



CHESHIRE WEST AND CHESTER COUNCIL

Frodsham Solar DCO - EN010153

CWCC D5

Cheshire West and Chester Council's comments on Deadline 4 documents

Submission for Deadline 5

(26 March 2026)

1.0 INTRODUCTION

- 1.1. This document summarises CWCC's responses to the Deadline 4 documents.
- 1.2. 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).
- 1.3. The document is separated into two tables:
 - i) Table 1 Deadline 4 submission – CWCC's comments on updated application and control documents
 - ii) Table 2 Deadline 4 submission – CWCC's comments on Applicant's new Deadline 4 submission documents
- 1.4. The document provides **comments on the changes to the documents submitted at Deadline 4**, and CWCC's previous representations (at Deadline 4 and earlier) need to be taken into account.
- 1.5. It has not been practical in the time available to provide comments on all the documents submitted at Deadline 4, nor to provide a comprehensive review in relation to earlier representations (e.g. as to whether earlier comments have been satisfactorily addressed). However, the Applicant and CWCC are intending to engage further before Deadline 6 to address outstanding concerns where practical, and the ExA will be updated as appropriate.

2.0 DEADLINE 4 SUBMISSION – CWCC’s COMMENTS ON THE UPDATED APPLICATION AND CONTROL DOCUMENTS

2.1. This section summarises CWCC’s responses to the updated Deadline 4 application and control documents.

Table 1: Deadline 4 submissions - application and control documents.

REP4-004 3.1 Draft Development Consent Order - P06

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-004 3.1 Draft Development Consent Order - P06				
			Please cross refer to CCWCs Deadline 3 submission [REP4-068] where necessary:	
D5.1.1.01	Part 1 Preliminary	Interpretation	<p>Part 1 Preliminary – definition of permitted preliminary works (PPW)</p> <p>i) CWCC note the applicant’s comments on PPW [REP4-052] referring to site clearance being controlled via the CEMP under Requirement 12(4). However, 12 (3) only refers to the ‘construction of any phase of the authorised development’ and CWCC is concerned that control over site clearance would not be triggered even though the carrying out of PPW would constitute ‘commencement’, and it would be covered by the CEMP, it would not fall within control without some amendments to 12(3).</p> <p>Possible re-wording might be (in bold):</p> <p>(3) The implementation and/or construction of any phase of the authorised development and any associated works (including site</p>	

			<p>clearance) must be carried out in accordance with the approved construction environmental management plan for that phase.</p> <p>Following discussion with the Applicant it is understood that rather than amending 12(3) as above, the approach would be (similar to Requirements 9 and 17) to add to Requirement 12(4) that:</p> <p><i>“phase” includes any permitted preliminary works comprising above ground site preparation for temporary facilities for the use of contractors and site clearance (including vegetation removal and demolition of existing buildings and structures), receipt and erection of construction plant and equipment to be utilised for Work No. 6C, and remedial work in respect of any contamination or other adverse ground conditions where this relates to Work No. 6C within a phase”</i></p> <p>The Applicant has indicated that similar amendments would be made to Requirement 18(4) in relation to PPW’s.</p> <p>ii) The Applicant has not yet responded to the suggestion that Requirement 12 (4) referring to elements of PPW as being commencement of development for the NBBMA, be extended to The Lum (currently in Work No. 6A but preferably denoted as a new Work No. 6D).</p> <p>iii) In the definition of permitted preliminary works it is also suggested (k) site clearance be moved to the top of the list, and that the following works be only carried out after site clearance of the relevant phase or area of PPW:</p> <p>(d) receipt and erection of construction plant and equipment (<i>i.e. not just for Work No 6C as provide for in 1.2.1 of REP4-014</i>);</p> <p>(g) remedial work in respect of any contamination (<i>i.e. not just for Work No 6C as provide for in 1.2.1 of REP4-014</i>);</p> <p>(h) diversion and laying of apparatus;</p>	
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			<p>(l) access and highway improvements to create streets, roads, haul roads and access points.</p> <p>This is to ensure that the above works are not carried out in advance of the protections provided by triggering site clearance under the PPW, to the detriment of habitat requirements.</p> <p>CWCC’s concerns in relation to the carrying out of PPW cover more than just the NBBMA.</p>	
D5.1.1.02	Part 3	Street Works	<p>Article 10 ‘power to alter layout’</p> <p>CWCC see no reason to include works outside the Order Limits in this DCO as this appears unnecessary.</p> <p>Paragraph 4.1.5 of the Outline CTMP [REP4-024] is clear that there “<i>is no requirement for any works to be undertaken to the public highway to facilitate access to the Site</i>”.</p> <p>Refer to CWCC’s earlier comments in Appendix A of its Written Representations [REP1-048] and ISH1 agenda item 4a).</p>	
D5.1.1.03	Schedule 1	Authorised development	<p>Work package 6. 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 CWCC Written Rep [REP1-048]:</p> <p>The Lum and Biodiversity Enhancement Area by Marsh Farm should be clearly included as separate Work packages, as they are acknowledged mitigation areas and should be controlled as such. this should either be a “Work Package 6D” or Work Package 6C should be expanded to include those. This is so that areas that the applicant is reliant on for non-breeding bird mitigation are secured.</p>	

