ul style="list-style-type: none"> a) 13 (2) e) Add need for updated CEMP and CTMP in relation to major replacement activities b) 13 (2) add g) operational noise management plan 	
D4.1.1.22	Schedule 2	Requirement 14 Construction traffic management plan (CTMP)	<p>See paragraph 3.4 of CWCC’s WR (REP1-048] regarding:</p> <ul style="list-style-type: none"> a) 14 (2) add reference to implementation of travel plan 	

			<p>b) add reference to carrying out pre and post-construction condition surveys of accesses (including P_{RoW}) and making good any defects caused at the end of construction</p> <p>c) inclusion of traffic routing, signage, management plan, and</p> <p>d) the need for updated CEMP in relation to major replacement activities</p>	
D4.1.1.23	Schedule 2	Requirement 15 Public Rights of Way (P_{RoW})	<p>Permissive paths should be included in the public rights of way management plan.</p> <p>See paragraph 3.4 of CWCC's WR (REP1-048] regarding adding reference to publicity and signage of P_{RoW} diversions/closures and including details of measures to minimise the extent and duration of closures.</p>	
D4.1.1.24	Schedule 2	Additional requirement	<p>CWCC consider that an additional requirement relating to permissive paths would be appropriate; The Oaklands Farm Solar Park Order 2025 contains a requirement which could be adapted.</p> <p>The phasing of completion and the minimum number of days that the paths be accessible should be tailored to the Frodsham Solar scheme, and preferably less than 12 months and more than 264 days in the wording below.</p> <p><i>“Permissive path</i></p> <p><i>61.—(1) Where a phase of the authorised development includes the provision of a permissive path, the permissive path must be provided and open to the public within [12] months of the date of final commissioning in respect of that phase.</i></p> <p><i>(2) No phase of the authorised development which includes a permissive path may commence until written details of the route and maintenance provisions have been submitted to and approved by the local planning authority as part of the detailed design approval required by requirement 5(1).</i></p>	

			<i>(3) The permissive path must be maintained and access by the public permitted for [264 days] a year (subject to closures for maintenance or emergencies) until commencement of decommissioning of the authorised development pursuant to requirement 22 (decommissioning and restoration)."</i>	
D4.1.1.25	Schedule 2	Requirement 16 Soil Management Plan (SMP)	Consider adding that no PPW may commence (as well as no phase of the authorised development) until the SMP is approved. See wording on Requirement 17. This may depend on what are works included in final PPW definition.	
D4.1.1.26	Schedule 2	Requirement 17 Ground conditions	<p>Further to paragraph 3.6 of CWCC's WR (REP1-048] regarding adding provision for the submission of a remediation strategy and verification plan prior to construction; it is accepted that reference in Requirement 1 'interpretation' including 1 c) remediation strategies and verification reports' addressed CWCCs concern.</p> <p>Minor drafting point on current wording: add comma after 'ground conditions only', and consider omitting 'only', as this is more relevant to the definition of PPW.</p> <p>Whilst CWCC would prefer rewording of the requirement to explicitly follow the Land Contamination Risk Management (LCRM) approach for dealing with land contamination, there are no further comments on wording of Requirement 17.</p>	
D4.1.1.27	Schedule 2	Additional requirement	<p>As stated in CWCC's response to ExQ1 (Q.3.2.12) [REP2-005] regarding unexpected contamination the following additional requirement is recommended/preferred:</p> <p>Contaminated Land - Unexpected Contamination</p> <p>If, during the course of development, any contamination is found which has not been previously identified, proposals for detailed Site Investigation, Risk Assessment, Remediation and Verification shall be submitted and approved in</p>	

			<p>writing by the Local Planning Authority. The remediation shall be implemented as approved. No part of the development site shall be occupied or brought into operational use until a Verification Report (to demonstrate the remediation of the unexpected contamination has taken place) has been submitted to and approved in writing by the Local Planning Authority. The reports required above shall be completed in accordance with the Environment Agency Land Contamination Risk Management Framework.</p> <p>The provision of the above additional requirement has the advantage of being transparent, and across the construction, operational (including replacement activities) and decommissioning.</p> <p>Whilst unexpected contamination could be dealt with via an unexpected contamination protocol in the CEMP, as stated in CWCC's response to ExQ1 (Q.3.2.12) [ERP2-005], the issues may not end on completion of the construction phase, and may require management for many years. It potentially could generate considerable documentation and a separate workstream.</p> <p>CWCC consider it would be most appropriate to deal with this via a separate specific unexpected contamination requirement. However, CWCC accept that unexpected contamination can be dealt with via an Unexpected Contamination Protocol in the oCEMP, oOEMP and oDEMP.</p> <p>Table 5-5 of the oCEMP [REP1-021] provides additional detail of a protocol, which should also be included in the oOEMP/oDEMP [REP1-022 and REP1-024]. See also the Environment Agency's comments EA004 in their Written Representations [REP1-050].</p> <p>The current drafting of point 2 of the wording for the protocol in Table 5-5 [REP1-021] states:</p>	
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			<p><i>“Where the Applicant determines that remediation of the contaminated land is necessary, a written scheme and programme ...”</i></p> <p>CWCC consider this needs rewording to provide the local planning authority (in consultation with the Environment Agency) with control over whether remediation is necessary.</p>	
D4.1.1.28	Schedule 2	Requirement 18 Archaeological mitigation strategy	<p>CWCC recommend adding that no PPW shall commence (as well as no phase of the authorised development) until the archaeological mitigation strategy is approved, e.g. similar to wording on Requirement 17. The details of the wording may depend on what are works included in final PPW definition.</p>	
D4.1.1.29	Schedule 2	Requirement 19 Skills and supply chain	<p>Please see paragraph 3.4 of CWCC’s WR (REP1-048] regarding adding provision for monitoring, reporting and provision for an adaptive skills, supply chain and employment plan.</p> <p>CWCC consider that there is an issue with the timing of submission / approval. To be effective the plan needs to be implemented well before commencement of development. An alternative might be to require submission for approval [6] months prior to intended commencement of PPW or development. Submission needs leave sufficient time for both the approval process, and implementation of the plan prior to commencement.</p>	
D4.1.1.30	Schedule 2	Requirement 20 Decommissioning	<p>The new version of Decommissioning requirement in draft DCO Rev P05) is as shown below. 20 b) has been changed – not as shown in earlier version (i.e. tracking is not being shown).</p>	

			<p>Decommissioning</p> <p>19,20.—(1) Decommissioning works must commence no later than the earlier of—</p> <ul style="list-style-type: none"> (a) in respect of all of the authorised development, 40 years following the date of the final commissioning of Work No. 1 that is the subject of the last notice given by the undertaker pursuant to requirement 3(4) (phasing of the authorised development and date of final commissioning); or (b) in respect of any phase of the authorised development, prior to the end of the timeframes set out in the decommissioning timing provisions where those provisions are engaged in respect of that phase. <hr/> <p>The drafting should make it clear that decommissioning on all phases is to commence no later than 40 years from final commissioning of Work No. 1.</p> <p>Please also refer to comments at paragraph 3.4 of CWCC’s WR (REP1-048] regarding adding (<i>it is noted that some of the comments have been addressed by changes to Requirement 20 and/or the control documents</i>):</p> <ul style="list-style-type: none"> o Periodic review of commissioning end state (linked to monitoring of biodiversity) o Commencement of decommissioning following cessation of energy generation or duration of DCO (40years from final commissioning) o Provision for seasonal biodiversity surveys prior to final DEMP o Clarification of decommissioning end state (e.g. no mention of access tracks in Section 2.4 of oDEMP (PD2-020); provision of ‘restoration plan’ o Retention of habitat mitigation areas included in ‘end state’ for hand-back to landowners; o Addition of restoration aftercare provisions o Period for completion of decommissioning <p>Appendix A of CWCC’s written representations provides further detail.</p>	
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D4.1.1.31	Schedule 2	Additional requirements	<p>During ISH1 the ExA requested the Applicant to provide wording for a decommissioning bond/security/ funding on a without prejudice basis.</p> <p>The Applicant’s suggestion (if such a provision is considered necessary) is to follow the Helios DCO example with a variation; and if the Secretary of State decides to follow the ExA’s proposal for the Oaklands Farm Solar, other amendments are suggested. See Written Summary of Applicant’s Oral Submissions at ISH1 [REP1-033].</p> <p>CWCC welcome the provision of some form of security requirement and consider that this is appropriate to give the local planning authority greater certainty over the funding of decommissioning and improved control (either directly in the case of Oaklands Farm Solar, or indirectly in the case of Helios DCO). Provision of a security is considered to be in the public interest, as opposed to reliance on private landowner interest.</p> <p>Whilst CWCC would prefer to see the Oaklands Farm Solar type of requirement for Frodsham Solar, it is accepted that a provision similar to the Helios DCO would be beneficial too.</p> <p>It is considered that the point at which a security is required e.g. whether 15 years of operation is appropriate, depends to an extent on the particular funding circumstances. If reliance on income from the solar generation is needed, then 15 years would not seem appropriate to deal with the risk of an early failure of the project.</p> <p>In addition to the above, at present limited information has been provided by the Applicant on the arrangement with the landowners. The options require a decommissioning bond to be in place, but there is little more in terms of detail.</p> <p>Further comments can be made once a draft Requirement is provided.</p> <p>Considerations may relate to matters such as agreement over the sum for the security (e.g. is this derived from an average of 2 or 3 estimates; what provision</p>	
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			<p>is made for a dispute clause; the appropriate period for review, noting five years in the Oaklands Farm Solar; who holds the security; what happens if the site is transferred etc.</p> <p>Further comment on the amended requirement will be provided at Deadline 5 if necessary.</p>	
D4.1.1.32	Schedule 2	Additional requirements	<p>As per Appendix A to CWCC’s Written Representations [REP1-048] (ISH1 Agenda Item 4g) an Hours of Working (construction, replacement activities & decommissioning) requirement is recommended:</p> <p><i>“No construction or other operations/works associated with the construction and or decommissioning of the authorised development shall take place outside the hours of 08:00 to 18:00 Mondays to Fridays, and 08:00 to 13:00 on Saturdays or at any time on Sundays or Bank Holidays, except in accordance with a protocol for working outside the permitted hours as approved under the construction environment management plan and/or decommissioning environmental management plan. The replacement activities referred to in the outline operational environmental management plan shall be subject to the same restrictions.”</i></p> <p>There is also a need to incorporate control over the hours of Permitted Preliminary Works in a similar way and CWCC’s position is that the control of hours of construction for those works should also be included in the requirements.</p>	
D4.1.1.33	Schedule 2	Additional requirements	<p>The use of non-percussive continuous flight augur piling should either be secured via inclusion in one of the existing requirements or an additional requirement if this is not addressed via the Design Parameters Statement [REP1-014].</p>	

