



**Frodsham Solar**  
Statement of Common Ground with Cheshire  
West and Chester Council (CWCC)

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**March 2026**



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## 1.0 INTRODUCTION

### 1.1 Purpose of this Document

1.1.1 This is a Statement of Common Ground ('SoCG') made between the following parties:

***Frodsham Solar Ltd (hereafter referred to as 'the Applicant')***

**and**

***Cheshire West and Chester Council (CWCC)***

1.1.2 The purpose of this SoCG is to identify areas of agreement and, where appropriate, disagreement, between the parties in respect of the Frodsham Solar development (the 'Proposed Development'). The SoCG clearly sets out the progress being made on unresolved issues between the Applicant and CWCC. Where matters are yet to be agreed, the parties will continue to work proactively to reach a consensus.

1.1.3 The SoCG will be updated as more information becomes available and as a result of ongoing discussions between the Applicant and CWCC, and updates will be provided to the Examining Authority (ExA) at subsequent examination deadlines.

### 1.2 The Proposed Development

1.2.1 The Proposed Development comprises a new solar energy generating station and an associated on-site Battery Energy Storage System (BESS) on land at Frodsham Marsh, Frodsham, Cheshire West and Chester ('the Site'). The Proposed Development also includes the associated infrastructure for connection to the local electricity distribution network, as well as a private wire electricity connection that would enable local businesses to utilise the renewable energy generated by the Proposed Development.

1.2.2 The current design for the Proposed Development would enable the generation of approximately 147 megawatts (MW) of electricity<sup>1</sup>, as well as the storage of approximately 100 MW of electricity in a BESS. The precise generating capacity and

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<sup>1</sup> The generating capacity is described in terms of the maximum combined capacity of installed inverters (measured in AC)

storage capacity will be subject to detailed design, but it should be noted that at present the grid connection offer from the District Network Operator (DNO) is for 100 MW export and 50 MW import. As noted above, the Proposed Development would also be capable of exporting electricity directly to local businesses.

1.2.3 Subject to obtaining the necessary consents, construction is anticipated to commence in January 2028 and be completed in mid to late 2030. The construction phase would involve habitat mitigation works first, establishing functionality, and then the main solar array. The Proposed Development comprises a temporary development with an operational phase of up to 40 years. Decommissioning activities would therefore commence in 2070, 40 years after final commissioning.

1.2.4 The Proposed Development has been divided into the following Work Packages, or 'Works' as follows:

- i) Work No. 1 – a ground mounted solar photovoltaic generating station;
- ii) Work No. 2 – a Battery Energy Storage System (BESS);
- iii) Work No. 3 – an on-site substation (Frodsham Solar Substation);
- iv) Work No. 4a – an electrical connection from Frodsham Solar Substation (Work No. 3) to Frodsham SPEN Substation including
- v) Work No 4b - a direct private wire connection from Frodsham Solar Substation (Work No. 3) to nearby businesses;
- vi) Work No. 5 - works including electrical cables and communication cables connecting Work No. 1 to Work No. 3; Work No. 1 to Work No. 2; and, Work No. 2 to Work No. 3;
- vii) Work No. 6a - works to create, enhance and maintain green infrastructure;
- viii) Work No. 6b - works to create skylark plots to provide skylark foraging habitat;
- ix) Work No. 6c – the creation and management of a Non Breeding Bird Mitigation Area.;
- x) Work No. 7 - construction and decommissioning compounds; and
- xi) Work No. 8 – works for the improvement, maintenance, repair and use of existing streets, private tracks, public rights of way and access roads.

1.2.5 There are a number of distinct development areas within the Site as follows:

- i) The Solar Array Development Area (SADA) that would include solar photovoltaic (PV) modules and support frames, internal access tracks, cabling, inverters,

- transformers, the solar array substation (known as the 'Frodsham Solar Substation) and the BESS;
- ii) Main Site Access route;
  - iii) SPEN Grid Connection linking Frodsham Solar Substation to the SP Energy Networks (SPEN) Frodsham Substation
  - iv) SPEN / National Grid Substation and access to the substation compound
  - v) Private Wire Connection to local businesses
  - vi) Non Breeding Bird Mitigation Area (NBBMA)
  - vii) Skylark Mitigation Area
- 1.2.6 These areas are illustrated on **ES Vol 3 Figure 1-2: Proposed Development Areas, Environmental Statement: Volume 3 Chapter 1 Figures (APP-105)**.
- 1.2.7 A more detailed description of the Proposed Development is provided within **Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035)**.
- 1.3 The Site**
- 1.3.1 The Site is located approximately 500 m to the north of the centre of Frodsham Town Centre within the administrative areas of Cheshire West and Chester Council (CWaCC), which is the Local Planning Authority (LPA).
- 1.3.2 The Site is approximately centred on National Grid Reference (NGR) 351000E, 378500N and is located approximately 500 m to the north Frodsham Town Centre at its nearest point.
- 1.3.3 The Site comprises a single red line boundary that covers all land expected to be included within the Proposed Development, which in total is approximately 337.5 ha, not including nearby traveller sites. The Solar Array Development Area covers an area of approximately 246 ha, and would be located at the eastern extent of Frodsham and Helsby Marsh, an area of land between the Mersey Estuary and the M56. The northern boundary of the Solar Array Development Area is formed by the River Weaver and the former INEOS Inovyn Dredging Deposit Ground, the north-west boundary by the Manchester Ship Canal, with the Mersey Estuary lying beyond. The western boundary of the Solar Array Development Area is formed by two of the former Manchester Ship Canal Dredging Deposit Ground Cells; Cell 3 and Cell 6.