			<p>CWCC note the Applicant’s comments in REP3-041 in relation to CWCC’s recommendation over the addition of new 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)). CWCC maintain that identifying these habitat works under a separate Work Package 6D would be preferable. For example, it would assist in identifying that PPWs in connection with Marsh Farm and the LUM areas should be treated as commencement of development for the purposes of Requirement 12 (4). See CWCC’s response to ExA Q2 (Q2.11.2) relating to PPWs.</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>	
D5.1.1.04	Schedule 2	Requirement 2 Commencement	<p>As submitted at Deadline 4 - 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 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>	
D5.1.1.05	Schedule 2	Requirement 2 Commencement (cont’d)	<p>With regard to CWCC’s earlier point about the Applicant providing notice of the date of commencement of development. This would assist in determining whether the development consent has been ‘kept alive’, rather than being an additional administrative burden (as referred to in REP3-041).</p> <p>Following discussion with the Applicant it is understood there will be an amendment to the oCEMP to require that the CEMP will require that notice of commencement of PPWs, NBBMA, SMA and SADA will be given to the LPA.</p>	
D5.1.1.06	Schedule 2	Requirement 3 Phasing and Final Commissioning	<p>Following discussion with the Applicant over the Council’s comment from Deadline 3 that Requirement 3 be amended to “add requirement for notification of the gross electrical output capacity / export capacity of each phase (and the cumulative total) to be confirmed as part of the notice” it is understood there will be a line added to the oOEMP, rather than the DCO, to this effect.</p> <p>One example of the benefits of including such provision is to provide transparency to the local community, which in turn is liable to be useful in relation to the operation of the community benefit fund.</p>	

	Schedule 2	Requirement 6 Detailed design approval	<p>CWCC’s only outstanding comment in relation to Requirement 6 is the power cables, with a view to ensuring that these are in conduits, or some other arrangement to facilitate their removal on decommissioning. It is acknowledged that the Applicant has confirmed in REP3-041 (referring to REP1-033 as well) that DC cabling is installed in conduits. However, the preference would be to include provision for the details to be included as a detailed design approval requirement (and for all cabling).</p> <p>Following discussion with the Applicant it is understood that a line will be added to the oCEMP to include details of the construction methodology for the cabling and including information on how that methodology has sought to take account of the potential future requirement for decommissioning.</p>	
D5.1.1.07	Schedule 2	Requirement 8 Permitted preliminary works (PPW)	<p>CWCC considers that further control over the carrying out of PPW during sensitive periods/ months requires further clarification / discussion with the Applicant. The sensitive periods extend beyond those stated in the Applicant’s submissions i.e. works between September and March should be restricted.</p>	
D5.1.1.08a	Schedule 2	Requirement 9 Landscape and ecology management plan (LEMP)	<p>In REP3-041 the Applicant stated the proposal was to insert drafting in Requirement 9(2)(g) for greater clarity, so that it refers to “measures to achieve a net gain in biodiversity”.</p> <p>As referred to in Deadline 4 submission, and the Applicant’s Response to ExA First Written Questions (Q11.3.7).</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>Following discussion with the Applicant it is understood that detail has been / or will be added to the oCEMP.</p> <p>The Applicant responded to say:</p> <p><i>“That change to Requirement 9(2)(g) has got lost in version control, and will be made given the response to the FWQ.</i></p> <p><i>On the surveys point, the requirements for surveys is set out.</i></p> <p><i>It is either in Appendix 2-3, or it is set out in the CEMP, and R12 sets out the PPWs which require the CEMP. If CWCC considers that they are needed for other aspects, please advise for which ones.”</i></p> <p>CWCC intend to discuss this further with the Applicant.</p>	
D5.1.1.08b	Schedule 2	Requirement 9 Landscape and ecology management plan (LEMP)	<p>It is stated in paragraph 4.4.1 in the NBBMS [REP3-003], that on-going conservation management of the NBBMA is secured through this management strategy and its implementation pursuant to a Schedule 2 Requirement 9(j) of the draft DCO. However, there is no reference to an</p>	

			Adaptive Management Plan in this Schedule 2 Requirement 9(j) of the draft DCO and this should be clearly amended.	
D5.1.1.09	Schedule 2	Requirement 12 Construction environmental management plan (CEMP)	<p>See paragraph 3.4 of CWCC’s WR (REP1-048] regarding: 12 (2) adding the following: pre-construction updated habitat surveys; habitat constraints plan and precautionary measures.</p> <p>The Applicant has proposed details in the oCEMP; and CWCC intend to discuss this further with the Applicant to ensure it provides sufficient details of the pre-construction surveys needed, updated habitat constraints plan and precautionary measures.</p>	
D5.1.1.10	Additional requirement	Precedent - The Fenwick Solar Farm Order 2026 Schedule 2 Requirement 4	<p>CWCC acknowledge that the CEMP [REP4-027] makes provision for a community liaison group. However, the preference would be include a specific requirement for this. There is precedent via The Fenwick Solar Farm Order 2026 (Schedule 2 - Requirement 4):</p> <p><i>4.—(1) Prior to the commencement of the authorised development the undertaker must submit to the relevant planning authority for approval the terms of reference for a community liaison group whose aim is to facilitate liaison between representatives of people living in the vicinity of the Order limits and other relevant organisations in relation to the construction of the authorised development.</i></p> <p><i>(2) The community liaison group must be established prior to commencement of the authorised development and must be administered by the undertaker, and operated, in accordance with the approved terms of reference.</i></p>	

			<p><i>(3) The community liaison group is to continue to meet until the date of final commissioning of the final part of the authorised development unless otherwise agreed with the relevant planning authority.</i></p> <p>It is suggested that the wording be amended to include provision for a complaint handling protocol as well.</p> <p>It is understood that the Applicant does not propose to add this as a requirement. CWCC consider that given local community requests to be involved in the process (e.g. at ISH2), explicit provision in the DCO would be preferable.</p> <p>Other examples include ‘The Tillbridge Solar Order 2025’ (requirement 4) and ‘The West Burton Solar Project Order 2025’ (requirement 4).</p>	
D5.1.1.11	Schedule 2	Requirement 13 Operational environmental management plan (OEMP)	<p>Further to paragraph 3.4 of CWCC’s WR (REP1-048] CWCC remain concerned at the potential scale and duration of replacement activities, and consider that the scale should be restricted to no more than 25% replacement in any 2 year period, and that the timing of such replacements be controlled to avoid sensitive seasons; with notification/approval triggers relating to the location, season and frequency of works above a given level.</p> <p>The Applicant’s response to concerns over major replacement activity are set out in Items 5a (major replacements during the operational phase) and 5b(i) (access track impacts, removal and reinstatement) of the Written Summary of Applicant’s Oral Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033]. Whilst the Outline Operational Environmental Management Plan (oOEMP) [REP4-028] provides operational controls for maintenance and periodic replacements CWCC concerns above remain.</p>	
D5.1.1.12	Schedule 2	Additional requirement	As referred to in the Deadline 4 submission, CWCC consider that an additional requirement relating to permissive paths would be appropriate;	

			<p>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>“Permissive path</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> <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></p> <p>Following discussion with the Applicant it is understood that (in conjunction the their response on ExAQ2 (Q2.11.8) the oLEMP will be updated with more detail on permissive paths.</p>	
D5.1.1.13	Schedule 2	Additional requirement	CWCC maintain its preference for an Unexpected Contamination requirement as set out in response to ExQ1 (Q.3.2.12) [REP2-005].	

