

Our Ref: EN010153/DR/8.49

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Application Reference: EN010153

Applicant Cover Letter for Examination Deadline 6

I write on behalf of Frodsham Solar Ltd (the “Applicant”) in response to the Examining Authority’s (ExA’s) letter dated 16 December 2025 (‘Rule 8 letter’) in respect of Examination Deadline 6. This letter sets out the submissions made by the Applicant for Deadline 6.

This letter also provides submissions in relation to:

- the Rule 17 letter issued by the Examining Authority on the 31 March 2026 [PD-017];
- the Report on the Implications for European Sites (RIES);
- Schedule of Changes to draft Development Consent Order [PD-018].
- Green Belt Summary Table;
- Correspondence with the Cheshire Fire and Rescue Service (CFRS);
- Progress on matters relating to the Environment Agency;
- Statements of Common Ground (SoCG)
- Response to Cllr Sumner – Summary of Oral Representation [REP4-078]
- Rule 6 Annex E Items

New Submission Documents

The table below sets out the new documents submitted by the Applicant for Deadline 5.

New Submission Document and Applicant’s Document Reference
Applicant Deadline 6 Cover Letter [EN010153/DR/8.49]
Applicant Response to Interested Parties D5 submissions P01 [EN010153/DR/8.50]
Applicant, Natural England & RSPB Position Paper P01 [EN010153/DR/8.51]
CP22 Technical Note P01 [EN010153/DR/8.52]

Updated Application and Examination Documents

The table below sets out the updated documents submitted by the Applicant. These have all been submitted pursuant to the Applicant’s Deadline 4 submissions.

Updated Document
Application Document Tracker P10 [EN010153/DR/1.5]

Updated Document
Works Plans P04 [EN010153/DR/2.3]
Draft Development Consent Order (clean and tracked versions provided) P08 [EN010153/DR/3.1]
Explanatory Memorandum (clean and tracked versions provided) P07 [EN010153/DR/3.2]
Book of Reference P07 (clean and tracked versions provided) [EN010153/DR/4.3]
Planning Statement P03 (clean and tracked) [EN010153/DR/5.6]
ES Vol 2 Appendix 2-3: Permitted Preliminary Works P05 (clean and tracked) [EN010153/DR/6.2]
Outline Construction Traffic Management Plan P06 (clean and tracked versions provided) [EN010153/DR/7.4]
Outline Construction Environmental Management Plan P07 (clean and tracked versions provided) [EN010153/DR/7.5]
Outline Operational Environmental Management Plan P07 (clean and tracked versions provided) [EN010153/DR/7.6]
Outline Battery Safety Management Plan P05 (clean and tracked versions provided) [EN010153/DR/7.8]
Outline Skills, Supply Chain and Employment Plan P02 (clean and tracked versions provided) [EN010153/DR/7.11]
Biodiversity Net Gain Report P03 (clean and tracked versions provided) [EN010153/DR/7.12]
Outline Landscape and Ecology Management Plan P07 (clean and tracked versions provided) [EN010153/DR/7.13]
Statement of Common Ground with Natural England P04 [EN010153/DR/8.4] - unsigned
Draft Development Consent Order – Schedule of Changes P06 [EN010153/DR/8.8]
Updated BNG Metric Spreadsheets P03 [EN010153/DR/8.9]
Schedule of Land Rights Changes P05 [EN010153/DR/8.10]
Statement of Common Ground with the Environment Agency P04 [EN010153/DR/8.17] - unsigned
Statement of Common Ground with National Highways P03 [EN010153/DR/8.18] - unsigned
Outline Non-Breeding Bird Mitigation Strategy P06 (clean and tracked versions provided) [EN010153/DR/8.32]
Green Belt Impacts Summary Table P02 [EN010153/DR/8.46]

Rule 17 Letter

Within the Rule 17 letter [PD-017], the ExA requested that the Applicant, Natural England and RSPB work towards a more collaborative and unified response. Following a meeting between Natural England and RSPB, the Applicant has engaged with each party and has agreed that Cell 2 will be incorporated into the Non-Breeding Bird Mitigation Area. In taking this approach, all parties are now agreed that the Proposed Development will not result in an adverse effect on the integrity of the Mersey Estuary SPA, following the implementation of the Outline Non-Breeding Bird Mitigation Strategy.

The Applicant understands that this understanding will be communicated by Natural England and the RSPB in their Deadline 6 submission.

The Applicant has prepared a joint position statement between the three parties that is submitted for this deadline. Natural England and RSPB have confirmed that the statement represents their views.