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Cell 3 forms part of the NBBMA. The southern boundary of the Solar Array Development Area is formed by agricultural fields and the M56 motorway.

- 1.3.4 The Main Site Access is from the west, leading from Pool Lane roundabout. Vehicles accessing the Site would turn onto Grinsome Road (a private road) from Pool Lane roundabout and travel east towards Protos<sup>2</sup> for approximately 1.5 km, routing north at Grinsome Road Roundabout, along Road 1 of Protos. Vehicles would then turn east along Marsh Lane which provides access to Frodsham Wind Farm. The Frodsham Wind Farm access tracks provide access to the Solar Array Development Area. There would be no access to the Site from Frodsham during construction, operation or decommissioning, other than for emergency vehicles, and access to the potential new public car parking area on Moorditch Lane, via Brook Furlong. Access to the SPEN Frodsham Substation would be via the A56 Chester Road along a dedicated private access road that leads to the substation complex.
- 1.3.5 The Manchester Ship Canal forms the northern boundary of the Site and is separated from the Mersey Estuary by Frodsham Score, a 100-200 m wide strip of low-lying marshland. The Manchester Ship Canal is bunded in design where it forms the boundary with the Site. The Mersey Estuary and Frodsham Score are designated as a Special Protection Area (SPA), SSSI and Ramsar site. The SSSI also covers a strip of land approximately 100m wide on the southern side of the Manchester Ship Canal, the eastern 500m of which lies within the Site. The Solar Array Development Area is also designated as a Local Wildlife Site (Frodsham, Helsby and Ince Marshes Local Wildlife Site) and as Green Belt.
- 1.3.6 Neither the Site nor the immediate surrounding area is covered by any statutory landscape designations, e.g. National Parks or National Landscapes (formally referred to as Areas of Outstanding Natural Beauty (AONB)). There are no designated heritage assets within the Site.
- 1.3.7 The eastern half of the Site lies within the Environment Agency's Flood Zone 3a (for Fluvial and Tidal flood risk), which benefits from flood defences along the River

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<sup>2</sup> A significant strategic development site with the benefit of planning permissions for a range of energy generation and resource management businesses

Weaver. The Manchester Ship Canal Dredging Deposit Ground Cells in the western half of the Site are raised and so lie within Flood Zone 1.

- 1.3.8 A detailed description of the Site is provided in **Environmental Statement: Volume 1 Chapter 1: Introduction (APP-034)**.

#### **1.4 Status of the SoCG**

- 1.4.1 This SoCG is a 'live' document that will be updated and amended as the project progresses. It identifies the matters relating to the Proposed Development that have been agreed between the parties, the matters under discussion, together with other matters not agreed. It is intended that it will be finalised and signed by the Applicant and CWCC as requested by the Examining Authority during the Examination of the submitted application.
- 1.4.2 A signing sheet between the Applicant and CWCC is provided at Appendix A.

## 2.0 ROLE OF CHESHIRE WEST AND CHESTER COUNCIL IN DCO PROCESS AND SUMMARY OF CONSULTATION

### 2.1 Role of Cheshire West and Chester Council

2.1.1 CWCC is the local planning authority for the area within which the Proposed Development is located and is a prescribed consultee under Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).

2.1.2 CWCC is responsible for the preparation and implementation of the development plan for its area and for providing local planning, environmental and technical input to the examination of the application, including through the submission of a Local Impact Report under section 60 of the Planning Act 2008.

2.1.3 Subject to the grant of development consent CWCC will be responsible for the approval of applications made pursuant to the requirements set out in Schedule 2 of the DCO.

### 2.2 Summary of Consultation Undertaken

2.2.1 The Applicant has been in consultation and engagement with CWCC from early in the application process. Table 1 summarises the principal meetings and correspondence that have taken place between the Applicant and CWCC in relation to the Proposed Development. This does not seek to include every correspondence between the parties but identifies those which have informed the approach to the design of the Proposed Development, the drafting of the draft DCO, the scope and approach to the assessments presented in the Environmental Statement and the Information to Inform Habitats Regulations Assessment, drafting of the controls provided within the outline management plans, the scope and approach of the Transport Assessment and the matters considered within the Planning Statement.