			However, CWCC accept that unexpected contamination can be dealt with via an Unexpected Contamination Protocol in the oCEMP, oOEMP and oDEMP.	
D5.1.1.14	Schedule 2	Requirement 19 Skills and supply chain	<p>As noted in the Deadline 4 submission, 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 to leave sufficient time for both the approval process, and implementation of the plan prior to commencement.</p> <p>Following discussion with the Applicant, it is understood that there is no intention to vary the requirement, with the explanation given in REP4-052. The explanation is noted, but it is considered that revised drafting would raise the profile/need for early / proactive engagement to make the most of the opportunities presented.</p>	
D5.1.1.15	Schedule 2	Requirement 20 Decommissioning	<p>The Applicant's responses to earlier comments as set out in REP4-005 are noted. CWCC still consider that the decommissioning requirement (or possibly within the oDEMP [REP4-030]) should make provision for the following:</p> <ul style="list-style-type: none"> o Periodic review of commissioning end state (linked to monitoring of biodiversity) o Provision for seasonal biodiversity surveys prior to final DEMP o Retention of habitat mitigation areas included in 'end state' for hand-back to landowners; o Addition of a period of restoration aftercare measures and provisions to be included in the DEMP (prior to handover back to the landowner) 	

			o Period for completion of decommissioning.	
D5.1.1.16	Schedule 2	Additional requirements	<p>As noted in the Deadline 4 submission: 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>	
D5.1.1.17	Schedule 2	Additional requirements	<p>CWCC note the Applicant's comments in REP3-041 and REP4-052. However, as noted in the Deadline 4 submission and Appendix A to CWCC's Written Representations [REP1-048] (ISH1 Agenda Item 4g) an Hours of Working (construction, replacement activities &</p>	

			decommissioning) CWCC's preference is to see a requirement in the DCO relating to construction hours for the reasons previously given.	
D5.1.1.18	Schedule 2	Additional requirements	The use of non-percussive 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]. CWCC note the Applicant's response in REP2-003, but with a view to minimising disturbance, and in a scenario where there is a defence against statutory nuisance, it would prudent to secure non-percussive piling, especially in relation to construction of the BESS, which is near to the Traveller sites.	
D5.1.1.19	Schedule 2	Additional requirements	<p>Paragraph 3.7 of CWCC's WR [REP1-048] relating to additional Schedule 2 Requirements refers.</p> <p>CWCC note the Applicant's responses at REP3-041. CWCC's preference on</p> <ul style="list-style-type: none"> • Construction hours and • Unexpected contamination (possible addition to Requirement 17) • Decommissioning fund/security is well documented. <p>CWCC maintain the comments relating to:</p> <ul style="list-style-type: none"> • Provision for NBBMA management and monitoring, including period of post-decommissioning monitoring and mitigation to target state. • Undertaker to have pre-submission consultation requirement with consultation body prior to submission of application to discharge requirement. Whilst this may not be precedented in other DCO's it would potentially assist greatly in the process of discharging requirements. 	
D5.1.1.20		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) to ensure replacement activities avoid sensitive bird seasons (September to March).	
D5.1.1.21	Schedule 2	Additional requirements	<p>In combination issue in relation to Runcorn CO2 Spur pipeline</p> <p>In the absence of a legal agreement, the Council considers that one option may be to introduce a requirement in the DCO to restrict any further development, works or activities within the NBBMA (and the associated Cells 1 and 2 within the SADA), other than those permitted as part of the adaptive management under the oNBBMS [REP3-032] and those for the authorised development, for a given period following the NBBMA being notified/accepted to the Council as being functional. The period would need to be informed by the HRA which the applicant is currently updating. It is envisaged that this would in the order of 24 months from the NBBMA being established as functional.</p> <p>The above additional requirement / article 38 Planning permission etc of the draft DCO [REP2-002] would need to be drafted/amended to ensure the temporary restriction on development being carried out in the NBBMA would be enforceable, and this would need to restrict development carried during the relevant period under planning permissions granted before the coming into force of the Order, as well as those coming in after.</p> <p>It is understood that the Applicant disagrees with the inclusion of such a requirement.</p>	
D5.1.1.22	Schedule 12	Procedure for discharge of requirements	<p>CWCC note the Applicant's comments and precedents referred to in REP3-041 (and REP4-052). CWCC maintain (especially given that there are a range of periods in the precedents referred to) that the timescale of 10 working days to submit representations pursuant to an appeal in paragraph 4(4) is too short and an extended period, preferably to 20 working days; or</p>	

			such longer period that the appointed person notifies, would be more appropriate.	
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REP4-002 2.2 Land and Crown Land Plans - P04

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-002 2.2 Land and Crown Land Plans - P04				
D5.1.2.1			Any comments to be provided at Deadline 6	

REP4-003 2.4 Street Works, PRoW, Vehicular Usage and Access Plans - P03

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-003 2.4 Street Works, PRoW, Vehicular Usage and Access Plans - P03				
D5.1.3.1			Any comments to be provided at Deadline 6	

REP4-012 Information to Inform Habitat Regulations (P05)

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-012 Information to Inform Habitat Regulations (P05)				