The following documents have been updated to reflect the inclusion of Cell 2 into the NBBMA:

1. The Works Plans [EN010153/DR/1.5]
2. Outline Landscape and Ecology Management Plan [EN010153/DR/7.13]
3. Outline Non-Breeding Bird Mitigation Strategy [EN010153/DR/8.32]
4. Outline Construction Environmental Management Plan [EN010153/DR/7.5]
5. Outline Operational Environmental Management Plan [EN010153/DR/7.6]

The Rule 17 letter also requested that the applicant respond in detail to CWCC's and CWT's ongoing concerns regarding the applicant's approach to BNG. The Applicant has provided its response within Applicant Response to Interested Parties D5 submissions [EN010153/DR/8.50].

In responding to the points raised by the Council the Applicant has updated the BNG Report and associated metric, this includes updates to the assessment based on the integration of the Cell 2 into the NBBMA.

Report on the Implications for European Sites

ID 3.1.13 of Table 3.1 requested any updates from the Applicant on the matter relating to vehicular and recreational disturbance and displacement impacts on the functionality of the NBBMA. The Applicant has provided responses on this subject in previous submissions. The most relevant points are set out in the summary position against agenda item 3b iii. in the Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 2 (ISH2) [REP4-057], where the Applicant refers to factors such as habituation, research-based literature on bird disturbance, and the nature of maintenance and decommissioning works. Extracts from the literature referenced are contained in Appendix C of REP4-055.

The Applicant notes that, in addition to the points already made, the expansion of the NBBMA to include Cell 2 will provide a greater area of habitat for any birds disturbed by vehicular and recreational activity to relocate in the event of disturbance, further reducing the impact of such effects on the SPA.

Response to ExA's Schedule of Changes to the DCO

The Applicant has responded to the ExA's Schedule of Changes to the DCO in the table contained in Appendix A to this letter.

Green Belt Summary Table

The Applicant has compiled the final Green Belt Summary table, version P03, which incorporates the Council's commentary on all issues following the interim version provided at Deadline 5. The Applicant has also identified a number of minor typographical and other inconsistencies in the Planning Statement and has therefore provided an updated version at this deadline.

Correspondence with the Cheshire Fire and Rescue Service (CFRS)

The Applicant has undertaken further consultation with Cheshire Fire and Rescue Service (CFRS) who have confirmed in writing that use of the bridges over the M56 is not a requirement of CFRS in relation to accessing the proposed BESS, and that it's reference to 'two access points' at Deadline 5 meant two access points to the BESS, not the wider development. The correspondence from CFRS confirming this has been appended, along with the previous written correspondence with CFRS to the updated OBSMP P05.

Progress on Matters relating to the Environment Agency

The Applicant has agreed with the Environment Agency to remove the Protective Provisions afforded to the EA and disapplication of the flood risk activity permits from the draft DCO. The Applicant has also submitted amended details

of Crossing Point 22 (**CP22 Technical Note P01 [EN010153/DR/8.52]**) , which have been agreed with the EA in advance of this deadline.

Statements of Common Ground (SoCG)

The Applicant is awaiting comments from the Council to finalise the SoCG. The Applicant met with the Council on the 20 April 2026, and the Council committed to providing full comments on the SoCG on or shortly after Deadline 6. A final signed version of the SoCG with the Council will be submitted at Deadline 7.

The Applicant submitted a final signed version of the SoCG with Natural England at Deadline 5. However, as set out below, Natural England has modified its position in relation to the required spatial extent of the NBBMA to ensure there would be no adverse effects on the integrity of the Mersey Estuary SPA. As such, the Applicant has updated the SoCG accordingly to reflect its commitment to increase the extent of the NBBMA over Cell 2 and this is provided at Deadline 6. A signed version of the SoCG will be provided at Deadline 7.

All matters have now been agreed with the Environment Agency and a final version of this SoCG has been submitted at Deadline 6. The SoCG has been provided to the EA for signing following their review of the Deadline 6 submissions. This should enable a signed final version of this SoCG to be submitted for Deadline 7.

All matters are now agreed with National Highways. A version of this SoCG has been submitted at Deadline 6, which has been agreed by National Highways to be submitted. Once National Highways have reviewed the Deadline 6 submissions to check that they reflect what has been agreed by the parties, it is the parties' intention that a signed final version of this SoCG will be submitted for Deadline 7.

Discussions have progressed with LBCCS, and the parties intend to submit an updated SoCG at Deadline 7.

As noted in previous submissions, no SoCG has been taken forward with Cadent.

Response to Cllr Sumner – Summary of Oral Representation [REP4-078]

The Planning Inspectorate made the Applicant aware that a representation from Cllr Sumner was uploaded to the examination library on the 30 March 2026 and has invited the Applicant to provide comments on the submission.

The submission, which is acknowledged as having been prepared using Artificial Intelligence (AI) software, does not raise any issues which have not already been subject to assessment, raised by other interested parties and responded to by the Applicant or subject to questions from the ExA within hearings or in written questions.