**Table 1: Consultation between the Applicant and Cheshire West and Chester Council**

Date	Method of Consultation	Points of Discussion
16/03/2023	Teams meeting	Introductory briefing to the project
28/04/2023	Teams meeting	Presentation to key officers on project

Date	Method of Consultation	Points of Discussion
12/06/2023	Teams meeting	Meeting with officers to discuss project and the Scoping Request and associated report submitted to the PINS.
13/07/2023	Teams meeting	Meeting with Council's biodiversity officer to discuss surveys undertaken to date, proposed future surveys, key ecological issues, approach to interaction with wind farm mitigation.
08/2023	Telephone call	Discussion with highways officer regarding the scope and approach to the Transport Assessment.
06/09/2023	Teams meeting	Project update; approach to cumulative; community benefits; PPA
26/09/2023	Teams meeting	Meeting with landscape officer. Approach to LVIA discussed and feedback provided in Scoping Opinion. Approach to design objectives discussed and approach to the consideration of draft AONB in the assessment agreed.
26/09/2023	Email	Technical note submitted to CWACC setting out viewpoints and approach to visualisations.
09/2023	Email	Email exchanges associated with methodology and scope of the cumulative effects assessment.
29/11/2023	Teams meeting	Project update; travellers site status; scoping of socio-economic assessment; cumulative assessment review; PROW and landscape matters; ecology review; PPA.
18/01/2024	Email	Agreement from CWACC on viewpoints
24/01/2024	Teams meeting	Project update; cumulative assessment review; ecology survey review; landscape matters; travellers site status; community benefits; PPA
21/02/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; socio-economics; peat

Date	Method of Consultation	Points of Discussion
11/03/2024	Telephone call	Discussion with biodiversity officer on scope of surveys.
15/03/2024	Email	Representation on Council's Land Availability Assessment - Stage One of local plan update.
20/03/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; peat; transport scoping report
17/04/2024	Teams meeting	Project update; G&G impacts on M56 and properties; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; socio-economics; peat
22/04/2024	Teams Meeting	Update on LVIA and feedback on findings of assessment / approach taken to design and access; landscape masterplan; heritage setting.
15/05/2024	Teams Meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; peat; NH feedback on the Transport Assessment scoping.
24/05/2024	Email	Provision of the Outline Non Breeding Bird Mitigation Strategy for comment.
27/05/2025	Email	Provision of the draft preliminary Flood Risk Assessment and the Stage 1 Geo-Environmental Assessment for comment.  Advised on removal of the INEOS Inovyn Weaver Navigation Dredging Deposit Lagoon from solar development area; and removal of the private wire link to INEOS Inovyn's Runcorn Works.
30/05/2024	Email	Provision of design objectives, illustrative landscape masterplan, ZTVs, VP photography.
12/06/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; peat; flooding and water quality; contaminated land; tourism; highways scoping.

Date	Method of Consultation	Points of Discussion
25/06/2025	Email	Agreement sought on scope of heritage assessment.
17/07/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; peat; flooding and water quality; contaminated land; tourism.
08/08/2024	Email	Response provided on landscape aspects following provision of technical note on scope of assessment.
08/2024	Teams	Meeting held with local councillors in relation to tourism and recreation opportunities.
21/08/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; peat; flooding and water quality; contaminated land; tourism.
04/09/2025	Site visit	Site visit with case officer, biodiversity officer and Natural England.
18/09/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; peat; flooding and water quality; contaminated land; community benefit fund.
25/09/2024	Email	Agreement on noise assessment receptors and scope of noise assessment (agreement provided on 24/10).
25/09/2024	Email	Provision of site investigation report and peat reconnaissance survey report to CWACC for comment.
03/10/2024	Meeting	Joint meeting with CWACC, NE and RSPB to discuss NBBMA and HRA
16/10/2024	Teams meeting	Stat consultation and SoCC; cumulative assessment review inc CO2 pipeline; ecology review; landscape matters; travellers' site status; peat; flooding and water quality; contaminated land; arboricultural survey requirement.

Date	Method of Consultation	Points of Discussion
21/11/2024	Teams meeting	Ecology review meeting with CWACC and NE
11/2024	Email	Publication of the PEIR
4/12/2024	Teams meeting	PEIR review meeting
11/12/2024	Teams meeting	Ecology review meeting with CWACC and NE
27/01/2025	Teams meeting	Outline Non-breeding Bird Mitigation Strategy meeting with CWACC and NE
22/01/2025	Meeting	Meeting with CWACC officers to discuss approach to design following PEIR and receipt of consultation responses.
07/02/2025	Teams meeting	Ecology review meeting with CWACC and NE
19/02/2025	Teams meeting	Update on application; sequential test approach; greenbelt; environmental protection team response; cumulative update.
05/03/2025	Teams meeting	Ecology review meeting with CWACC and NE
23/06/2025	Teams meeting	Review of application / navigation of documents; review of landscape; flooding; highways; green belt/grey belt; sequential test; PPA; Runcorn Spur application update.
25/07/2025	Teams meeting	Application briefing with biodiversity and landscape.
29/07/2025	Teams meeting	Application briefing with Environmental Protection/Highways/PROW/LLFA
19/09/2025	Teams meeting	Flood evacuation plan and BESS meeting with Emergency Planning Team.
29/09/2025	Teams meeting	Sequential test and PPG; green belt / grey belt / BNG; emergency planning meeting.