			See also CWCC's response to ExQ1 (Q.9.4.2) [REP2-005].
D4.1.1.34	Schedule 2	Additional requirements	<p>Please see paragraph 3.7 of CWCC's WR [REP1-048] relating to additional Schedule 2 Requirements</p> <p>The main additional requirements suggested relate to:</p> <ul style="list-style-type: none"> • Construction hours – See Appendix A to this WR for example wording • Unexpected contamination (possible addition to Requirement 17) • Arboricultural method statement (possible addition to Requirement 9) • Public rights of way diversions • Permissive paths • Provision for NBBMA management and monitoring, including period of post-decommissioning monitoring and mitigation to target state. • Decommissioning fund/security • Requirement for written approval of Schedule 2 requirements • Undertaker to have pre-submission consultation requirement with consultation body prior to submission of application to discharge requirement • Control over the programme of phasing for the Runcorn CO2 Spur pipeline (to avoid / control potential cumulative impact <p>The ExA expected a definition of major replacement activities in the DCO (see ISH1 5a)</p>
D4.1.1.35	Schedule 2	Additional requirements	As referred to in CWCC's response to ExQ1 (Q.9.5.1) [REP2-005] unless addressed elsewhere (e.g. amending an existing requirement or in a relevant control document, an additional requirement is needed to ensure that the Applicant is responsible for the costs associated with the Visitors car park

			(including the costs of construction, ongoing management and maintenance costs and decommissioning).	
D4.1.1.36		Additional comments	See Appendix A to CWCC's WR [REP1-048] and ISH1 agenda item 5a). CWCC considers that the level of major replacement activity assessed in the Environmental Statement should be secured as an upper limit in the draft DCO)	
D4.1.1.37	Schedule 9		See comments on LIR (LV.007) regarding replacement of trees.	
D4.1.1.38	Schedule 10	Documents and plans to be certified	<p>CWCC welcome the addition of a separate Design Principles document (P02) and Outline drainage strategy.</p> <p>Note earlier comment about certifying the Design Approach Document. (Paragraph 3.10 of CWCC's WR [REP1-048]</p> <p>Note error in table to Note on updated Construction Resourcing Schedule (P01) [REP1-042]. Document needs updating.</p> <p>Note earlier comment about having a specific requirement for implementation of the Non-Breeding Bird Mitigation Strategy, Non-breeding Bird Mitigation Area and other habitat mitigation areas (paragraphs 3.7 and 3.12 of CWCC's WR [REP1-048]</p>	
D4.1.1.39	Schedule 12	Procedure for discharge of requirements	CWCC considers the timescale of 10 working days to submit representations pursuant to an appeal in paragraph 4(4) to be too short and recommend this time period be extended to 20 working days; or such longer period that the appointed person notifies.	
D4.1.1.40	Schedule 25	Protective Provisions (drainage)	Amendments agreed with Applicant; to be submitted at next deadline.	

D4.1.1.41	Schedule 26	Protective Provisions (drainage)	No comments/amendments	
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REP3-006 Information to Inform Habitat Regulations (P04)

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-006 Information to Inform Habitat Regulations (P04)				
D4.1.2.01	3.2.14		3.2.14 Bird monitoring is missing from the measurable targets description for the NBBMA.	
D4.1.2.02	3.2.15		3.2.15 As previously represented in paragraph 7.443 of CWCC Relevant Representation [RR-037] and CWAC comments on Applicants comments on CWAC RR [REP3-046], provision up to FWF obligations should be included in the definition of NBBMA functionality, otherwise, works could occur to Cells 2 and 5 without the NBBMA having yet compensated for that habitat loss.	
D4.1.2.03	7.3.2		7.3.2 It is not clear why passage Redshank were not carried through to the Appropriate Assessment stage, as they are listed as exceeding number thresholds in February, as in paragraph 5.3.6.	
D4.1.2.04	8.2.5		8.2.5 It is stated that NBBMA works will take 6-9 months and that construction of the NBBMA will be focussed outside the peak sensitive period for non-breeding birds (i.e., undertaken between March and October inclusive). This is not possible and further detail should be provided in terms of detailed works, impacts and how they will occur in terms of avoiding the non-breeding	

			bird season. In addition, the timings suggested even miss late spring and early autumn passage seasons.	
D4.1.2.05	8.2.6		8.2.6 It is stated that during NBBMA construction, all habitats in the SADA will be available, however, not all of these habitats are suitable, as stated by the applicant and shown in ornithological surveys and no assessment of where any displaced birds will use on site, if possible, has been undertaken. In addition, Cell 6 is mentioned as an alternative place for birds, however, this is outside of the order Limits of the site.	
D4.1.2.06	8.2.9		8.2.9 As previously represented at paragraph 7.69 of CWCC Relevant Representation [RR-037] and CWAC comments on Applicants comments on CWAC RR [REP3-046], areas outside of the Order Limits should not be referred to in terms of a mitigation strategy.	
D4.1.2.07	8.2.15		8.2.15 It is stated here that the NBBMA is 53ha in size, whereas elsewhere it is stated that the NBBMA is 63ha in size. This should be clarified. It is agreed there is no agreed metric to calculate the increase in quality proposed, and it is agreed that creation of wetland habitats as opposed to average quality grassland would be an uplift in habitat quality, but in the absence of a methodology to demonstrate this, the precautionary principle should be engaged and a reduction in development on existing mitigation areas and areas where birds are using (Cell 1/the Lum), should occur.	
D4.1.2.08	8.2.18		8.2.18 It is stated that the water balance model shows that the NBBMA is likely to remain generally wet throughout the year, with seasonal variations in water levels driven by rainfall and evaporation. There is sufficient water to maintain saturated conditions over the wet grassland area for up to 6 months of the	

			year under average conditions. Even in a dry year, the wet grassland soils are expected to be near saturation for at least 2 months. The deeper scrapes will retain water year round. It is therefore less clear that the uplift in habitat quality will result in the significant difference stated by the applicant.	
D4.1.2.09	8.2.21		8.2.21 It is stated that it is acknowledged that not all areas of habitat within the NBBMA will provide optimal habitat, particularly the eastern ‘panhandle’ between Cell 3 and Marsh Farm (see Figure 3 of the NBBMS). Approximately 5ha of the 63ha of the NBBMA constitutes the “pan-handle” area, reducing the functional area of the NBBMA, the size of which is already in doubt as set out in previous representations.	
D4.1.2.10	8.2.23		8.2.23 It is stated that it should be noted that additional mitigation and enhancement for SPA species will be provided within the Order Limits, referring to the Biodiversity Enhancement Zone by Marsh Farm and The Lum area, as shown on Figure 2-3a illustrative Environmental Masterplan [EN010153/DR/6.3]. As pointed out in relation to 6.8.17 of the OLEMP and 1.5.3 of the ONBBMS, these areas should be explicitly included in the DCO Work Packages, as they form part of the non-breeding bird mitigation areas.	
D4.1.2.11	8.2.37		8.2.37 It is stated that with the NBBMA secured and functioning, the loss of FLL will not result in an Adverse Effect on Integrity (AEol) of the Mersey Estuary SPA or Ramsar. CWAC disagrees with this statement, as set out in Deadline 3a Cover Letter [REP3A-001].	
D4.1.2.12	8.2.61		8.2.61 References to “higher noise activities” are made, however these are not qualified and detail should be provided. Again, the non-breeding bird sensitive period is identified as November–February, when it is in fact September to April. There is reference	

			to an Ecological Clerk of Works will be required to assess all works occurring within the relevant noise-sensitivity distances identified above, should any construction activities within the Western SADA unavoidably fall within the November–February period. This is not appropriate and works outside of the sensitive non-breeding bird period, including passage seasons, should not occur.	
D4.1.2.13	8.3.14		8.3.14 CWCC strongly disagrees with the statement that as a result of the management of recreational pressure, species are likely to thrive compared to the current baseline of the area, will be reduced and managed. The current baseline of recreational usage is not known and recreational use is proposed to be extended in volume and area across the Order Limits, so this cannot be claimed.	
D4.1.2.14	8.3.16		8.3.16 CWCC strongly disagrees with the statement that the only areas where increased operational disturbance may realistically occur, with potential implications for the SPA/NBBMA, are within Cell 2 and the eastern extent of Cell 5. There will also be impacts in the Lum area and along the eastern and northern Cell 1 boundaries with the River and Mersey Estuary.	
D4.1.2.15	8.5.1		8.5.1 The Glint and Glare Assessment is referred to, however, as previously represented in paragraph 7.16 of CWCC Relevant Representation [RR-037] and CWAC comments on Applicants comments on CWAC RR [REP3-046], ecological receptors were not part of this assessment. Therefore, further information is required to enable the applicant’s conclusion to be evidenced, including plans to demonstrate conclusions.	
D4.1.2.16	8.6.7		8.6.7 It is stated that In relation to any potential temporal overlap between the decommissioning or repowering of the FWF and replacement activities associated with the Proposed	

			Development, it is noted that any such overlap would be limited in scale and duration. However, this does not mean that the impacts would not be significant and this should be assessed.	
D4.1.2.17	8.6.8		8.6.8 The applicant has added in notification procedure to allow FWF decommission to be taken into account they overlap with major replacement activities. However, a temporal qualifier is required here, in terms of possible consecutive cumulative impacts within consecutive seasons. In addition, controls that CWAC would have in terms of assessing and avoiding impacts at this stage are not clear.	
D4.1.2.18	8.6.34		8.6.34 The applicant has added that CWCC can approve each scheme for both the DCO requirements and Hynet project, however, there is no control in place for which CWCC can link and assess the two projects in this way.	
D4.1.2.19	8.6.39-8.6.41		8.6.39-8.6.41 Further detail is provided by the applicant on hydrology and potential cumulative impacts with the Runcorn Spur Hynet pipeline, however, the scenario of the pipeline occurring after the solar farm project has completed the NBBMA, has still not been assessed. It is noted that Natural England still have concerns regarding operational impacts in terms of the pipeline disrupting the hydrology of the NBBMA.	