D5.1.4.1			<p>It is stated in paragraph 3.1.9 of the document that the NBBMA and other habitat enhancements within the Solar Array will provide direct and indirect benefits to skylark through the enhancement and long-term management of the NBBMA and structural planting. It is not clear if the NBBMA will be less or more beneficial for Skylarks after the redesign. The literature quoted (viii Montag, H., Parker, G., & Clarkson, T. (2016) The Effects of Solar Farms on Local Biodiversity; A Comparative Study. Clarkson and Woods and Wychwood Biodiversity) concludes (7.1.32) that although skylarks were not found to utilise solar sites for nesting, they do incorporate them into their territorial boundaries and some of the sites may represent a valuable foraging resource for this species. An area of future research in this study is listed as “Investigation into the productivity of skylarks in the local landscape of a solar farm in order to investigate the hypothesis that skylark productivity is higher adjacent to solar farms due to the increase in foraging opportunities”, however, this is not proven in this study, as the report suggests. The response from CWAC was to do with the loss of nesting habitats and breeding pair territories, which is not addressed by this paragraph, or the referenced study.</p>	
D5.1.4.2			<p>In the Solar Energy UK (2025) Solar Habitat 2025. Solar Energy UK report (ref ix) it is stated that the most frequently observed Red Listed species was skylark (<i>Alauda arvensis</i>), recorded during 59% of all bird surveys undertaken (Figure 9). T did not state whether or not these birds were nesting or just observed. It is not clear if the solar farms surveyed were a similar habitat type to the application site, or had a similar baseline of skylark territories, so again is not conclusive.</p>	

D5.1.4.3			In paragraph 3.2.14 it states that the NBBMA will be subject to year-round dynamic conservation management by conservation professionals; again, this is not secured.	
D5.1.4.4				

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)				
D5.1.5.1		General	Any comments to be provided at Deadline 6 .	

REP4-014 6.2 Env Statement: Vol 2 Appendix 2-3: Permitted Preliminary Works - P04

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-014 6.2 Env Statement: Vol 2 Appendix 2-3: Permitted Preliminary Works - P04				
D5.1.6.1			In the reference to the Construction Environmental Management Plan (CEMP) it is stated in paragraph 1.2.1 that In accordance with Requirement 12 of the draft DCO a CEMP been submitted to and approved by the relevant planning	

			<p>authority prior to undertaking any of the following permitted preliminary works:</p> <ul style="list-style-type: none"> i) above ground site preparation for temporary facilities for the use of contractors; ii) site clearance (comprising vegetation removal, demolition of existing structures or buildings and removal of plant and machinery); iii) receipt and erection of construction plant and equipment to be utilised for Work No. 6C; and iv) remedial work in respect of any contamination or other adverse ground conditions where this relates to Work No. 6C. <p>It is not clear if items i and ii relate to the whole of the order limits and this should be clarified. In terms of iii, this should also apply to construction plan within range of the NBBMA that could have impacts on NBB. In terms of iv, this should also apply to the whole of the solar array, as badgers, breeding birds etc could be impacted by land remediation.</p>	
D5.1.6.2			<p>It is also not clear how vegetation removal relates to biodiversity net gain targets, if the time between habitat removal and replacement is extended and also if areas meant for retention are in fact, subject to vegetation removal and ground remediation.</p>	
D5.1.6.3			<p>In Table 1- Permitted Preliminary Works Mitigation, the commitments “Avoid removal of any vegetation other than that essential to undertake the investigation works” and “Provision of a CEMP for works within the NBBMA pursuant to DCO Requirement 12.” Have been removed, as it is not clear why this is.</p>	

REP4-016 6.2 Env Statement: Vol 2 Appendix 4-3: Glint & Glare - P02

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-016 6.2 Env Statement: Vol 2 Appendix 4-3: Glint and Glare - P02				
D.5.1.7.1			No comments	

REP4-018 6.2 Env Statement: Vol 2 Appendix 6-4: Residential Properties - P02

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-018 6.2 Env Statement: Vol 2 Appendix 6-4: Residential Properties - P02				
D.5.1.8.1			Any comments to be provided at Deadline 6 .	

REP4-020 6.2 Env Statement: Vol 2 Appendix 7-5: Assessment LWS - P02

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-020 6.2 Env Statement: Vol 2 Appendix 7-5: Assessment LWS - P02				
D.5.1.9.1			Any comments to be provided at Deadline 6 .	

REP4-022 7.1 Design Parameters Statement - P04

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-022 7.1 Design Parameters Statement - P04				
D5.1.10.1		General	Any further comments to follow at Deadline 5 .	

REP4-041 7.13 Outline Landscape and Ecology Management Plan - P05

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-041 7.13 Outline Landscape and Ecology Management Plan - P05				
D5.1.11.1			In paragraph 6.5.3, it is stated that the location of mammal gates should be shown on the detailed landscape drawings, and justification for the positioning and number of mammal gates would be provided within the LEMP. This is not quite as discussed with the applicant, who indicated that they could commit to clustering badger gates around sett areas and also place badger gates along known commuting routes and foraging areas in accordance with survey information.	
D5.1.11.2			In paragraph 6.6.49, it is stated that “The landscape design will involve targeted planting of trees and scrub to assist in screening or softening views of the Proposed Development from elevated vantage points, where appropriate to the operational requirements of the Proposed Development. Such planting will be designed to integrate with the surrounding	

			<p>landscape character and will only be introduced in locations where it would not adversely affect the established landscape context or result in material reductions in the operational efficiency of the Solar PV panels.” CWAC would assert that ecological factors should also be a qualifier in this statement, for any proposed landscaping. As the applicant responded in the Hearings regarding a response to a request for more landscaping by Active Travel Frodsham, landscaping would not be appropriate in locations where openness is of benefit. CWAC assert that in terms of ecology, openness should be retained as much as possible in proximity to the NBBMA and the Estuary/River boundary around Cells 1 and 2 and The Lum area and screening should be kept to a minimum.</p>	
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REP4-024 7.4 Outline Construction Traffic Management Plan (P05)

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-024.4 Outline Construction Traffic Management Plan (P05)				
D5.1.12.1		General	CWCC have requested the Applicant to include the public rights of way figures (Figures 2-1 to 2-5) provided in REP4-055 in response to the ISH Action Point 15 within the oCTMP and/or oPRoWMP.	
D5.1.12.2	3.13	Minor point	Addition of ‘take place’ before ‘within’ (or such similar wording is needed):	

			inspection. However, no HGV movements would occur outside <u>within</u> the above <u>defined</u> hours unless such work is associated with an emergency or with prior written consent of Local Highway Authority (LHA), Cheshire West and Chester Council (CWaCC).	
D5.1.12.3	4.1.6	Additon of routing Image 4.1	This is welcomed. Minor point on image (the red route should be shown as ‘Route Unsuitable for HGV & Construction traffic’ i.e. not just HGV.	
D5.1.12.4			Any further comments to be provided at Deadline 6 .	