The submission contains a series of 'Suggested Actions'. The Applicant has reviewed these actions and does not consider that these raise any substantive points which have not already been dealt with within the Applicant's submissions.

In respect of the concerns raised by Cllr Sumner relating to the adequacy and scope of ground investigation, in particular in proximity to the BESS compound, and linked to this, the thermal impact of a potential battery fire on potential ground contamination, the Applicant has provided responses in REP5-041, REP4-057, REP4-055 and REP3-041.

The Environment Agency and Cheshire West and Chester Council have confirmed in their responses at Deadline 5, REP5-052 and REP5-046 respectively, that they are satisfied with the Applicant's responses to the issues raised by Cllr Sumner. Furthermore, Cheshire Fire and Rescue Service (CFRS) have confirmed (letter contained at Appendix F of REP5-041) that they do not have any concerns with the information provided in relation to chemicals that could be a risk to human health, noting that CFRS have a specialist Hazardous Material Environmental Protection Officer (HMEPO) that will respond to any incident on site and will work closely with partners to control and reduce the risk of any ground or airborne contamination risk.

Rule 6 Annex E Items

An updated Book of Reference and associated Schedule of Land Rights Changes is submitted at this Deadline, further to discussions with National Highways.

The DCO, EM and associated Schedule of Changes is submitted at this deadline. The Applicant will submit a SI Template validation letter at Deadline 7, to allow for any final changes that may occur between the deadlines.

A SU Negotiations Tracker is not submitted, as the position can be summarised in this letter as follows:

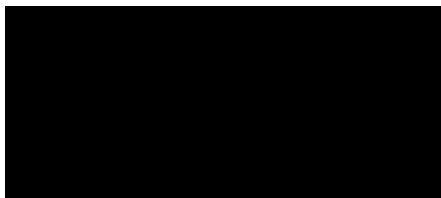
- Discussions with NGET, Essar, Cadent and Frodsham Wind Farm Limited, are on-going, with positive progress being made with the Applicant anticipating that agreement will be able to be reached. Whilst the Applicant is endeavouring for these to complete before the end of Examination, that may not happen. Updates will be provided to the Secretary of State once matters are completed. Until these discussions are complete, the Applicant prefers the versions of the Protective Provisions contained within the draft DCO.
- All other Protective Provisions within the DCO are either agreed (National Gas, SPEN, United Utilities, Drainage and Highways Authorities and National Highways) or no comments have been received (British Pipelines Agency).

A Land Rights Negotiations Tracker has not been submitted, as the position can be summarised in this letter in respect of the very few parties where discussions are on-going (or are not covered by the above update):

- in respect of the Crown Estate, discussions continue, including in respect of obtaining section 135 consent. The Applicant appreciates the importance of this matter and is endeavouring to obtain that consent as soon as possible. An update will be provided to the Secretary of State post Examination on this matter.
- in respect of Cheshire Green Property Limited (who have not submitted any representations to the Examination), as reported in REP4-057, that party has re-engaged with the Applicant to seek a voluntary agreement, and good progress has been made to enable agreement to be reached in short order; and
- in respect of the executors of John Ainsworth and Joan Margaret Nicholas (who have not submitted any representations to the Examination) – no substantive progress can be reported at this stage, however discussions will continue with these parties in respect of the Proposed Development's small impact to their land holdings.

Please do not hesitate to contact the undersigned or Andrew Russell (andrewrussell@axis.co.uk) if you have any questions or require any further information.

Yours sincerely



UK Development Lead on behalf of Frodsham Solar Limited (FSL)

FSL is a Cubico Sustainable Investments owned company

Appendix A - Applicant's Comments on Schedule of Changes to draft Development Consent Order PD-018