Date	Method of Consultation	Points of Discussion
20/10/2025	Teams meeting	Rule 6 letter; approach to LIR and WW; RR review; CO2 pipeline and approach to cumulative; CBF; decommissioning fund.
17/10/2025	Email	Provision of draft RR responses on ecology and biodiversity, supplementary bird data analysis, updated BNG spreadsheet and reedbed classification.
31/10/2025	Email	Provision of draft RR responses
05/11/2025	Teams meeting	Meeting to discuss CBF, Decommissioning Security, CO2 spur; protective provisions
06/11/2025	Email	Provision of draft RR responses
10/11/2025	Teams meeting	CO2 spur pipeline application; landscape; green belt; sequential test; NBBMA and water balance work; RSPB progress.
09/12/2025	Email	Exchange on actions from ISH1
10/12/2025	Email	Provision of SoCG to CWACC for comment
01/01/2026 – 26/03/2026	Emails and meetings	The Applicant and the Council have been in regular dialogue throughout the examination period on a range of matters to try and resolve outstanding points. In particular in relation to the drafting of the DCO, ecological issues, and cumulative effects.

### **3.0 MATTERS OF AGREEMENT AND DISAGREEMENT**

#### **3.1 Introduction**

3.1.1 Table 2, which sets out the matters of agreement and disagreement between the Applicant and the Council, has been structured to cover the draft DCO, the management plans prepared as control documents and the main environmental and planning topic areas relevant to the application.

3.1.2 The Applicant has been in dialogue with the Council since Deadline 4 and is continuing to try to reach an agreement on as many matters as possible. This SoCG has not been agreed with the Council and therefore represents a working draft, but it reflects the Applicant's general understanding of the parties' positions on the key matters, in particular highlighting those topics where there is ongoing discussion to seek resolution. Those topics shown as Not Agreed are considered unlikely to be capable of resolution in the remaining period of the examination.

**Table 2: Position between the Applicant and Cheshire West and Chester Council on matters of discussion / consultation**

Ref.	Matter	CWCC Position	Applicant Position	Status
<b>1. Topic: Draft Development Consent Order</b>				
1.1.	Articles and Schedules	The Applicant and CWCC have been exchanging comments on the DCO and are close to reaching agreement on changes and items which remain outstanding and which are unlikely to be resolved.		Under Discussion
<b>2. Topic: Control Documents</b>				
2.1.	The scope of the Design Parameters Statement.	CWCC are content with the modifications made to the Parameters Statement to date but continue to review this document to ensure all matters are addressed.	The Applicant notes this comment.	Under Discussion
2.2.	Scope of the management plans submitted with the application.	CWCC satisfied with the content of the following management plans, subject to the comments provided in 3.3 to 3.27 below: <ul style="list-style-type: none"> <li>Outline Construction Traffic Management Plan</li> </ul>	The Applicant notes this comment.	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		<ul style="list-style-type: none"> <li>• Outline Construction Environmental Management Plan</li> <li>• Outline Operational Environmental Management Plan</li> <li>• Outline Decommissioning Environmental Management Plan</li> <li>• Outline Public Rights of Way Management Plan</li> <li>• Outline Landscape and Ecology Management Plan</li> <li>• Outline Flood Warning and Evacuation Plan</li> </ul>		
2.3.	Outline Landscape and Ecology Management Plan	<ul style="list-style-type: none"> <li>• Wetland areas east of Marsh Farm and The Lum should be identified as separate Works within Schedule 1.</li> <li>• More detail is requested on the NBBMS and soil re-engineering, including land raising, cut-and-fill,</li> </ul>	<ul style="list-style-type: none"> <li>• The Applicant does not consider The Lum or biodiversity enhancement area at marsh Farm need to be specifically identified as Work No. 6A already provides</li> </ul>	Under Discussion

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>and related design parameters.</p> <ul style="list-style-type: none"> <li>• Further detail is sought on re-engineering works for the NBBMA, especially excavation depth parameters for Work No. 6.</li> </ul>	<p>for the proposed habitat creation.</p> <ul style="list-style-type: none"> <li>• Soil management and soil re-engineering details will be dealt with at the detailed design stage.</li> <li>• The Applicant does not consider fixed re-engineering parameters necessary, as details will be approved through the final Non-Breeding Bird Mitigation Strategy and Ground Investigation Strategy.</li> </ul>	
2.4.	<b>Outline Construction Environmental Management Plan</b>	<ul style="list-style-type: none"> <li>• Construction of the NBBMA during late spring and early autumn passage seasons is a concern. The stated sensitive non-breeding period of Nov–Feb is said</li> </ul>	<ul style="list-style-type: none"> <li>• The Applicant refers to its previous responses on construction timing, cumulative impacts, and seasonal working restrictions.</li> </ul>	Under Discussion

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>to be too narrow; CWCC says September to April is the appropriate period because of passage species.</p> <ul style="list-style-type: none"> <li>• Concern that reasonable endeavours to establish a Working Group with HyNet is not considered robust enough, CWCC prefers a legal agreement.</li> <li>• The EcOW trigger threshold of 1% of the SPA population is considered too high and insufficiently justified.</li> <li>• CWCC welcomes the SMA being in place before NBBMA construction, but says more detail is needed because habitat enhancement for skylarks will take time.</li> </ul>	<ul style="list-style-type: none"> <li>• The Applicant considers that the measures proposed are sufficient to ensure that the Applicant will attend a Working Group and that similar controls applied to the other developments would ensure their attendance.</li> <li>• On the 1% threshold, the Applicant considers this to be a robust trigger for requiring assessment.</li> <li>• The Applicant's view is that the SMA will be in place and functioning at the point it is managed as a meadow as the land is already under grassland.</li> </ul>	