REP3-026 7.5 Outline Construction Environmental Management Plan - P05

Ref	Document Para number	Document summary point	CWCC comments	Status
REP3-026 7.5 Outline Construction Environmental Management Plan - P05				
D5.1.13.1	Table 5-3		In Table 5-3 “Summary of the construction mitigation and management measures –Terrestrial Ecology & Ornithology”, it is stated under “Damage to badger setts or disturbance of badger using a sett” that “The detailed design shall account for the presence of badger setts and where practicable provide a 30m offset from proposed infrastructure, or a lesser distance where this can be justified. Where necessary, works will only proceed under an appropriate licence issued by Natural England.” This does not change the Council’s previous position.	

REP4-028 7.6 Outline Operational Environmental Management Plan - P05

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-028 7.6 Outline Operational Environmental Management Plan - P05				
D5.1.14.1			Any further comments to be provided at Deadline 6 .	

REP4-030 7.7 Outline Decommissioning Environmental Management Plan - P05

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-030 7.7 Outline Decommissioning Environmental Management Plan - P05				
D5.1.15.01			Any further comments to be provided at Deadline 6 .	

REP4-032 7.8 Outline Battery Safety Management Plan - P03

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-032 7.8 Outline Battery Safety Management Plan - P03				
D5.1.16.1			Any further comments to be provided at Deadline 6 .	

REP4-034 7.9 Outline Public Right of Way Management Plan - P04

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-034 7.9 Outline Public Rights of Way Management Plan - P04				
D5.1.17.1		General	CWCC have requested the Applicant to include the public rights of way figures (Figures 2-1 to 2-5) provided in REP4-055 in response to the ISH Action Point 15 within the oPRoWMP and/or oCTMP.	
D5.1.17.2			Any further comments to be provided at Deadline 6 .	

REP4-036 7.10 Outline Soil Management Plan - P03

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-036 7.10 Outline Soil Management Plan - P03				
D5.1.18.01		General	Any further comments to be provided at Deadline 6 .	

REP4-042 8.6 Outline Flood Warning and Evacuation Plan - P03

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-042 8.6 Outline Flood Warning and Evacuation Plan - P03				

D5.1.19.01		General	Any further comments to be provided at Deadline 6.	
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REP4-048 8.32 Outline Non-breeding Bird Mitigation Strategy - P04

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-048 8.32 Outline Non-breeding Bird Mitigation Strategy - P04				
D5.1.20.1			<p>In paragraph 1.1.4 it is stated that it is the Applicant's intention that the NBBMA is managed by the RPSB, however should this not be possible, then a suitably experienced and reputable nature conservation organisation will be sought, which will be required to be agreed by Cheshire West and Chester Council and Natural England. References in this document to a nature conservation body should therefore be considered to mean RSPB or an approved alternative nature conservation body. CWAC note that this has not been yet confirmed, and that the RSPB have stated in their representation (REP4-067) that they require an expanded NBBMA, to include Cell 2 (currently proposed as solar panels and of an area of approx. 17ha) with significant design changes, before they can endorse the NBBMA and engage in being the delivery partner. CWAC would also query which other nature conservation organisations have been engaged so far, as an alternative plan, if the RSPB does not agree to take on the delivery and long-term management. It is a concern that there does not seem to be any alternative organisations with the same level of expertise that the RSPB would offer.</p>	

D5.1.20.2			<p>Please also see Council response to Question 2.5.5 of the ExA questions. In terms of On-Going adaptive management, Paragraph 4.4.5 states that management of the NBBMA will require regular visits and adaptive actions, based on conditions at the time. Actions will be undertaken where appropriate and will include, but are not limited to:</p> <ul style="list-style-type: none"> • Adjustment, modification and control of hydrological levels and regimes; • Island creation, extension, reduction, maintenance and reprofiling; • Vegetation management and control (i.e. clearing vegetation around scrapes and maintenance of open vistas); • Adjustment and adapting livestock-grazing management and regimes; • Localised ground works or reprofiling; and, • Implementation of reasonable design or layout refinements within the Order Limits, where necessary and considered proportionate. 	
D5.1.20.3			<p>CWAC has concerns that some of these adaptive actions are significant and are not secured/linked back to any controlling mechanisms in other control documents. For example, island creation, extension, reduction or reprofiling could have significant impacts on non-breeding birds if carried out at a sensitive time of year with unregulated methodologies. Breeding birds and water voles would also be potentially impacted. In terms of “Implementation of reasonable design or layout refinements within the Order Limits, where necessary and considered proportionate.”, there is no indication as to</p>	

			what would be considered reasonable, the parameters for that judgment and how that would be controlled.	
D5.1.20.4			Additions to qualify the Adaptive Management Plan in paragraphs 4.4.11 (scrub control and bare ground percentage measures, proportion of scrapes holding water during critical periods, maintenance of target water levels and minimum extent (hectares) of each habitat component) are welcomed.	
D5.1.20.5			In paragraph 4.4.12, it is stated that the precise thresholds and methodology, including the monitoring frequency and reporting will be defined within the final version of the NBBMS and associated AMP. It should be added in at this point that the final version would require approval from CWAC.	
D5.1.20.6			It is stated in paragraph 4.4.1 in the NBBMS [REP3-003], that on-going conservation management of the NBBMA is secured through this management strategy and its implementation pursuant to a Schedule 2 Requirement 9(j) of the draft DCO. However, there is no reference to an Adaptive Management Plan in this requirement and this should be clearly inserted into the DCO.	
D5.1.20.7			Any further comments to be provided at Deadline 6 .	