REP3-008 ES Vol 2 Appendix 9-2 Water Framework Directive (P02)

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-008 ES Vol 2 Appendix 9-2 Water Framework Directive (P02)				

D4.1.3.01		General	Any comments to be provided at Deadline 5 .	

REP3-010 6.2 Env Statement: Vol 2 Appendix 2-3: Permitted Preliminary Works - P03

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-010 6.2 Env Statement: Vol 2 Appendix 2-3: Permitted Preliminary Works - P03				
D4.1.4.01		General	It is noted that the definition of site clearance still includes vegetation removal. As previously represented at Item 4a in Appendix A of CWAC Written Rep [REP1-048], this should either be removed from the definition, or further detail and extent should be determined.	
D4.1.4.02		General	<p>CWCC refer to the concerns raised at ISH 1 as summarised in Appendix A (ISH agenda 4 a) of CWCC's Written Representations a [REP1-048].</p> <p>CWCC consider that the definition of permitted preliminary works was drawn too widely, especially with inclusion for provision of (i) site clearance (including vegetation removal), and (e) remedial work in respect of contamination etc. and also (f) diversion and laying of apparatus; and much of Work No. 8.</p> <p>CWCC consider that if site clearance and remedial works were included in permitted preliminary works, these fall</p>	

			<p>outside of the definition of commencement and so are not controlled by the construction phasing plan.</p> <p>It is noted that some PPWs would constitute commencement of development if carried out in the NBBMA as provided for by Requirement 12 (4), but further consideration needs to be given to PPW's being carried out on the SADA, and the other PPW's not covered by Requirement 12 (4) that would not trigger commencement.</p> <p>CWCC will confirm any further comments.</p> <p>Initial consideration is that there could be a situation where the site is cleared of vegetation, with no mitigation area available for non-breeding birds, leading to significant negative impacts on the non-breeding bird population. There could be significant impacts on the habitat on site and further detail in the construction phasing plan should be provided to take account of remedial works.</p> <p>Site clearance and remedial works should be removed from the permitted preliminary works definition, as these require control and are outside of the proposed construction phasing plan.</p> <p>The construction phasing plan should be updated to provide further detail on remedial works and site clearance should take place in accordance with the construction phasing plan.</p> <p>Para. 2.1.1 of the updated Construction Resources Schedule [REP1-042] states:</p> <p>“However, to provide a conservative assessment a nominal allowance for HGVs and personnel movements has been</p>	
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			<p>allowed for Document Ref: EN010153/DR/8.15 Frodsham Solar December 2025 Note on updated Appendix 2-2: Resource Schedule Revision P01 2 in Month 1 and 2 should PPW be required in advance of starting the NBBMA. This retains a 30-month programme. (<i>Our emphasis</i>)</p> <p>Appendix A - ES Vol 2 Appendix 2-2: Indicative Construction Phasing and Resource Schedule Rev P02 in REP1-042 confirms that PPW would be carried out during construction of the NBBMA and some two months prior to commencement of the construction of the NBBMA.</p> <p>The potential adverse impacts of PPW taking place during and before need to be assessed</p>	
D4.1.4.03	1.1.4	The only exception to the above is where emergency works are required, where such works occur CWCC must be notified of those works within 72 hours of their commencement.	<p>There has been no change made to 1.1.4 for REP3-010. Therefore, this is noted as ‘not agreed’</p> <p>Notification of emergency work to CWCC should be as soon as practical, and no longer than 12 hours from their commencement.</p>	
D4.1.4.04	Table 1	No intrusive works or works requiring plant and machinery during between November to March inclusive within 200m of the NBBMA without prior approval of the Council.	It is stated in Table 1 Permitted Preliminary Works Mitigation (Page 9), that no intrusive works or works requiring plant and machinery during between November to March inclusive within 200m of the NBBMA without prior approval of the CWCC. It is not clear where the distance of 200m has arisen from and also again, the time limit should apply to the full non-breeding bird period (September to April).	

			<p>It is also stated at various points in Table 1 Permitted Preliminary Works Mitigation that there will be a CEMP for the NBBMA. This should be extended to other sensitive bird and mitigation areas, such as Cell 1, The Lum and the Biodiversity Enhancement area by Marsh Farm.</p>
D4.1.4.05			<p>There has been no change made to cover the whole of the non-breeding bird period (i.e. September to April). Therefore, this is noted as 'not agreed'.</p> <p>The reasoning for the 200m buffer has not been clarified, especially in relation to other buffer distances referred to in other documents.</p> <p>This additional wording only applies in relation to 'Environmental surveys, geotechnical surveys, intrusive archaeological surveys'. Comments on this to follow.</p> <p>The seasonal restriction should be across other sensitive areas, and the season for excluding works should be the whole non-breeding bird period. The reasoning behind the 200m distance should be provided, as well as a definition of intrusive works.</p>

REP3-012 7.1 Design Parameters Statement - P03

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-012 7.1 Design Parameters Statement - P03				
D4.1.5.01		General	Any further comments to follow at Deadline 5 .	
D4.1.5.02	1.2.9	“...and a potential small car parking area to facilitate public access to the enhanced habitat areas....”	Suggest re-wording of this, as the visitor car park is for public access, but not to the enhanced habitat areas, as this would be counterproductive to the habitat areas.	
D4.1.5.03	1.2.9	“Because Work No. 6 is controlled through the oLEMP and related requirements (ensuring these enhancements are delivered as specified), the detailed elements of the green infrastructure and habitat creation are not included in Table 6 of this Design Parameters Statement”.	<p>Whilst acknowledging that the oLEMP deals with habitat details, it is considered that the Design Parameters Statement should provide a degree of details consistent with other work packages. The oLEMP is primarily a management tool, and details of the initial development should be included with the design parameters for transparency.</p> <p>Work Package 6 should also include The Lum and Biodiversity Enhancement Area explicitly, as these are being considered as part of the mitigation solution.</p>	

D4.1.5.04	1.2.10	Work No7. – Construction and Decommissioning Compounds	<p>It is queried / should be clarified how construction compounds will be detailed/controlled for major replacements during the operational phase.</p> <p>Note that in the draft DCO Work No 7 is for “construction, maintenance and decommissioning compounds” (our emphasis).</p> <p>Under the design parameters it would be preferable to clarify the permitted duration for maintenance compounds (e.g. during major replacement works).</p> <p>Works for construction and decommissioning compounds are also included in the definition of Ancillary Works (h) in Schedule 1 of the draft DCO, which appears to be an unnecessary duplication.</p> <p>It would be beneficial to add a Table 9 to the Design Parameters Statement to detail the parameters of Ancillary Works.</p>	
D4.1.5.05	Various tables	Cabling Work	<ul style="list-style-type: none"> i) Add clarification regarding underground electrical cabling to be in conduits or ducting, as opposed to trenching (unless specified in the parameters). ii) Query whether reference to ‘Onsite cabling’ referred to in the Component of Proposed Development on Tables 1 and 2 is a duplication in terms of works covered by Work No 5 Works including electrical cables and communication cables including – and the parameters be referenced in Table 5? 	

D4.1.5.06	Table 1	Work No.1 ground mounted solar photovoltaic generating station	Given the design parameter includes provision that the solar PV modules will have an anti-reflective coating, this satisfies CWCC's earlier concern to ensure that anti-reflective coating be included in Requirement 6 'detailed design approval' (see paragraph 3.6 [REP1-048]).
D4.1.5.07	Table 1	Work No.1 ground mounted solar photovoltaic generating station	It is queried why the maximum depth of concrete footings or piles for the solar PV modules is 5m BEGL, whereas other works are 4m BEGL?
D4.1.5.08	Table 2	Work no 2A & 2B (BESS) e. concrete piling;	Consideration should be given to incorporation of a parameter to restrict piling to use of low pressure, non-percussive piling rigs (refer to CWCC's response to ExQ1 Q9.4.2) [REP2-005].
D4.1.5.09	Table 2	Work no 2A & 2B (BESS) f. car parking and access roads;	Consideration should be given to including parameters for the materials surface treatment and drainage of car parking and access roads.
D4.1.5.10	Table 6	Work No. 6A green infrastructure	<p>Consideration should be given to including additional parameters, particularly the hard landscaping and built development. This should include the materials surface treatment and drainage of car park works.</p> <p>Details of the design and height of fencing, gates, boundary treatment etc. should be included.</p> <p>Work Package 6 should also include The Lum and Biodiversity Enhancement Area explicitly, as these are being considered as part of the mitigation solution.</p>

D4.1.5.11	Table 6	Work No. 6B skylark habitat	No details of Work No 6B ‘works to create skylark habitat’ are provided. This needs detailing (e.g. provisions such as bird nesting and bat roost features).	
D4.1.5.12	Table 6	Work No. 6C NBBMA	<p>Additional detail in terms of parameters for Work No. 6C ‘Works to create a Non-Breeding Bird Mitigation Area’. No details of design or scale are provided, Parameters in terms of the gross depth of excavations should be provided.</p> <p>Details of the design and height of parameters for predator control fencing should be included.</p> <p>Work Package 6 should also include The Lum and Biodiversity Enhancement Area explicitly, as these are being considered as part of the mitigation solution.</p>	
D4.1.5.13	Table 7	Work No 7. Construction and decommissioning compounds	As referred to above. Also add parameter for how long a duration a compound shall remain (even if on broad terms e.g. removal within set period of commissioning operational use).	
D4.1.5.14	Table 8	Work No 8. Access etc.	Query whether a different design specification to permeable compacted stone over an appropriate geotextile is appropriate for some access roads/tracks e.g. those enduring higher levels of use.	