Ref.	Matter	CWCC Position	Applicant Position	Status
2.5.	<b>Outline Operational Environmental Management Plan</b>	<ul style="list-style-type: none"> <li>Concerns over the controls relating to decommissioning of Frodsham Wind Farm during the operational period of the Proposed Development</li> <li>Concerns over the appropriate trigger for major replacement works, and measures to control timing of works.</li> </ul>	<ul style="list-style-type: none"> <li>The Applicant considers the provisions added to the oOEMP will provide sufficient certainty and control over any operational requirements during the proposed wind farm decommissioning works.</li> <li>On major replacement thresholds, the Applicant does not consider reducing the trigger to 25% necessary, as that would capture smaller, routine replacement campaigns already controlled by the oOEMP.</li> </ul>	Under Discussion
2.6.	<b>Outline Decommissioning</b>	<ul style="list-style-type: none"> <li>Benefits/impacts analysis for infrastructure left in the ground should cover both infrastructure left in</li> </ul>	<ul style="list-style-type: none"> <li>The oDEMP includes details requiring benefits/impacts</li> </ul>	Under Discussion

Ref.	Matter	CWCC Position	Applicant Position	Status
	<b>Environmental Management Plan</b>	<p>situ and infrastructure removal and require written agreement.</p> <ul style="list-style-type: none"> <li>• More clarity is requested on the final end state of the site. If mitigation areas are lost on reversion to previous land use, CWCC wants agreed timescales, including surveys in preceding seasons.</li> </ul>	<p>analysis for leaving infrastructure in situ.</p> <ul style="list-style-type: none"> <li>• The Applicant does not consider it appropriate to define the final end state now, because it will depend on future detailed design and maintenance activities. The Applicant has committed to preparing a final end state as part of the DEMP process.</li> <li>• The Applicant considers the oDEMP already contains sufficient measures for pre-decommissioning surveys.</li> </ul>	
2.7.	<b>Outline Public Rights of Way Management Plan</b>	<ul style="list-style-type: none"> <li>• CWCC wants the contact details, complaint reporting arrangements, complaint resolution</li> </ul>	<ul style="list-style-type: none"> <li>• The Applicant considers that final PROWMP will be provided to CWACC</li> </ul>	Under Discussion

Ref.	Matter	CWCC Position	Applicant Position	Status
		standards, remedial action standards, to be published online and for Frodsham Town Council to be consulted on the detailed arrangements.	and can be consulted on at their discretion. The approved PROWMP will be published as an approved document by CWCC on the planning portal.	
2.8.	The scope of the Applicant's outline Written Scheme of Investigation (oWSI).	CWCC consider the Applicant's oWSI to be adequate.	The Applicant notes this comment.	Matter Agreed
<b>3. Topic: Project Benefits</b>				
3.1.	The benefits of the Proposed Development set out in Section 5 of the Planning Statement.	CWCC agree with the project benefits listed under Section 5.6 of the Planning Statement, but does not comment on the level (or weighting) of each benefit identified.	The Applicant notes this comment.	Matter Agreed
<b>4. Topic: Land and Compulsory Acquisition</b>				