REP4-050 8.33 Outline Drainage Strategy - P02

Ref	Document Para number	Document summary point	CWCC comments	Status
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REP4-050 8.33 Outline Drainage Strategy - P02				
D5.1.21.1		General	Any further comments to be provided at Deadline 6 .	

REP4-039 Biodiversity Net Gain Report – P02

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-39 Biodiversity Net Gain Report – P02				
D5.1.22.1			<p>Paragraph 2.3.9 states that the Cheshire and Warrington Local Nature Recovery Strategy (LNRS) has been published in November 2025, and as such, strategic significance has been with assigned following Table 7 of the Metric User Guide. The LNRS is enacted in the Environment Act 2021, along with statutory BNG and guidance on its use is only within the statutory BNG user guides and associated PPG. As pointed out in the BNG report, in 1.3.1, 1.3.6 and 1.4.2, the development is not subject to statutory BNG, as statutory BNG regime has not commenced for NSIP developments. Therefore, the metric should revert to classing both its baseline and post-development tabs as “formally identified in local strategy”, in line with the CWCC Ecological Network, as in the Interim Biodiversity Net Gain and Ecological Networks guidance note - March 2024.</p> <p>The relevant primary legislation for the statutory framework for biodiversity net gain is principally set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023. The TCPA 1990 does</p>	

			<p>not include NSIP applications and the DCO process, which is enacted by the Planning Act 2008.</p> <p>Commencement for statutory BNG for NSIP's is due to be introduced in May 2026, with a biodiversity gain statement which is intended to have the same effect as if included in the relevant National Policy Statement. However, no details are available as of yet and there is no guidance on how the LNRS will work with NSIP BNG.</p> <p>As with the approach taken by DEFRA for statutory BNG under the TCPA and Environment Act, it is the date of submission that determines whether the legislation/policy should apply. This DCO application was submitted prior to the publication of the LNRS (25th November 2025).</p>	
D5.1.22.2			<p>Notwithstanding the above, in paragraph 5.1.9, it is stated that in line with the Cheshire and Warrington LNRS other neutral grassland habitats have been assigned 'high' strategic significance as they are considered to contribute towards unmapped LNRS measures G1.4, G1.6, G1.12. Table 7 of the Biodiversity Net Gain Statutory User Guide clearly states that only <u>mapped</u> actions can be applied in the BNG metric, as follows:</p> <p>This category can only be applied to post development interventions when:</p> <p>You should record that you have applied the published LNRS in your gain plan.</p> <ul style="list-style-type: none"> • the location of the habitat parcel has been mapped in the Local Habitat Map4 as an area where a potential measure has been proposed to help deliver the priorities of that LNRS; and • the proposed intervention is consistent with the mapped potential measure in the LNRS for the habitat parcel <p>Additionally, in principle, the site is within an LWS, so is part of a Core Area, where there are no mapped actions.</p>	

			When corrected (LNRS application is removed), the metric looks to report a reduction in habitat area units of 23.44 units.	
D5.1.22.3			<p>Paragraph 2.3.12 states that habitats within the ‘Retained biodiversity area’ will be retained, enhanced or lost according to the below rules:</p> <ul style="list-style-type: none"> o Enhanced where it is other neutral grassland in poor condition, bramble scrub or mixed scrub in poor condition. Enhancement must be within the same habitat type to a maximum of moderate condition; or, o Retained where it is a medium distinctiveness habitat type or one of the above in moderate or good condition. Any other type is classed as lost; o Lost where it does not meet either above rules and recreated as other neutral grassland. <p>It is not clear why some areas have been selected as “Retained biodiversity areas” and the mapping provided (e.g. Figure 3 Proposed post-development created habitats Map 3) and some areas have not. In addition, the categorisation of these areas means that the habitats themselves are not shown in the aforementioned plans. This is the same for the “Solar Area” and “Solar Area - Access and Public Footpath Area”. In addition, the Skylark Mitigation Area also does not show which habitat it is classified as. Also, some footpaths, e.g. the footpaths proposed around Cell 1 and near the NBBMA are not mapped as such and this should be amended.</p> <p>In the same paragraph, it is stated that where a proposed habitat type overlays an existing one of the same type it has been input as retained (e.g., some proposed reedbed overlays existing reedbed); however, this seems to mean that proposed reedbed habitat for</p>	

			example, is actually retained, so is double-counted. This requires amendment/further explanation.	
D5.1.22.4			In Table 5.1: Summary of Post Development Objectives – Habitats it is stated that some areas of other neutral grassland are proposed to achieve “good “condition. A recently published article in the Chartered Institute of Ecology and Environmental Management (Issue 131) “A standardised approach for Biodiversity Monitoring in Solar Farms: From development to application” by Hannah Montag, Hollie Blades, Guy Parker, Alona Armstrong, Adele Remazeilles, Fabio Carvalho and Miranda Jones), concluded that the most commonly found grassland beneath solar panels is modified grassland of poor condition. Although it is not clear as above, the proposed habitat type for some of the areas beneath the solar panels, Table 5.1 is Other Neutral grassland in moderate condition. This requires further explanation in light of this recent article. This also highlights the requirement for regular and meaningful biodiversity net gain monitoring.	
D5.1.22.5			In paragraph 6.2.3, it is stated that when taking into account the NBBMA and the remainder of the Site the Proposed Development achieves at least 10% increase in biodiversity units (habitats, hedgerows and watercourses). When excluding the NBBMA 10% is not achieved, however a measurable increase in biodiversity units (habitats and hedgerows) are recorded and the project design commitments (a minimum increase of 10 % in habitat and hedgerow units and no net loss in watercourse units) are met. It is not clear if The Lum and additional biodiversity area at Marsh Farm have also been taken into account, as they are mitigation areas for non-breeding birds, this is not a factor, as only no net	