REP3-014 7.13 Outline Landscape and Ecology Management Plan - P04

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-014 7.13 Outline Landscape and Ecology Management Plan - P04				
D4.1.6.01	6.8.17		6.8.17 It is stated that the wetland area to the east of Marsh Farm and The Lum will be managed to create habitats which are suitable for SPA birds. The long-term management prescriptions shall be determined in consultation with the conservation organisation responsible for the management of the NBBMA. Therefore, these areas should be incorporated into the DCO control documents clearly (in work package 6), as the NBBMA is.	
D4.1.6.02		General	CWCC welcome the Non-Breeding Bird Mitigation Strategy being submitted as a separate document. CWCC recommend that implementation of the NBBMS be included as a specific requirement in the DCO given the importance of the strategy to the project.	
D4.1.6.03		General	More detail is needed on the NBBMS and soil re-engineering. This is a general point across the SADA, and should be added to the design parameters e.g. in terms of the extent of land raising / details of cut and fill	

D4.1.6.04		<p>In Appendix B – oNBBMS</p> <p>3.1.15 The SI, as provided in Annex 3, identified moderate to high levels of permeability within the upper metre of made ground, with ground water present at depths of 0.8 to 2.0 m below ground level. Groundwater was perched on a layer of black clay, thought to be deposited within the cells at depth due to the differentiated settlement of finer clay particles compared to the coarser silts and sands. This indicates that re-engineering the cells so the lower permeability clays are closer to the surface could deliver a wet soil at the surface, and therefore wet grassland could be created as demonstrated within the Water Balance report provided as Annex 4.</p>	<p>CWCC consider that further detail of the re-engineering works to form the NBBMA should be provided and additional details provided in the Design Parameters Statement [REP3-013] for Work No. 6. In particular, parameters relating to the depth of excavation.</p>	
D4.1.6.05		General	Further comments will be provided at Deadline 5 if necessary.	

REP3-018 7.4 Outline Construction Traffic Management Plan (P04)

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-018 7.4 Outline Construction Traffic Management Plan (P04)				
D4.1.7.01		General	<p>CWCC consider that it would be useful to include reference to the guidance in EN-1 within the oCTMP such as:</p> <p>The travel plan shall include demand management and monitoring measures to mitigate transport impacts.</p> <p>The travel plan should provide details of proposed measures to improve access by active, public and shared transport to:</p> <ul style="list-style-type: none"> • reduce the need for parking associated with the proposal • contribute to decarbonisation of the transport network • improve user travel options by offering genuine modal choice. 	
D4.1.7.02	5.4.1	Highway peak hours (AM)	<p>The tracked changes from [PD2-014] were not been carried forward to version [REP1-018]; and the changes still have not been carried forward to the latest version [REP3-019].</p> <p>PD2-014</p>	

			<p>5.4 Impact on Other Highway Users</p> <p>5.4.1 It is not envisaged that the construction site will have any impact on other road users caused by delays accessing the site. Arrangements will be made to ensure that lorries avoid (wherever possible) entering and leaving the site during the weekday highway peak hour periods between 08:30 – 09:30 and 16:30 – 17:30 (these peak hour periods will be clarified and confirmed with the LHA and updated as necessary within the final CTMP). These arrangements will be organised locally by the Site Manager who will be responsible for the day to day running of the construction programme.</p>	
D4.1.7.03			<p>REP1-018</p> <p>5.4 Impact on Other Highway Users</p> <p>5.4.1 It is not envisaged that the construction site will have any impact on other road users caused by delays accessing the site. Arrangements will be made to ensure that lorries avoid (wherever possible) entering and leaving the site during the weekday highway peak hour periods between 08:30 – 09:30 and 16:30 – 17:30 (these peak hour periods will be clarified and confirmed with the LHA and updated as necessary within the final CTMP). These arrangements will be organised locally by the Site Manager who will be responsible for the day to day running of the construction programme.</p>	

REP3-020 7.5 Outline Construction Environmental Management Plan - P04

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-020 7.5 Outline Construction Environmental Management Plan - P04				

D4.1.8.01	2.4.5		<p>2.4.5 As previously commented upon, the NBBMA construction is proposed within late spring passage and early autumn passage seasons, and this is not acknowledged, nor the impacts on passage species assessed in relation to this.</p> <p>It is welcomed that it is proposed that the NBBMA will be functional before any works on the SADA. However, this does not include achieving the grassland habitat required to fulfil existing obligations under Frodsham Windfarm mitigation on Cells 2 and 5 and this should be included to be required, to ensure that compensatory habitats are available for qualifying species, prior to any work on the existing mitigation habitats and other grassland habitats used by SPA species in the order limits, e.g. in Cell 1/The Lum.</p>	
D4.1.8.02	3.2.1	Community Liaison Group	CWCC welcomes confirmation that the Applicant will fund the administration of the CLG.	
D4.1.8.03	4.1.61/4.1.62/4.1.63		<p>4.1.61/4.1.62/4.1.63 The applicant proposes a Working Group with Hynet projects, if projects overlap. As previously commented and subsequently partially addressed by the applicant in terms of the scenarios outlined in the Technical note on Pipeline Interactions, overlapping is not the only potential scenario in terms of cumulative impacts for these projects and a Working Group is not seen to be a robust mechanism for appropriately linking and therefore controlling the cumulative impacts of these projects. A legal agreement is seen as an appropriate solution, as this would control</p>	

			<p>the potential situations in a robust manner. “Reasonable endeavours” are not enough, due to the crucial nature of this issue i.e. potential scenario that birds are disturbed over a long period of time without access to alternative land.</p>	
D4.1.8.04	4.1.64		<p>4.1.64 Further detail on the working phases is provided, however, as previously pointed out, the focus is on avoiding working at the same time on the same area of land, which in fact may be the least worst cumulative impact. Again, it is noted that November to March is the time period referred to for avoiding works, however, this does not account for passage season species for which the SSSI/SPA/RAMSAR is designated.</p>	
D4.1.8.05	Table 5-1	<p>Summary of the construction mitigation and management measures –Terrestrial Ecology & Ornithology</p>	<p>Table 5-1 Summary of the construction mitigation and management measures –Terrestrial Ecology & Ornithology</p> <p>(Page 48) It is stated that an EcOW will oversee works for construction of the NBBMA and will have the ability to stop works or adapt work sequencing. The only threshold for action listed as an example as to when adaptive measures are put in place is numbers exceeding 1% of the relevant SPA population. This is a high threshold and there is no detail as to how this will be established and CWCC would suggest at the point that the 1% of the SPA population is exceeded, it is too late to avoid impacts, also taking into account lead-in time to implement actions such as stopping works and</p>	

			<p>adapting programme sequences. A lower threshold, further justification and detail as on how this approach can avoid impacts is required.</p> <p>It is stated that work within the Western SADA , particularly the area directly adjacent to the NBBMA in Cell 2 and Cell 1, will be completed outside of the sensitive non-breeding period where possible (Nov-Feb inclusive). Again, the sensitive non-breeding period is September to April, as it accounts for passage bird species associated with the designated site. In addition, “where possible” means that the statement has no robust meaning or application.</p>	
D4.1.8.06	Table 5-1	Summary of the construction mitigation and management measures –Terrestrial Ecology & Ornithology	(Page 50) It is welcomed that there will be a commitment for the SMA to be in place prior to the NBBMA construction. However, as the SMA will take time to achieve enhancement for Skylarks, further detail on what this can mean in practice is required. There are concerns that the enhanced SMA will require time before it can provide the level of compensation required for loss of breeding habitats within the Order Limits.	
D4.1.8.07	Table 5-5	Summary of the construction mitigation and management measures –Ground conditions	As discussed at ISH2 it is understood that the Applicant will update the document to clarify when CWCC will be notified in relation unexpected contamination and to ensure that CWCC (in consultation with the Environment Agency) has appropriate control.	

			<p>As referred to in comments on the draft DCO [REP1-004] Table 5-5 of the oCEMP [REP1-021] provides additional detail of an unexpected contamination protocol.</p> <p>The current drafting of point 2 of the wording for the protocol in Table 5-5 [REP1-021] states:</p> <p><i>“Where the Applicant determines that remediation of the contaminated land is necessary, a written scheme and programme ...”</i></p> <p>CWCC consider this needs rewording to provide the local planning authority (in consultation with the Environment Agency) with control over whether remediation is necessary.</p>	
D4.1.8.07		General	Further comments will be provided at Deadline 5 if necessary.	

REP3-022 7.6 Outline Operational Environmental Management Plan - P04

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-022 7.6 Outline Operational Environmental Management Plan - P04				
D4.1.9.01	2.4.10		2.4.10 states “The replacement works shall be scheduled so that work activities avoid replacement activities closest to the NBBMA during the core non-breeding bird period” It is not certain what “closest” means.	