Ref.	Matter	CWCC Position	Applicant Position	Status
4.1.	The land rights sought by the Applicant through the draft DCO insofar as they relate to CWCC.	CWCC has no objection to the land rights identified in the draft DCO, insofar as they relate to CWCC.	The Applicant notes this comment.	Matter Agreed
<b>5. Topic: Green Belt</b>				
5.1.	The Proposed Development is Critical National Priority Infrastructure, and therefore, as a starting point it should be taken that the test of very special circumstances is met.	CWCC agree that the Proposed Development is CNP Infrastructure, and therefore it should be taken as a starting point that it meets the test of very special circumstances.	The Applicant notes this comment.	Matter Agreed
5.2.	The Applicant's assessment is that the Proposed Development is located in grey belt and meets the tests of Paragraph 155 of the NPPF and therefore is not inappropriate development in the Green Belt.	CWCC does not agree with the Applicant's assessment that the Site constitutes grey belt, or that the tests of paragraph 155 of the NPPF are passed. Consequently, CWCC does not agree that the Proposed Development is not inappropriate development in the Green Belt.	The Applicant does not expect to reach agreement with CWCC on this matter.	Matter Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
5.3.	The harm to the Green Belt is clearly outweighed by other considerations, and as such very special circumstances exist to justify development.	The Council's position is that the Proposed Development is CNP Infrastructure and that therefore it is taken as a starting point that very special circumstances exist to justify the development. The Council has not provided an assessment of harm by reason of inappropriateness, and any other harm, and whether this would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.	The Applicant notes this comment.  The Applicant also considers that if the Secretary of State were to conclude that the development was not CNP, then any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.	Matter Agreed
<b>6. Topic: Landscape and Visual</b>				
6.1.	The study area and methodology used for the landscape and visual impact assessment.	CWCC agree with the study area and methodology used for the landscape and visual impact assessment ( <i>as per para. 6.1 of CWCC's Relevant Representation [RR-037]</i> ).	The Applicant notes this comment.	Matter Agreed
6.2.	The baseline data for the landscape and	CWCC agree with the baseline data for the landscape and visual	The Applicant notes this comment.	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
	visual impact assessment.	assessment, including the landscape character assessments and the selection of viewpoints used for the assessment.		
6.3.	The measures proposed to mitigate landscape and visual effects.	<p>CWCC broadly agree with the measures proposed to mitigate landscape and visual effects, but considers it is not possible to fully mitigate the landscape and visual effects that would result from the Proposed Development.</p> <p>CWCC is satisfied that the management plans, particularly the outline Landscape and Ecology Management Plan, contain sufficient controls to ensure the effective implementation and management of the landscape mitigation proposals.</p>	The Applicant notes this comment. The Applicant agrees it is not possible to mitigate all landscape and visual effects of the Proposed Development. However, it has sought to provide a balance of retention of key landscape features, instruction of screening and retention of open views within the landscape design to reduce the landscape and visual effects of the development as well as providing biodiversity and recreational benefits.	Under Discussion
6.4.	The conclusions in respect of the assessment of landscape and visual effects.	CWCC agree with the conclusions in respect of the assessment of landscape effects and visual effects with the exception of the below points.	The Applicant notes this comment.	Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
6.5.	The conclusions in respect of the assessment of landscape and visual effects.	CWACC do not agree with the conclusions of the Applicant's assessment in relation to: <ul style="list-style-type: none"> <li>• Level of effects experienced by users from Viewpoint 9 (Frodsham Hill War Memorial).</li> <li>• Level of effects experienced by users from Viewpoints 6 and 26 (St Lawrence's Church).</li> <li>• Level of sequential effects experienced by users walking through the Site along the length of a PRoW.</li> <li>• Level of effect on the landscape character within the Site and from elevated nearby viewpoints with views of the Site.</li> </ul> [CWCC to confirm if there are any other specific points of disagreement]	The Applicant considers the assessment it has presented in relation to these matters to provide an accurate assessment of the level of effect experienced by users.	Not agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
<b>7. Topic: Arboriculture</b>				
7.1.	The baseline data for the arboricultural impact assessment.	CWCC question the recording of some trees under an 'Area' designation which may result in an under reporting of the number of tree losses.	The Applicant notes that some trees were recorded under an 'Area' category to reflect the fact that there are large areas of the Site where trees are present but they fall outside areas that would be impacted by the Proposed Development.  The Applicant considers the approach taken is proportionate and is proposing tree planting significantly in excess of the tree loss at the Site.	Not Agreed
7.2.	The conclusions in respect of the arboricultural impact assessment.	Noting the above point, CWCC consider that the methods proposed to ensure protection of the tree resource at the Site, as controlled via the methods set out in the management plans, is appropriate.	The Applicant notes this comment.	Matter Agreed
<b>8. Topic: Ecology and Biodiversity</b>				

Ref.	Matter	CWCC Position	Applicant Position	Status
8.1.	The study areas and methodology used for the assessment of ecological receptors and resources.	CWCC agree with the study areas applied and the methodology used for the purpose of the ecological impact assessment within the Environmental Statement.	The Applicant notes this comment.	Matter Agreed
8.2.	<p>CWCC has several remaining concerns regarding the ecological impact assessment and BNG assessment. The unresolved issues include:</p> <ul style="list-style-type: none"> <li>- glint and glare impacts on birds;</li> <li>- the Applicant’s approach to classifying reedbeds, and the need for the Applicant to demonstrate 10% BNG in line with the metric;</li> <li>- impacts from disturbance caused by the proposed enhancements to the footpath and right of way network that are not sufficiently assessed;</li> <li>- the assessment of impacts on the Frodsham, Helsby, and Ince Marshes LWS;</li> <li>- the proposed NBBMA does not fully mitigate the impacts of the Proposed Development on qualifying non-breeding bird species;</li> <li>- the timing of delivering the NBBMA, including the period it takes to become functional as habitat and the timing of construction works within the passage periods;</li> <li>- the location and effectiveness of the Skylark Mitigation Area;</li> <li>- monitoring of proposed mitigation measures;</li> <li>- the connectivity of habitats and the methods used to mitigate impacts on badger and otter; band</li> <li>- the adequacy of protected species surveys.</li> </ul> <p>The Applicant has provided its views on many of these issues in submissions made at previous deadlines. The Applicant will continue to work with the Council to determine whether</p>			Under Discussion