			loss (0%) is required. In addition, as previously represented, as there is an error in trading rules (as detailed in paragraphs 6.3.1 and 6.3.2) the net gain figures cannot be claimed. As per the statutory User guide and previous non-statutory metrics, if trading rules have not been satisfied then a net gain in biodiversity cannot be claimed unless trading rules are resolved.	
D5.1.22.6			<p>General: Habitat type Coastal Floodplain Grazing Marsh although not mapped in this area on the DEFRA MAGIC map system, could be potentially present. See extract from UK Habs guidance below. Justification should be given as to why this habitat was not selected.</p> <p>Status Priority Habitat</p> <p>Definition Periodically inundated pasture, or meadow with ditches that maintain the water levels, containing standing, brackish or fresh water.</p> <p>Landscape and ecological context The habitat can occur on the floodplains of rivers and also on reclaimed land behind sea walls. It may contain areas of Lowland meadow, Modified grassland and Other neutral grasslands. There may also be small areas of tall fen type habitats and-or scrub.</p> <p>communities.</p> <p>Exclusions Extensive areas of tall fen species, such as reeds.</p> <p>Species The ditches may be especially rich in plants and invertebrates.</p> <p>Back to Essential Secondary Code List</p>	
D5.1.22.7			<p>Annex 3 Rule 4 Note CWAC has already submitted representation on this in REP4-068 at Deadline 4, in table REP3-041 8.28 Applicant's Response to Written Representations (D4.3.3.01) and also in the CWAC response to the ExA Second Written Questions at Q2.4.3. 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:</p>	

			<p>“You should not use rule 4 for most projects. It may be used in exceptional ecological circumstances, occurring when:</p> <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 conservation organisation. This is not yet secured and so this requirement is not met.</p>	
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			<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 it’s 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>	
D5.1.22.8			<p>Annex 4 Reedbed classification note: As stated in CWCC response to ExA Questions Deadline 1 (REP2-005) at Q4.5.7 (i) and in response to ExA Second Written Questions at Q2.4.3, this note is discussed as follows.</p>	

			<p>The secondary codes 504-waterlogged and 505-Inudnated are stated as corresponding with the section of the f2f Reedbed definition that states “water table is above ground or at ground level for most of the year”. This is not correct; these secondary codes are used to further define the level 2 primary code of “Wetland”, of which the level 3 code is Reedbed and do not apply at the Level 3 stage in terms of definition. They can be used to define discreet areas within the level 3 code when mapping habitats, to provide further information regarding that habitat, but do not contribute to its definition. In addition, the definition of one of the exclusions of the Wetland category, has been incorrectly added to the definition of secondary code 504 “wet defined as water table within 40cm of the surface and soil contains free water for most of the year”. Note that secondary code 504- Waterlogged, states that only small patches remain wet during mid-summer, so does account for drying of reedbeds. The only definitive evidence of the classification of reedbed habitats, is the presence of more than 5m width of reedbed. This is the primary factor that should define the classification of the reedbed, in the absence of any other agreed evidence. Inclusions for the f2e reedbed habitat type are areas that meet the Common reed size threshold and that include both reed-filled ditches and reed-dominated vegetation extending on to dry land. Therefore, dry areas of reedbed are accepted into the f2e classification. The only exclusions to f2e are if parcels of common reed are less than 5m in width, and Common reedmace swamp, which note, do not include references to water levels. The size and reed species are the only robust definition factors that can be used to differentiate between the Reedbed habitat type and others and this should be</p>	
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			<p>used to classify whether or not areas of the site are reedbed, as defined by UK Habs,.</p> <p>Four areas of reedbed are singled out for assessment within Appendix C, with no justification as to why the other areas of Reedbed, as mapped in Figures 1a, 1c, 1d and 1e of the Biodiversity Net Gain Report (APP-143). On the basis of the coding of reedbed habitats as discussed above, it is not into concurred that the section of reedbed labelled Frodsham Windfarm East, is not reedbed, as the areas of reed are reported to exceed 5m in width.</p> <p>Although reedbed habitats are not associated with the bird species associated with the Estuary (although Teal have been recorded near to the Lum which has reedbed habitats) per se, in terms of wetland habitats and hydrology, the reedbed habitats will be complementary to the overall wetland network on and adjacent to the site that these species will be using. There are also bird species recorded on site not associated with the Estuary, that utilise the reedbed habitats.</p>	
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REP4-060 Annex 1 Site Biodiversity Metric Calculation Tool (NBBMA)

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-60 Annex 1 Site Biodiversity Metric Calculation Tool (NBBA)				
D5.1.23.1		General	Any further comments to be provided at Deadline 6 .	

REP4-061 Annex 1 Site Biodiversity Metric Calculation Tool (OL)

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-61 Annex 1 Site Biodiversity Metric Calculation Tool (OL)				
D5.1.24.1		General	Any further comments to be provided at Deadline 6	

REP4-062 Annex 1 Site Biodiversity Metric Calculation Tool (OL exc NBBMA)

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-62 Annex 1 Site Biodiversity Metric Calculation Tool (OL exc NBBMA)				
D5.1.25.01		General	Any further comments to be provided at Deadline 6	

3.0 DEADLINE 4 – CWCC’s COMMENTS ON APPLICANT’S NEW SUBMISSION DOCUMENTS

3.1. This section summarises CWCC’s responses to the new Deadline 4 submission documents

Table 2: Deadline 4 submissions – CWCC comments on applicant’s new Deadline 4 submission documents

REP4-052 Applicant's Response to Interested Parties Deadline 3 and 3A Submissions

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-052 Applicant's Response to Interested Parties Deadline 3 and 3A Submissions				
D5.2.1.1		General	Any further comments to be provided at Deadline 6	

REP4-053 Cumulative Assessment of the Proposed Development with the CO2 Runcorn Spur Pipeline - Scenario 3 – Pipeline Construction After Development of Frodsham Solar