	2.4.12		<p>2.4.12 It is welcomed that the applicant has included some consideration of notification of Frodsham Windfarm Decommissioning by CWAC and that a reassessment will occur if notification is received after the applicant has notified CWAC of major replacement activities. However, a temporal qualifier is required here, in terms of possible consecutive cumulative impacts within consecutive seasons. In addition, controls that CWAC would have in terms of assessing and avoiding impacts at this stage are not clear.</p>
D4.1.9.02	Table 5-3		<p>Table 5-3 Summary of the operational mitigation and management measures –Terrestrial Ecology & Ornithology</p> <p>“Potential disturbance to wildlife through increased recreational pressure”</p> <p>Reference is made to the “careful routing” of new paths; it is not clear what this means, due to the limited space on the embankments where, for example, the new footpath along the Cell 1 boundary is proposed.</p> <p>Monitoring is also referenced in terms of localised pressure or risk to SPA species, where access controls and screening measures will be used. It is not clear what the baseline would be on which to judge if impacts are occurring and what the parameters, controls and approval processes would be in terms of access controls and extra bird screens.</p> <p>“Disturbance to protected and notable species through management and maintenance activities or periodic replacements”</p> <p>Reference is made to ecological surveys being carried out for protected species prior to major replacements exceeding</p>

			50%; as previously represented in in Item 5a of Appendix A CWAC Written Rep [REP1-048] terms of non-breeding birds, this percentage should be lower and also locational thresholds should be included, such as adjacent to watercourses (water voles/Otters). Note that if Skylarks are breeding within the solar array as asserted by the applicant, this should be taken into consideration in terms of timings of works, especially as most are proposed to be timed to avoid winter/passage season, meaning they will fall in breeding bird season.	
D4.1.9.03		General	The oOEMP includes an Environmental Incident Management and Pollution Prevention Plan and an Unexpected Contamination Protocol to ensure appropriate response if contamination is encountered, this would apply for any major replacement campaign.	
D4.1.9.04		General	<p>With regard to the unexpected contamination protocol, CWCC consider it appropriate to replicate the detail from the oCEMP [REP1-021] in the oOEMP (and oDEMP).</p> <p>Table 5-5 of the oCEMP provides additional detail of a protocol, which should also be included in the oOEMP/oDEMP [REP1-O22 and REP1-024].</p> <p>The current drafting of point 2 of the wording for the protocol in Table 5-5 [REP1-021] states:</p>	

			<p><i>“Where the Applicant determines that remediation of the contaminated land is necessary, a written scheme and programme ...”</i></p> <p>CWCC consider this needs rewording to provide the local planning authority (in consultation with the Environment Agency) with control over whether remediation is necessary.</p>	
D4.1.9.05		General	<p>As referred to in comments on the draft DCO [REP1-004] Table 5-5 of the oCEMP [REP1-021] provides additional detail of an unexpected contamination protocol.</p> <p>The current drafting of point 2 of the wording for the protocol in Table 5-5 [REP1-021] states:</p> <p><i>“Where the Applicant determines that remediation of the contaminated land is necessary, a written scheme and programme ...”</i></p> <p>CWCC consider this needs rewording to provide the local planning authority (in consultation with the Environment Agency) with control over whether remediation is necessary.</p>	
D4.1.9.06		General	<p>Further comments will be provided at Deadline 5 if necessary.</p>	

REP3-024 7.7 Outline Decommissioning Environmental Management Plan - P04

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-024 7.7 Outline Decommissioning Environmental Management Plan - P04				
D4.1.10.01	2.4.2/2.4.3		<p>2.4.2/2.4.3 It is noted that a benefits/impacts analysis on leaving infrastructure in the ground at the point of decommissioning is proposed, which is welcomed. However, CWAC would require approval on this assessment and this should be included in the provision.</p> <p><i>[Note the additional wording in 2.4.2 starting ‘However, cables ...’ seems to need a review to make sense].</i></p>	
D4.1.10.02	2.4.4		<p>2.4.4 Reference to an assessment on infrastructure left in situ will be made in terms of likely significant environmental effects and this should also be carried out for removal of infrastructure.</p>	
D4.1.10.03	2.4.8		<p>2.4.8 Reference is made to a plan illustrating the final end state of the site, which is welcomed, however, there are still queries over what this should be; please see previous representations on decommissioning end state in Item 5D of Appendix A CWAC Written Rep (REP1-048).</p>	
D4.1.10.04	3.2.2		<p>CWCC welcome the commitment to funding the administration of the CLG.</p>	

D4.1.10.05	Table 5-3	Summary of the decommissioning mitigation and management measures – Terrestrial Ecology & Ornithology	<p>Table 5-3: Summary of the decommissioning mitigation and management measures –Terrestrial Ecology & Ornithology</p> <p>Potential loss of habitats due to site clearance and removal of infrastructure</p> <p>It is stated that if mitigation areas are to be lost by reverting these areas back to the land use prior to the commencement of the Proposed Development, the programme of these works should be agreed with CWACC prior to the works being undertaken. This is welcomed, however, timescales should be attached to this commitment, including surveys in the preceding seasons.</p> <p><i>[Note: CWCC welcome the additional reference to the Arboricultural Method statement]</i></p>
D4.1.10.06	Table 5-4	Summary of the decommissioning mitigation and management measures – Flood Risk, Drainage & Surface Water	CWCC welcome the additional detail on the DGSWMP, subject to any further comments from the EA.
D4.1.10.07	Table 5-5	Summary of the decommissioning mitigation and management measures – Ground conditions	In principle CWCC welcome the additional detail on unexpected contamination, but (as referred to earlier in relation to unexpected contamination) the wording in 2. needs rewording to provide the local planning authority (in consultation with the Environment Agency) with control over whether remediation is necessary.
D4.1.10.08		General	<p>As noted in Appendix A to CCWS’s Written Representations [REP1-048] ISH1 Agenda items 3 a)</p> <p>The oDEMP needs to cover aftercare/restoration provisions.</p>

D4.1.10.09		General	<p>With regard to the unexpected contamination protocol, CWCC consider it appropriate to replicate the detail from the oCEMP [REP1-021] in the oDEMP (and oOEMP).</p> <p>Table 5-5 of the oCEMP provides additional detail of a protocol, which should also be included in the oOEMP/oDEMP [REP1-O22 and REP1-024].</p> <p>The current drafting of point 2 of the wording for the protocol in Table 5-5 [REP1-021] states:</p> <p><i>“Where the Applicant determines that remediation of the contaminated land is necessary, a written scheme and programme ...”</i></p> <p>CWCC consider this needs rewording to provide the local planning authority (in consultation with the Environment Agency) with control over whether remediation is necessary.</p>	
D4.1.10.10		Decommissioning End State	<p>The Applicant’s response at 1.0.7 of AS-038 (Response to IP ExQ1) in relation to not setting out to define an end state now, and not carrying out periodic reviews is noted. CWCC consider that more detail at this stage on the end state should be provided, especially in relation to the scope of restoration works, which are not referenced in any/much detail. Periodic reviews would also be beneficial.</p> <p>Please refer to Appendix A of CWCC’s Written Representations [REP1-048]</p>	

			<p>CWCC agrees that the end state should be defined, so certainty on the state of the mitigation areas at the time of handover back to landowners can be secured.</p> <p>CWCC recommended that the following issues be incorporated:</p> <ul style="list-style-type: none"> • Clarification of decommissioning end state (e.g. no mention of access tracks in Section 2.4 of oDEMP (PD2-020); provision of 'restoration plan' (preferably as part of the oDEMP) • Retention of habitat mitigation areas included in 'end state' for handback to landowners; • Addition of appropriate restoration aftercare provisions 15 <p>Regarding mitigation Cells 2, 3 and 5 of the Frodsham Wind Farm, at the decommissioning end state, these are no longer obligated to be in the management condition they are currently, as the Wind Farm would have been decommissioned at that point. Therefore, the decommissioning end state may not simply be the same as the current baseline and it should be clarified what condition these areas will be in at the point of handover.</p> <p>Following on from this, the Applicant states there is no guarantee what happens to the mitigation areas after the handover back to landowners. If there is no post-operational long-term management of the NBBMA and other mitigation areas, the landowner could, for example, fill in wetland scrapes, with no controls or mitigation put in place. This could have significant adverse impacts on the non-breeding bird populations and designated sites.</p>	
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D4.1.10.11			<p>CWCC recommended that the following issues be addressed incorporated:</p> <ul style="list-style-type: none"> • Periodic review of commissioning end state (linked to monitoring of biodiversity) • Provision for seasonal biodiversity surveys prior to final DEMP 	
D4.1.10.12		General	Further comments will be provided at Deadline 5 if necessary.	

REP3-026 7.8 Outline Battery Safety Management Plan - P02

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-026 7.8 Outline Battery Safety Management Plan - P02				
D4.1.11.01		General	No comments	

REP3-028 7.9 Outline Public Right of Way Management Plan - P03

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-028 7.9 Outline Public Rights of Way Management Plan - P03				
D4.1.11.01		General	Further comments will be provided at Deadline 5 if necessary.	

Ref	Document Para number	Document summary point	CWCC comments	Status
PD2-021 Outline Public Rights of Way Management Plan (P02)				
D4.1.11.03		General	<p>In response to CWCC's Relevant Representations (11.27 RR)[RR-037] it would assist if the oPRoWMP were updated to include reference to the details of 11.27 e.g. "to include contact details, provision for reporting and dealing with complaints during the operational phase, including standards for resolution of complaints/carrying out remedial action, and ensuring that paths do not remain temporarily closed for longer than necessary".</p> <p>CWCC recommends that these contact details and standards/resolution processes be made available online, and that CWCC / Frodsham Town Council be consulted on the detailed arrangements.</p>	
D4.1.11.04		5.1.4	CWCC welcomes including reference to the programme of implementation at 5.1.4 of [PD2-021] oPRoWMP) in response to CWCC's Relevant Representations (11.26-11.27 RR)[RR-037].	

REP3-032 8.32 Outline Non-breeding Bird Mitigation Strategy - P03

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-032 8.32 Outline Non-breeding Bird Mitigation Strategy - P03				
D4.1.12.01	1.13		1.1.3 It is noted that the commitment to have the NBBMA managed by a suitably experienced and reputable nature conservation organisation uses more certain language than previously, however, it is still the view of CWCC that this requires securing prior to the DCO decision being made.	Red
D4.1.12.02	1.3.2		1.3.2 It is noted that the SPA designation quote here still does not list Redshank on passage as a separate qualifying species.	Yellow
D4.1.12.03	1.5.1		1.5.1(1) It is stated here that “the habitat provision includes the creation of a mosaic of optimised habitats comprising grassland and wet grassland. This will ensure that mitigation above that already in place for FWF is delivered, and therefore FWF mitigation measures continue to be provided.” In relation to the point raised regarding when the NBBMA becomes fully functional at 2.4.5 of the Outline CEMP, this supports that the grassland habitats should be in place before	Red

			the NBBMA can be considered to be functional and should include FWF mitigation replacement.	
D4.1.12.04	1.5.1		1.5.1 (4) “Reduced disturbance of SPA species across the NBBMA through the removal of uncontrolled recreational fishing of the Canal Pools.” As previously represented at paragraph 7.23 of CWCC Relevant Representation [RR-037] and CWAC comments on Applicants comments on CWAC RR [REP3-046], the benefit of removing uncontrolled recreational fishing in one location in the site is negated by the introduction of new and upgraded public rights of way across the rest of the wider site.	
D4.1.12.05	1.5.3		1.5.3 It is stated that it should be noted that additional mitigation and enhancement for SPA species will be provided within the Order Limits, referring to the Biodiversity Enhancement Zone by Marsh Farm and The Lum area, as shown on Figure 2-3a illustrative Environmental Masterplan [EN010153/DR/6.3]. As pointed out in relation to 6.8.17 of the OLEMP, these areas should be explicitly included in the DCO Work Packages, as they form part of the non-breeding bird mitigation areas.	
D4.1.12.06	1.6.1		1.6.1 “Enhancements” are listed in this paragraph, however, most of the points are in fact compensation, at best, mitigation, as the NBBMS depends on uplifting the quality of a smaller area to compensate for the loss of mitigation areas and larger areas of land used by SPA species.	