Ref.	Matter	CWCC Position	Applicant Position	Status
	previous submissions or additional information can be provided now to resolve outstanding matters.			
<b>9. Topic: Habitats Regulations Assessment</b>				
9.1.	The conclusion that the Proposed Development would not result in likely significant effects that could affect the integrity of the Mersey Estuary SPA and Ramsar.	CWCC has raised concerns in relation to the Habitats Regulations Assessment and the adequacy of the proposed mitigation.	The Applicant notes this comment.	Under Discussion
<b>10. Topic: Flood Risk and Drainage</b>				
10.1.	The Applicant's Flood Risk Assessment.	CWCC consider that the Applicant's Flood Risk Assessment is generally adequate and satisfies the requirements of NPS EN-1 paragraph 5.8.15.  CWCC defer to the Environment Agency with regard to the adequacy of any flood risk modelling undertaken by the Applicant.	The Applicant notes this comment.	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
10.2.	The Proposed Development meets the requirements of the 'Sequential Test'.	CWCC acknowledge that the scale of the development limits availability of alternative sites and also limits the ability to disaggregate the scheme. CWCC's conclusion is that development in Flood Zone 3 is a matter to be considered in the planning balance, not necessarily that other locations should be pursued further.	The Applicant notes this comment.	Matter Agreed
10.3.	The Proposed Development meets the requirements of the 'Exception Test'.	Position on the Council's view on the Exception Test to be confirmed.		Under Discussion
10.4.	CWCC's role as Lead Local Flood Authority	CWCC agrees with the Applicant's approach to managing surface water and drainage, and agrees to the disapplication set out in Article 7(1, a-d) of the draft DCO.	The Applicant notes this comment.	Matter Agreed
<b>11. Topic: Water Quality and Resources</b>				
11.1.	The approach to assessing impacts and	CWCC agree with:	The Applicant notes this comment.	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
	effects on the water environment.	<ul style="list-style-type: none"> <li>the Applicant's approach to assessing impacts and effects on the water environment;</li> <li>the baseline data for the assessment of the water environment;</li> <li>the measures proposed to mitigate impacts to the water environment; and</li> <li>the conclusions in respect of the assessment of impacts and effects on the water environment.</li> </ul>		
11.2.	Water Framework Directive Water Bodies	CWCC agree that with the mitigation measures in place, the Proposed Development will not cause deterioration in the ecological or chemical status of a WFD water body, nor prevent a WFD water body from achieving its respective objectives.	The Applicant notes this comment.	Matter Agreed
<b>Topic: Land and Soils</b>				