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-053 Cumulative Assessment				
D5.2.2.1.	1.1.3		<p>The Applicant notes that for the reasons set out in the Technical Note on Pipeline Interactions [REP1-041], it is not considered that the After Scenario is a cumulative scenario as the Frodsham Solar project will exist and have created a new baseline.</p> <p>CWCC note the ExA has queried this (ExA Q2 – Q2.9.17); and CWCC await the Applicant's response. However, where both projects are currently at the examination/determination stage, and the impacts of the various potential phasing options are uncertain, it is reasonable to expect consideration/assessment of a worst case scenario, and to</p>	

			<p>address any potential Adverse Effect on Integrity of the Mersey Estuary SPA.</p> <p>This is a different and distinct situation, from one where a new project is presented post decision (or even implementation).</p>	
D5.2.2.2	1.1.3		<p>In paragraph 1.1.3 it is stated that the ecological impacts that are caused by the Proposed Development occur from its construction and that once the Proposed Development is in place, with the NBBMA in place, there is no 'on-going' impact to FLL and birds – it has already happened and been mitigated by the NBBMA.</p> <p>CWCC has previously represented that there are also operational impacts caused by the Proposed Development, such as recreational disturbance, discouragement of birds using adjacent functionally linked-land, impacts to the Local Wildlife Site corridor function and due to fencing, impacts on mammal species such as Badgers and Otters.</p>	
D5.2.2.3	1.1.5	Pipeline Construction Method	<p>The Applicant's assessment of the pipeline construction suggests trenchless crossings be applied in relation to work in Cell 3 / NBBMA.</p> <p>This may be a positive suggestion and one of the alternatives that should be considered as part of the LBCCS proposal. However, that is not what is currently proposed and does not represent the worst-case scenario.</p>	

REP4-054 Assessment of Alternative Future Baseline Following Decommissioning of Frodsham Wind Farm

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-054 Assessment of Alternative Future Baseline Following Decommissioning of Frodsham Wind Farm				
D5.2.3.1			<p>2.2.1 The outline Operational Environmental Management Plan (oOEMP) (REP3-002) has set out in paragraph 2.4.12 the procedure in the event that the Applicant is informed of FWF submitting a decommissioning scheme in line with Condition 48. It states:</p> <p>‘If Cheshire West and Chester Council at any time notifies the Applicant that it has received a scheme for the demolition and removal of Frodsham Wind Farm under Condition 48 of the Frodsham Wind Farm consent, or that it has granted planning permission for re-powering of Frodsham Wind Farm then:</p> <ul style="list-style-type: none"> i) if such notification occurs prior to the submission of a notification under paragraph 2.4.7, then that notification must take account of the information provided in the scheme/planning application submitted by Frodsham Wind Farm; and ii) if such notification occurs after the submission of a notification under paragraph 2.4.7 and the Proposed Development replacement activities have not yet taken place, the Applicant must resubmit the paragraph 2.4.7 notification to take account of the scheme/planning application submitted by Frodsham Wind Farm for additional 	

			<p>approval prior to commencing the Proposed Development replacement activities.’</p> <p>However, the Council would expect the Applicant to proactively liaise with the FWF and not be reliant on a notification from the Council.</p>	
D5.2.3.2			<p>Paragraph 2.2.4 states that given that no significant effects have been identified from replacement activities of the Proposed Development through the application of the OEMP mitigation measures, it is assumed that CWCC would impose similar requirements on FWF as part of the approval of the decommissioning scheme. This would ensure that no likely significant effects would arise.</p> <p>It has not been yet agreed by CWCC that no significant effects have been identified from major replacement activities of the Proposed Development.</p>	
D5.2.3.3			<p>In paragraph 3.1.2 it is stated that in this context, the existing baseline conditions remain unchanged until such time as Frodsham Wind Farm is decommissioned, which is assumed to be 2042 for the purposes of this assessment. Accordingly, the findings of the assessments presented in the Environmental Statement remain unchanged for the period up to 2042. The potential for change arises only post-2042, when the infrastructure from the wind farm and any associated mitigation currently in place are removed. CWAC agrees with this statement.</p>	

D5.2.3.4			<p>In paragraph 3.4.1 it is stated that the decommissioning of the turbines would remove the potential for turbines to act as obstacles which birds may otherwise need to route around. However, the Frodsham Wind Farm Monitoring Reports conclude that, following five years of observation, activity patterns remained consistent with previous years and that numbers recorded were stable, with no overall decline in activity.</p> <p>It is not clear to the Council whether this means that activity is similar prior to the building of the windfarm, or that activity is similar in all of the FWF monitoring year. this should be clarified.</p>	
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REP4-055 Applicant's Response to ISH2 Action Points

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-055 Applicant's Response to ISH2 Action Points				
D5.2.4.1		General	Any further comments to be provided at Deadline 6	

REP4-056 Written Summary of Applicant's Oral Submissions at Compulsory Acquisition Hearing 1 (CAH1)

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-056 Written Summary of Applicant's Oral Submissions at Compulsory Acquisition Hearing 1 (CAH1)				
D5.2.5.1		General	Any further comments to be provided at Deadline 6	

REP4-057 Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 2

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-057 Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 2				
D5.2.6.1		General	Any further comments to be provided at Deadline 6	

REP4-058 Bat Roost Suitability Inspection of Trees to be Removed

Ref	Document Para number	Document summary point	CWCC comments	Status
REP4-058 Bat Roost Suitability Inspection of Trees to be Removed				
D5.2.7.1			It was requested that the trees listed for removal in the Arboricultural report were surveyed for bat roosting potential, as per standard practice. A Ground Level Tree Assessment was carried out in October 2025 and assessed the tree groups to be felled (G034, G067, G069, A090, G099). Photographic evidence and descriptions were provided, to support the	

			conclusion that the trees had negligible bat roosting potential. This is accepted and no further information is required. It is advised that where trees are required to be removed, measures to protect bats are outlined in the Outline Construction Environmental Management Plan (oCEMP) (REP4-026/027) and this is accepted.	
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