D4.1.12.07	2.6.2		2.6.2 It is stated that the ONBBMS is intended to deliver mitigation for all SPA birds using the Order Limits, i.e. a precautionary approach is adopted whereby it is assumed that the entire Order Limits is either FLL or has the potential to be FLL. However, as previously represented in CWCC Responses to the ExA's first written questions [REP2-005] ExQ 1 - Q.4.42, and 7.54 of CWCC comments on Applicants comments on CWCC RR [REP3-046], the Cleeve Hill calculation methodology used to inform the area of the NBBMA, does not include all SPA species.	
D4.1.12.08	3.1.10		3.1.10 It is stated that it is acknowledged that not all areas of habitat within the NBBMA will provide optimal habitat, particularly the eastern 'panhandle' between Cell 3 and Marsh Farm (see Figure 3 of the NBBMS). Approximately 5ha of the 63ha of the NBBMA constitutes the "pan-handle" area, reducing the functional area of the NBBMA, the size of which is already in doubt as set out in previous representations at 7.54 of CWCC Relevant Representation [RR-037] CWCC comments on Applicants comments on CWCC RR [REP3-046].	
D4.1.12.09	4.1.1		4.1.1 The aims of the ONBBMS are set out here and should include reference to compensating for the loss of FWF mitigation cells.	
D4.1.12.10	4.2.18		4.2.18 It is stated in this paragraph that livestock fences will be removed in the NBBMA, to increase the open aspect of the area. It then follows that the solar panel array and associated fences will reduce the open aspect of the SADA area and	

			therefore potentially displace qualifying non-breeding bird species from this area and likely impact on other undeveloped areas of the FLL.	
D4.1.12.11	5.1.1/5.1.2		5.1.1/5.1.2 It is stated in this paragraph that Measurable targets will be agreed by the proposed Steering Group. However, it is CWCC's opinion that the Steering Group is not a robust mechanism in which to do this, and that measurable targets should be agreed by CWCC and controlled robustly, as well as any remedial measures required.	
D4.1.12.12	5.1.4		5.1.4 It is welcomed that monitoring of the NBBMA will include bird-use monitoring, however, it is not stated who will approve the frequency and timing of the surveys and how this is agreed and secured. This is required.	
D4.1.12.13	5.1.5		5.1.5 It is stated that management of recreational pressure on the NBBMA will be overseen by the appointed nature conservation organisation who will undertake regular bird counts and behavioural monitoring to identify any disturbance responses associated with public access. As previously represented in paragraph 7.67 of CWCC comments on Applicants comments on CWCC RR [REP3-046], there is no baseline of current footpath usage provided, as well as in relation to bird usage and no indication of what would constitute disturbance.	

REP3-034 8.33 Outline Drainage Strategy - P01

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-034 8.33 Outline Drainage Strategy - P03				
D4.1.13.01		General	Further comments will be provided at Deadline 5 if necessary.	

REP3-035 8.34 Design Principles - P02

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-035 8.34 Design Principles - P02				
D4.1.14.01		General	Further comments will be provided at Deadline 5 if necessary.	

REP3-038 Annex 1 Site Biodiversity Metric Calculation Tool (NBBMA)

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-38 Annex 1 Site Biodiversity Metric Calculation Tool (NBBA)				
D4.1.15.01		General	See comments for REP3-039 below	

REP3-039 Annex 1 Site Biodiversity Metric Calculation Tool (OL)

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-39 Annex 1 Site Biodiversity Metric Calculation Tool (OL)				
Note:			Comments on BNG will be provided at Deadline 5 , following receipt of the Applicant’s updated Biodiversity Metric Report (updating APP-143).	
D4.1.16.01		General	<p>Please refer to CWCC’s response to ExQ1 Q4.5.7 (REP2-005]</p> <p>CWCC do not agree that the BNG metric follows best practice/guidance. In particular, with reference to the trading rule deficit.</p> <p>The trading rules are set as such, to avoid habitat deficits and work in partnership with the metric’s principle of calculating all habitat types and conditions into the same units. The higher the distinctiveness, the stricter the trading rule, to ensure valuable habitats are retained and replaced satisfactorily. For High distinctiveness habitats, such as Reedbeds, the rule is that the habitat must be replaced with the same habitat. Therefore, the metric does not follow best practice guidance.</p> <p>In addition, the trading rule deficit of reedbed has significantly decreased from 65.61 units to 12.59 units, with no updated supporting information or plans to explain this significant reduction.</p>	

			<p>Other detailed comments are made in CWCC’s response to ExQ1 - Q4.5.7.</p> <p>The following information is still outstanding:</p> <ul style="list-style-type: none"> • Baseline habitat type and condition assessments should be provided, to ensure the most appropriate habitat types have been assigned correctly according to UK Habs and the correct condition has been assigned. • The classification of watercourse types is required to be detailed, to understand why different habitat types have been allocated. • Baseline and proposed UK Habs plans with the habitat references used in the Habitat Reference Number column of the metric, should be provided. <p>In addition, an updated Biodiversity Net Gain report has not been provided to include the explanation provided in Appendix C of the Applicant’s Response to CWCC’s Relevant Representation [PD2-027], nor an explanation of the new metric information submitted.</p> <p>CWCC notes that even if the metric results are agreed, in terms of the habitat classifications and numerical values, if the standard interpretation of those results is not applied as best practice, in terms of trading rules, a significant overvaluing of the habitat provision and undervaluing of habitat loss will occur.</p>	
D4.1.16.02		General	<p>In providing updated BNG metric spreadsheets, these should take account of any relevant changes to the development, e.g. as a result of National Grid Electricity Transmission Plc’s response to ExQ1 [REP2-018] requesting the removal of infrastructure works</p>	

			within the substation boundary (as shown on the Works Plans [APP-009] currently [AS-007]).	
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REP3-040 Annex 1 Site Biodiversity Metric Calculation Tool (OL exc NBBMA)

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-40 Annex 1 Site Biodiversity Metric Calculation Tool (OL exc NBBA)				
D4.1.17.01		General	See comments for REP3-039 above	

3.0 COMMENTS OUTSTANDING FROM CWCC'S DEADLINE 3 SUBMISSION ON OTHER/EARLIER APPLICATION AND CONTROL DOCUMENTS

3.1. This section provides CWCC's comments outstanding from CWCC's Deadline 3 submission on other/earlier application and control documents

Table 2: Comments outstanding from CWCC's Deadline 3 submission on other/earlier application and control documents

REP1-026 7.10 Outline Soil Management Plan

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-026 7.10 Outline Soil Management Plan				

D4.2.1.01		General	<p>Further detail of soil management in relation to the works to create the NBBMA should be included; or at least references to be included in the full soil management plan.</p> <p>One of the objectives of the proposed soil re-engineering for the NBBMA is to remove the existing seedbed and resolve issues of ruderal vegetation encroachment (paragraph 6.9.3 of oLEMP [REP1-028]. This should be referenced in the outline Soil Management Plan, preferably with details of the measures used to achieve this. For the wider development reference is made in Section 5 to Preliminary Works and Soil Stripping, with topsoil stripped and stockpiled. Clarification should be provided as to whether a different approach is to be taken for form the NBBMA.</p>	
D4.2.1.02	Section 5	Soil Management by Project Phase	<p>Given that works to form the NBBMA will constitute the first phase of the Authorised Development, and the NBBMA will be complete before the commencement of works on the SADA (East and West) (as per para. 1.1.2 of the Note on updated Construction Resourcing Scheule [REP1-042]) it would be appropriate to set out for clarity how the soil management plan will deliver on that phasing in more detail.</p> <p>For instance, setting out the framework of a programme in relation to the carious elements and how they may overlap; e.g. the cut and fill exercise; the filling in of the canal pools, formation of the new scrapes, seeding/soft landscaping of Cell 3, eradication of the New Zealand pygmyweed (NZPW), excavation of the water storage area within the SSSI boundary, and removal from the NBBMA of excavated material arising from construction of the water storage area.</p>	

PD2-028 Outline Flood Warning and Evacuation Plan

Ref	Document Para number	Document summary point	CWCC comments	Status
PD2-028 Outline Flood Warning and Evacuation Plan				
D4.2.2.02		General	No comments	

3.0 DEADLINE 3 – CWCC’s COMMENTS ON APPLICANT’S RESPONSES TO VARIOUS SUBMISSIONS

3.2. This section summarises CWCC’s responses to the Deadline 3 comments on applicant’s responses to various submissions

Table 3: Deadline 3 submissions - comments on applicant’s responses to various submissions

REP3-030 8.17 Statement of Common Ground with the Environment Agency - P02

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-030 8.17 Statement of Common Ground with the Environment Agency - P02				
D4.3.1.01		General	Current position noted	

REP3-036 8.4 Statement of Common Ground with Natural England - P02

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-036 8.4 Statement of Common Ground with Natural England - P02				
D4.3.2.01		General	Query as per Deadline 3 a submission REP3A-001].	