Ref.	Matter	CWCC Position	Applicant Position	Status
11.3.	The agricultural land classification for the Site.	CWCC accepts the Applicant's assessment of the agricultural land, and agrees the Site is not best and most versatile land.	The Applicant notes this comment.	Matter Agreed
11.4.	The approach to soil management across the Site.	CWCC welcomes the inclusion of the <b>oSMP (APP-141)</b> with a view to preserving the structure of the soils. CWCC has no significant comments on the approach set out in the oSMP but notes that further detail / clarification in relation to any stockpiling in areas at risk of flooding should be provided in accordance with any comments / guidance from the EA (or LLFA).	The Applicant notes this comment.	Matter Agreed
<b>12. Topic: Ground Conditions</b>				
12.1.	The methodology and baseline used for the assessment of ground conditions.	CWCC agree with: <ul style="list-style-type: none"> <li>the methodology used for the assessment of ground conditions; and</li> <li>the baseline data used for the assessment of ground conditions</li> </ul>	The Applicant notes this comment.	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
12.2.	The measures proposed to mitigate impacts in relation to ground conditions and contaminated land.	CWCC agree with the measures proposed to mitigate impacts in relation to ground conditions and contaminated land.	The Applicant notes this comment.	Matter Agreed
12.3.	The conclusions in respect of the assessment of impacts and effects on ground conditions.	CWCC agree with the conclusions in respect of the assessment of impacts and effects on ground conditions.	The Applicant notes this comment.	Matter Agreed
<b>13. Topic: Peat Resources</b>				
13.1.	The baseline data collected in relation to identifying peat across the Site.	CWCC recognises that the application includes desk-based and site investigation data relating to the presence of peat across the Site. CWCC considers additional information needs to be gathered prior to construction to ensure the baseline data accurately characterises the presence of peat across the Site.	The Applicant notes this comment.	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
13.2.	The assessment of impacts on peat resources.	CWCC agree with the conclusions presented on peat based on the information provided in the application. CWCC are satisfied that the necessary controls are in place within the DCO requirements and the management plans to ensure that additional information is gathered prior to construction and that mitigation responding to the detailed investigation will be delivered via a Peat Management Plan if required.	The Applicant notes this comment.	Matter Agreed
<b>14. Topic: Cultural Heritage and Archaeology</b>				
14.1.	The methodology and assessment of effects on the historic environment.	CWCC agrees with: <ul style="list-style-type: none"> <li>the methodology used for the assessment of the historic environment, encompassing both cultural heritage and archaeology;</li> <li>the baseline data for the assessment of the historic environment, encompassing both</li> </ul>	The Applicant notes this comment.	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		cultural heritage and archaeology; <ul style="list-style-type: none"> <li>• the measures proposed to mitigate impacts on the historic environment, and considers the approach to securing mitigation through the DCO requirements and the Outline Written Scheme of Investigation are appropriate; and</li> <li>• the conclusions in respect of the assessment of impacts and effects on the historic environment.</li> </ul>		
<b>15. Topic: Transport and Highways</b>				
15.1.	The study area and methodology used for the assessment of traffic and transport impacts.	CWCC agree with: <ul style="list-style-type: none"> <li>• the methodology used for the assessment of traffic and transport impacts; and</li> <li>• the baseline data used for the assessment of</li> </ul>	The Applicant notes this comment.	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		traffic and transport impacts.		
15.2.	The measures proposed to mitigate traffic and transport impacts.	CWCC are satisfied that appropriate mitigation is provided and is adequately controlled within the relevant management plans.	The Applicant notes this comment.	Matter Agreed
15.3.	The conclusions in respect of the assessment of traffic and transport impacts and effects.	CWCC consider the Transport Assessment submitted as part of the application to be adequate.	The Applicant notes this comment.	Matter Agreed
<b>16. Topic: Tourism and Recreation</b>				
16.1.	The study area and methodology for the assessment of tourism and recreation impacts.	CWCC agree with the methodology for the assessment of tourism and recreation impacts.	The Applicant notes this comment	Matter Agreed
16.2.	The baseline data for the assessment of tourism and recreation impacts.	CWCC agree with the baseline data for the assessment of tourism and recreation impacts.	The Applicant notes this comment	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
16.3.	The measures proposed to mitigate tourism and recreation impacts.	CWCC broadly support the approach to improving public access around the Site with the exception of the below point.	The Applicant notes this comment.	Matter Agreed
16.4.	The measures proposed to mitigate tourism and recreation impacts.	CWACC retain concerns about the impacts of the improved public access on ecology and biodiversity. The Council would also like the permissive paths retained following decommissioning.	The Applicant has set out the measures it considers are required to mitigate effects on ecological receptors. After decommissioning, the Applicant will no longer be in control of the land, so there is no mechanism to secure the long-term retention of the permissive paths beyond the life of the DCO.	Not Agreed
16.5.	The conclusions in respect of the assessment of tourism and recreation impacts and effects.	CWCC has raised concerns in relation to the following specific areas: <ul style="list-style-type: none"> <li>The assessment of tourism and recreation impacts and effects does not adequately address the visual impact on users of public rights of way,</li> </ul>	The Applicant considers that the impacts on tourism and recreational assets have been assessed appropriately given the nature of the resource available and the context of the site's characteristics. It considers that the design has	Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		and enjoyment of the footpath network. <ul style="list-style-type: none"> <li>CWCC consider that the assessment undervalues the sensitivity of local public rights of way, and underplays the magnitude of impact, resulting in a lower overall level of effect.</li> </ul>	sought to mitigate impacts and improve recreational opportunities at the Site.	
<b>17. Topic: Health and Amenity</b>				
17.1.	The conclusions in respect of the assessment of noise and vibration impacts and effects.	CWCC agree with the baseline data and conclusions of the assessment of noise and vibration.	The Applicant notes this comment.	Matter Agreed
17.2.	The conclusions in respect of the glint and glare assessment.	CWCC agree with the conclusions of the glint and glare assessment, but raise concerns in relation to the potential impact of glint and glare on birds.	The Applicant notes this comment.  See comment in Ecology topic above in relation to glint and glare impacts on birds.	Matter Agreed
17.3.	The conclusions in respect of residential	CWCC agree there would be no significant residential visual	The Applicant notes this comment.	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
	visual amenity assessment.	amenity effects as a result of the Proposed Development.		
17.4.	The conclusions in respect of air quality impacts and effects.	CWCC agree there would be no significant effects on air quality as a result of the Proposed Development.	The Applicant notes this comment.	Matter Agreed
<b>18. Topic: Waste</b>				
18.1.	The Applicant's approach to managing waste across the lifetime of the development.	CWCC agree with the Applicant's approach to managing waste across the lifetime of the development, and that the Proposed Development would not give rise to significant waste impacts.	The Applicant notes this comment.	Matter Agreed
<b>19. Topic: Decommissioning</b>				
19.1.	The Applicant's proposed approach to funding of decommissioning for the Proposed Development.	CWCC have requested the DCO provides for a decommissioning fund.	The Applicant has set out its opposition against imposing a requirement for a decommissioning fund / security / bond in Item 5f (Decommissioning funding) of the Written Summary of Applicant's Oral Submissions	Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
			at Issue Specific Hearing 1 (ISH1) [REP1-033]	
<b>20. Topic: Cumulative Effects</b>				
20.1.	The scope of other developments assessed as part of the Applicant's Cumulative Effects Assessment.	CWCC agree with the scope of other developments included in the assessment of cumulative effects with the exception of the below point	The Applicant notes this comment.	Matter Agreed
20.2.	Runcorn Spur CO2 Pipeline	Agreed that there is suitable controls within the application to control impacts that may arise from the pipeline being constructed before or at the same time as the pipeline. Discussion ongoing as to the approach to take to control impacts should the pipeline be constructed after the creation of the NBBMA.		Under Discussion
<b>21. Topic: Community Benefit Fund</b>				
21.1.	The Applicant's proposed community benefit fund.	CWCC welcomes the principle of the Applicant's proposed Community Benefit Fund. CWCC will work with the Applicant to agree the amount and find a suitable mechanism for securing	The Applicant notes this comment and will continue to engage with CWCC on the CBF.	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		the benefits and administering the CBF.		



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## Appendix A - Agreement

### FRODSHAM SOLAR LTD:

Name:

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Signature:

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Position:

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On behalf of:

Frodsham Solar Ltd

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Date:

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### CESHIRE WEST AND CHESTER COUNCIL:

Name:

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Signature:

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Position:

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On behalf of:

Cheshire West and Chester Council

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Date:

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