REP3-041 8.28 Applicant's Response to Written Representations

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-041 8.28 Applicant's Response to Written Representations				
D4.3.3.01			Page 17 to 18 of Natural England's Statutory User Guide on the Biodiversity Metric, (already submitted into the Examination) states the following in terms of the use of Rule 4: "You should not use rule 4 for most projects. It may be used in exceptional ecological circumstances, occurring when:	

			<ul style="list-style-type: none"> • the site has optimal conditions (such as soil condition, hydrology, nutrient status) for restoration of a wildlife-rich or historic natural habitat, • and the project team has the expertise and resource to deliver the habitat with negligible risk of failure. <p>It can only be used where one or more of the following applies:</p> <ol style="list-style-type: none"> 1. Highly complex landscape scale habitat changes such as creation of heathland, heathland grassland mosaic or other mosaic habitats 2. River re-meandering, or 3. Large-scale restoration of natural processes <p>Deviation from biodiversity metric trading rules can occur when there is a clear ecological justification for the habitat intervention which is not being reflected by the biodiversity metric tool.”</p> <p>In terms of optimal conditions, the applicant does not address this element as described by the user guide, in terms of soil condition, hydrology and nutrient status, but instead refers to a Natural England blog post, which references connectivity to other wildlife sites, which this site currently is. This development will reduce that connectivity between the Local Wildlife site and the Mersey Estuary, in reducing the area of land for protected species and qualifying species for the Mersey Estuary SPA. Therefore, this requirement is not met.</p> <p>In terms of expertise, the applicant references that the NBBMA will be managed by a suitably experienced nature</p>	
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			<p>conservation organisation. This is not yet secured and so this requirement is not met.</p> <p>The applicant then goes on to comment on landscape-scale changes, which is assumed to address points 1 to 3 of the user guide above. The applicant states that “the mitigation site in the Natural England blog post is described as ‘exceptionally large, at 275 hectares’. The Frodsham Solar Order Limits total approximately 337.5ha, with extensive landscaping provided across the Solar Array Development Area (246ha) and NBBMA (66.7ha). As such, the landscaped area for the Proposed Development considerably exceeds that of the Case Study Site and the Frodsham Solar Site must be considered to be of a landscape scale.” It is the Council’s position that the whole of the order limits cannot be classed to be the mitigation site, in particular, neither can the standard solar farm landscaping proposed within it, as that is not its function and is not proposed to be utilised for mitigation, as per the applicant’s proposal. The site in the Natural England blog refers to a development site of 107ha and a mitigation site of 275ha. The mitigation site for this development is almost three times the size of the development. In the Frodsham Solar Farm case, the development site is 337.5ha and the mitigation area (NBBMA) is 63ha, so the mitigation area is much smaller than the development area, so a wholly different scenario.</p> <p>In addition, the mitigation proposed is an enhancement of what was already provided by part of the Frodsham Windfarm Mitigation, as does not align with points 1, 2 or 3 of Natural England’s User Guidance.</p>	
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D4.3.3.02		General	Further comments will be provided at Deadline 5 if necessary.	
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REP3-042 8.29 Applicant's Response to Local Impact Report

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-041 8.28 Applicant's Response to Local Impact Report				
D4.3.4.01		General	Further comments will be provided at Deadline 5 if necessary.	

REP3-043 8.30 Applicant's Response to IP ExAQ1 Submissions

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-043 8.30 Applicant's Response to Written Representations				
D4.3.5.01		General	Further comments will be provided at Deadline 5 if necessary.	

REP3-044 8.31 Applicant's Comments on Interested Party ISH1 Summaries of Oral Representations

Ref	Document Para number	Document summary point	CWCC comments	Status
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REP3-044 8.31 Applicant's Comments on Interested Party ISH1 Summaries of Oral Representations			
D4.3.6.01		General	Further comments will be provided at Deadline 5 if necessary.

4.0 FURTHER COMMENTS DELAYED FROM CWCC'S DEADLINE 3 SUBMISSION ON THE APPLICANT'S DEADLINE 1 and 2 SUBMISSIONS

4.1. This section provides further comments delayed from Deadline 3 submission on the Deadline 1 and 2 submissions

Table 4: Further comments delayed from Deadline 3 submission on the Deadline 1 and 2 submissions

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

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-032 8.12 Applicant's Response to Other Relevant Representations - P01				
D4.4.1.01		General	Further comments will be provided at Deadline 5 if necessary.	

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

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-033 8.13 Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1				

D4.4.2.01		General	Further comments will be provided at Deadline 5 if necessary.	
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REP1-034 8.14 Technical Note on Major Replacement Works

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-034 8.14 Technical Note on Major Replacement Works				
D4.4.3.01	3.1.2		3.1.2 The reasons given for the applicant concluding that impacts for major replacement would be less than the construction phase, is that that there would be no requirement for major earthworks, construction of new tracks, new ground disturbance, or laying of foundations or construction of panel supports as part of the replacement campaign. In addition, that vegetation screening would have matured at the time a replacement campaign is required. This assessment is welcomed, and it should be set out which works will be undertaken in major replacement campaign, to complete the assessment. The remaining issue that has not been assessed, has already been raised in Appendix A CWAC Written Rep (REP1-048) which is that at the point of major replacement, the qualifying bird species will have significantly less areas on which to displace to if disturbed, due to the loss of Cells 1, 2 and 5 to development.	
D4.4.3.02	3.1.4		3.1.4 CWCC have already commented in Appendix A CWAC Written Rep (REP1-048) that the considered level of major replacement of 50% and 6 months of work is too high, due to the fact that this will mean that some of the works will take	

			place in the autumn or spring passage seasons, for which the Mersey Estuary is designated for and therefore campaigns should involve no more than 20% of the panel replacement at any one time, and no more than one campaign in every 24 months.	
D4.4.3.03	3.1.7		3.1.7 It is welcomed that it is suggested that the panel areas closest to the NBBMA will be replaced outside of sensitive seasons, however, it should be confirmed that this is September to April, and that this control will be extended to all sensitive areas, such as around Cell 1 and The Lum areas. 6.1.3 There is suggestion that some works could occur around the NBBMA between November and February with an Ecological Clerk of Works present. This is not accepted, as there is no valid reason as to why any works such as this will be needed and cannot be scheduled out of the sensitive non-breeding bird season (September to April).	
D4.4.3.04	16.1.2		16.1.2 In terms of major replacement works occurring at the same time as Frodsham Windfarm Decommissioning, the applicant references a side agreement with FWF which includes working controls, however this has not been provided for assessment.	
D4.4.3.05	17.1.2		17.1.2 In conclusion, CWCC disagrees that a major replacement campaign would not give rise to impacts greater than those assessed for construction, due to the lack of assessment and proposals as above.	

D4.4.3.06		General	<p>General comment that the submission does not try to address the scale of major replacement activities.</p> <p>Further discussion with the Applicant is needed in relation to the NBBMA.</p>
D4.4.3.07	16.1.2	<p>Frodsham Wind Farm</p> <p>Firstly, it should be noted that there is a side agreement between Frodsham Wind Farm and the Applicant which requires both parties to coordinate activities associated with construction, operation and decommissioning. It would not be in the interest of either party to be undertaking a major replacement campaign at the same time as decommissioning or repowering, either logistically or from a safety perspective.</p>	<p>CWCC note the comments made on behalf of Frodsham Wind Farm Limited (FWFL) in response to the ExQ1 and relating to the side agreement / asset protection agreement are noted. [At the time of this submission the letter from Osborne Clark LLP (dated 15 January 2026, and showing as loaded on PINS website 21 January 2026 Deadline (DL2) is not included in the Examination Library (28 Jan 2026)]</p> <p><i>“There are still a number of outstanding points to be addressed primarily relating to:</i></p> <ul style="list-style-type: none"> • <i>sharing and maintenance of the access track which currently serves FWF and is intended to additionally serve the Frodsham Solar Project;</i> • <i>the potential for ground subsidence to the wind turbines and associated equipment during construction of the Frodsham Solar Project and the responsibilities of both parties during the lifetime of the projects; and</i> • <i>the practicalities and set back distances, specifically around oversail and the lay down areas for the turbines when it comes to repowering or decommissioning of FWF.”</i>
D4.4.3.08	16.1.3	Irrespective of this, in respect of wind farm decommissioning, the timing	Any further comments to be provided at Deadline 5 .

		<p>and approach to the works would be controlled by virtue of the planning conditions and the requirements of the two consents. Condition 48 of the Frodsham Wind Farm consent requires the operator of the wind farm to submit, for approval by Cheshire West and Chester Council, a scheme for the demolition and removal of the wind farm. In relation to a major replacement campaign of Frodsham Solar, the oOEMP requires the submission of a notification for approval of the works prior to them being undertaken, taking account of the</p> <p>wind farm demolition and removal scheme. These mechanisms provide the necessary control by the Council to ensure that measures are in place to prevent any unacceptable cumulative effect arising if the</p>		
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		two programmes were to overlap.		
D4.4.3.09	16.1.4	If Frodsham Wind Farm were to re-power, this would require planning permission, and the planning application for that scheme would have to show how the ongoing maintenance of the Proposed Development had been taken account of in its environmental management measures.	Any further comments to be provided at Deadline 5 .	

REP1-041 8.21 Technical Note on Pipeline Interactions

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-041 8.21 Technical Note on Pipeline Interactions				
Note			Please refer to the CWCC's response on the ISH 2 Action points (submitted at Deadline 4 (5 March 2026) for the latest position. The points below response to the Technical Note, but it will be of more assistance to refer to the ISH 2 note.	
D4.4.4.01	3.7		3.7 CWCC agrees that HRA can be carried out at different stages in the process, however that is not the same as not assessing known likely cumulative scenarios that could have	

			significant impacts at the stage which it is known there could be an issue.	
D4.4.4.02	3.13		3.13 The applicant states that the DCO cannot impose controls on another development and in the same way, CWCC would assert that it cannot impose controls on another development in issuing a planning permission. Therefore, a legal agreement is a sensible way forward.	
D4.4.4.03	3.14		3.14 CWCC cannot oblige the applicant of another planning application to be part of a Working Group proposed by the Applicant.	
D4.4.4.04	3.19		3.19 In this paragraph, the applicant states that it could use its compulsory acquisition powers over the land in which the pipeline is proposed to become LBCCS' freeholder, in order to ensure that arrangements which 'work' for the Proposed Development are able to be brought forward. CWCC would therefore assert that as the applicant has control over the land, they are best placed to enter into any requirements and legal agreements to control the issue.	
D4.4.4.05	4.5		4.5 In this paragraph, the developer asserts that once the NBBMA is completed, it is not a development and it is assumed therefore does not need to be considered cumulatively. CWCC wholly disagrees with this approach, the NBBMA is essential to the solar farm development as a whole, hence it being part of the Order Limits.	
D4.4.4.06	Section 2	Before Scenario	One of the implications of the Runcorn Pipeline being installed before the NBBMA is that the detailed design of the NBBMA would need to take account of the pipeline in its construction and design. Natural England's (NE) Written Representations [REP-056] refer to concerns regarding the operational impacts of the CO2 pipeline relating to the	

			<p>potential for changes to the hydrology within the NMMBA. NE consider that this impact need to be addressed within the Habitats Regulations Assessment (HRA). At NE35 [REP1] NE advise that</p> <p>“The applicant must consider any factors that may undermine the success of the proposed habitats within the NBBMA. If works to the pipeline are undertaken before or at the same time as the habitats within the NBBMS are created, this creates a risk for the applicant in terms of the success of the NBBMA.</p> <p>The route of the pipeline in its current form shows the route passing through the NBBMA between the Canal Pools area and the wetland habitats. It is not clear how locating the pipeline in this area will impact on the water supply mechanisms to the wetland habitats and how it may alter the movement of water within the NBBMA.</p> <p>We advise assessment of the incombination operational impacts of the pipeline should be addressed within the HRA”.</p> <p>As a result NE does not agree with the overall conclusions of the HRA at this stage.</p> <p>It may well be that the Applicant is able to address NE’s concerns, noting that the conceptual model in the Water Balance Report (Annex 4 of the NBBMS in Appendix B of the oLEMP [REP1-028]) appears not to rely on the proposed water storage area to be provided in place of the canal pools, although the water storage area does appear to add resilience to adaptive water management of the NBBMA.</p>	
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D4.4.4.07	Section 3	Concurrent Scenario	<p>Section 3 details the Applicant’s commitments, through the oCEMP and establishment of a Working Group. At paragraphs 3.3 and 3.4 emphasis is placed on CWCC’s ability to refuse to approve the CEMP if it is not satisfied at that time with the outcome of discussions between the Applicant and LBCCS.</p> <p>CWCC’s primary concern is not with the ability to control the concurrent scenario via the CEMP (and with the benefits of the Working Party), but with the After Scenario.</p> <p>CWCC may need to consider further the case law referred to in paragraphs 3.8 and 3.9, but the position at present seems to be that if the projects’ timeline slips into the After Scenario, CWCC’s reliance on the provisions of T&CPA controls (e.g. CEMP) for the Runcorn Pipeline could be inadequate to avoid significant cumulative effects or in-combination adverse effects on integrity.</p> <p>There does not seem to be an issue in principle with exercising the sort of control on the Runcorn Pipeline suggested in paragraph 3.14 to ensure that works in Cells 1, 2 and 5 are separated from works to create the NBBMA; and to secure involvement of a Working Group. Consideration of the alternative of conditioning the Runcorn Pipeline to be developed before the NBBMA (paragraph 3.16) is noted, may not be acceptable to LBCCS.</p> <p>The Back Stop position advanced in paragraphs 3.18 and 3.20 involving potential use of the Applicant’s compulsory acquisition powers is noted. However, CWCC cannot rely on the Applicant pursuing this route to establish that the EIA/HRA conclusions would be secured. A preferable position</p>
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			would be for the Applicant and LBCCS to reach formal agreement, to deal in particular with the After Scenario, but preferably all scenarios.
D4.4.4.08	Section 4	After Scenario	<p>The points in paragraphs 4.1 to 4.3 regarding acceptance of the need to consider the Runcorn Sour Pipeline for the EIA/HRA are noted. The Applicant's position seems to rely on a nuanced argument at paragraph 4.5 that the NBBMA itself could not be seen as causing an impact, and should be seen as a baseline for the Runcorn Spur Pipeline.</p> <p>That seems to be an untenable position, in consideration of the cumulative impact of both projects, which are currently both under assessment.</p> <p>The point about the NBBMA not causing an impact/effect, also seems misplaced, as the primary function of the NBBMA is to provide mitigation for the Frodsham Solar project and without it, the impacts of Frodsham Solar would be acknowledged to be significant adverse effects. A non-functioning or only partially functioning NBBMA would demonstrably cause adverse effects.</p> <p>Again the Applicant's point at paragraph 4.7 is made on the basis that the Frodsham Solar development has been carried out, and how the pipeline projects should be considered in that situation. However, that is not the position in terms of consideration of the current draft DCO (nor in relation to consideration of the current pipeline application), both of which require consideration of the cumulative / in-combination effects.</p>

			<p>The Applicant's point at paragraph 4.8 and 4.9 appears to side-step the Applicant's responsibility to carry out the assessment and present appropriate mitigation for the impacts, and places the onus on LCCS or CWCC.</p> <p>Paragraphs 4.10 and 4.11 appear to acknowledge/confirm that the combined developments in the After Scenario would result in significant EIA effects.</p>	
D4.4.4.09	Section 5	Conclusion on Runcorn Spur Pipeline	<p>CWCC disagrees with the Applicant's conclusions on the Before Scenario, and the After Scenario.</p> <p>For the Before Scenario this is in light of NE's comments referred to above, and it is acknowledged that the Applicant may be able to present further information to NE to remove its concerns.</p> <p>For the After Scenario CWCC disagrees that the Applicant is not required to assess the cumulative / in-combination effects.</p> <p>At present, it seems unlikely that the project would have no adverse effect on the integrity of a European site.</p>	
D4.4.4.10	Section 6	Hynet Hydrogen Pipeline	<p>CWCC acknowledge the delay to the Hynet North-West Hydrogen Pipeline project.</p>	

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

Ref	Document Para number	Document summary point	CWCC comments	Status
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REP1-042 8.22 Note on updated Construction Resourcing Schedule - P01

D4.4.5.01	Appendix A	ES Vol 2 Appendix 2-2: Indicative Construction Phasing and Resource Schedule Rev P02	<p>It is understood that the Applicant has prepared the schedule for construction phasing, but as this is the obvious document to refer to in terms of phasing generally, CWCC request that either it be updated, or a bespoke phasing plan be provided, to show the wider phasing details, and that it be annotated/adjusted to refer to and reflect the periods where construction activities will be restricted (e.g. the non-breeding bird sensitive period of September to April). It is recognised that the start date will not be known, but illustrative details of the most likely commencement period (which is unlikely to be January as indicated in some of the documentation submitted) should be provided. Given the seasonal working window, it seems likely that construction might commence in May, giving four months before entering the next sensitive period. The constraints of seasonal site working ought to be expressed clearly as part of the assessment.</p> <p>The commitment by the Applicant to provide the Skylark Mitigation Area enhancements prior to the NBBMA works is not represented on the schedule and should be. Concerns noted elsewhere relating to the phasing of PPW also need to be taken into account.</p> <p>The totals in the table seem to contain errors (e.g. yellow highlight on extract below).</p>
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D4.4.5.02	2.1.1	<p>“However, to provide a conservative assessment a nominal allowance for HGVs and personnel movements has been allowed for</p> <p>Document Ref: EN010153/DR/8.15</p> <p>Frodsham Solar December 2025 Note on updated Appendix 2-2: Resource Schedule Revision P01 2 in Month 1 and 2 should PPW be required in advance of starting the NBBMA. This retains</p>	<p>The potential adverse impacts of PPW taking place on the SADA during and potentially even before construction of the NBBMA need to be assessed.</p> <p>Further discussion with the Applicant is needed in relation to the construction programme, noting that there appears to be no provision for the newly created NBBMA to establish and provide suitable functional habitat for use by all SPA species before construction on the SADA commences.</p> <p>See CWCC’s comments at paragraph 7.43 and 7.44 in Relevant Representations [RR-037] and the corresponding further comments in response to CWACC7.40 in CWCC D3(A) submission for Deadline 3.</p> <p>CWCC expect the Skylark mitigation habitat to be provided before works to the NBBMA commence; and this needs incorporating into the schedule.</p>																																																																																																																																		

		a 30-month programme. (<i>Our emphasis</i>)		
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REP2-003 Applicant's Response to ExA First Written Questions

Ref	Document Para number	Document summary point	CWCC comments	Status
REP2-003 Applicant's Response to ExA First Written Questions				
D4.4.6.01		General	Further comments will be provided at Deadline 5 if necessary.	

AS-038 Applicant's Response to IP ExA First Written Questions (P02)

Ref	Document Para number	Document summary point	CWCC comments	Status
AS-038 Applicant's Response to IP ExA First Written Questions (P02)				
D4.4.7.01		General	CWCC will provide further commentary in response to the habitat issues raised in some of the Applicant's responses at Deadline 5 . In particular, but not exclusively, at 4.4.3 in relation to the Frodsham windfarm mitigation areas, 4.5.7 in relation to BNG and the application of Rule 4, 4.6.4 regarding FLL, 5.1.5 in relation to 'in-combination assessment.	

D4.4.7.01		General	Further comments on other topics will be provided at Deadline 5 if necessary.	
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Other Deadline 3 submission documents

- 4.2. The ‘clean’ versions of the relevant document have been referred to in the Tables above, noting that there are ‘tracked change’ versions that have not been listed.
- 4.3. The following (other) documents from the Applicant’s submission on Deadline 3 (and after) are noted:

Deadline 3

- AS-037 Application Document Tracker - P07
- REP3-002 3.2 Explanatory Memorandum - P05
- REP3-016 7.2 Commitments Register - P04
- REP3-031 8.27 Applicant Deadline 3 Cover Letter
- REP3-037 8.8 Draft DCO Schedule of Changes – P03

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