Reference No.	Provision	Proposed Change	Reasoning	Applicant Response
PC001	New Requirement 21	<p>Decommissioning Fund</p> <p>In this paragraph: “decommissioning security” means a form of security that secures the costs of undertaking decommissioning works and meeting all obligations under a decommissioning environmental management plan approved under Requirement 20 for the phase to which the security will relate; and “valuer” means a suitably independent professional jointly appointed by the undertaker and the relevant planning authority prior to the first discharge of this Requirement but where an individual cannot be agreed, then this inability to agree should be considered to be a refusal of an application to discharge a Requirement for the purposes of article 46 and Schedule 12.</p> <p>21- (1) No phase of the authorised development may commence until the form and value of a decommissioning security for that phase has been submitted to and approved by the local planning authority.</p> <p>(2) Any decommissioning security approved under this paragraph shall be maintained until the date of completion of the decommissioning works to which that decommissioning security relates.</p> <p>(3) The value of the decommissioning security shall be reviewed by the valuer no less than every five years from the date of approval given under sub-paragraph (1) and the undertaker must increase or decrease the value of the security to reflect the results of the valuer’s review, such review to take account of any variation, since the approval of the decommissioning security, or the previous review (as appropriate), in the estimated or actual costs of carrying out the decommissioning works, meeting all obligations under a decommissioning environmental management plan approved under Requirement 20 for the phase to which the decommissioning security relates, and complying with best practice prevailing at the time of each review.</p> <p>(4) The undertaker may launch an appeal under paragraph 4 of Schedule 12 in respect of the relevant planning authority’s consideration of a submitted decommissioning security under paragraphs (1) and (2) and where such an appeal is launched the Secretary of State must appoint the valuer as the appointed person under paragraph 4(2)(c).</p>	<p>Given the complexities and uncertainties of the future and given the environmental circumstances of the project site, it is considered necessary in the public interest to ensure adequate funds are secured for the decommissioning phase of the project.</p>	<p>For the reasons given in the Applicant’s summary of submissions at ISH1 [REP1-033], the Applicant does not agree with the imposition of such a Requirement.</p> <p>The ecological circumstances of the site do not change this position, given the commitments made in the ODEMP and to landowners (as noted in the response to SWQ 1.9.13 [REP5-041]).</p> <p>The Applicant notes that this point was considered again in the recent decision of the Secretary of State on the Springwell Solar Farm DCO, where he concluded again that a decommissioning bond requirement was not needed, as was concluded by the ExA in that case following the Secretary of State’s similar position in the Oaklands Solar Farm DCO decision.</p> <p>If the ExA is still minded to recommend this Requirement, the Applicant set out its without prejudice view on how any such Requirement should read in its response to item 5f in REP1-033, so it does not repeat that here.</p>

Reference No.	Provision	Proposed Change	Reasoning	Applicant Response
		(5) The undertaker may dispute the results of any review carried out under paragraph (3) and article 46 and Schedule 12 shall apply to such dispute.		
PC002	New Requirement 22	<p>Biodiversity Net Gain</p> <p>22.—(1) No part of the authorised development may commence until a biodiversity net gain plan has been submitted to and approved by the relevant planning authority, in consultation with the relevant statutory nature conservation body.</p> <p>(2) The biodiversity net gain plan must include details of how the strategy will secure a minimum of 25% biodiversity net gain in area-based habitat units, a minimum of 80% biodiversity net gain for hedgerow units, and a minimum of 11% biodiversity net gain for watercourse units as substantially in accordance with the methodology outlined in the outline landscape and ecology management plan, using the Department of Environment, Food and Rural Affairs' 4.0 metric to calculate those percentages (or such other biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body).</p> <p>(3) The biodiversity net gain plan must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the <u>plan relates</u>.</p>	<p>The applicant stated [REP2-015] that an amendment would be made to Requirement 9 of the draft DCO at deadline 3 to provide a commitment to achieving a net gain in biodiversity. The ExA can see no such amendment was proposed to Requirement 9 of the draft DCO at either deadline 3 [REP3-002] or deadline 4 [REP4-004], although wording has been proposed in the draft DCO at deadline 5 [REP5-002].</p> <p>Natural England's deadline 4 response [REP4-069] states in paragraph 1.3.2 that: '<i>Biodiversity Net Gain can now be considered as 'Green' issues and have been successfully resolved (subject always to the appropriate requirements being adequately secured)</i>' [emphasis added].</p> <p>The ExA considers this provision in a standalone requirement secures the delivery of the ambitious biodiversity net gain objectives of the applicant. This would be consistent with the wording used in other recently made Development Consent Orders for solar projects.</p>	<p>The Applicant acknowledges that the amendment to Requirement 9 was made later than had been intended.</p> <p>However, it notes that the approach it has taken, where the commitments in respect of net gain are contained within the LEMP requirement, rather than needing a separate BNG Requirement is well precedented.</p> <p>It is the approach taken on the DCOs made for Mallard Pass, Longfield, Oaklands and the most recent made solar DCO, Springwell.</p> <p>The Applicant considers that it is appropriate that matters relating to net gain are dealt with as part of the approval of a LEMP because the delivery of that net gain is derived from the ecological and landscaping proposals that are contained within a LEMP and so they do not necessarily need to be part of a separate plan.</p> <p>In approving the LEMP, CWCC will be able to ensure that all ecological commitments made by the Applicant are being delivered in a co-ordinated fashion.</p> <p>In the context that the BNG regime (and its requirement for biodiversity gain plans, as confirmed in DEFRA's consultation response of 15 April) is not yet mandatory for NSIPS, and given the precedent, a separate Requirement is not considered necessary.</p> <p>In respect of the content of the DCO Requirements in relation to net gain, it is important to emphasise the Applicant's position, which has been consistent from submission of the DCO Application, that it recognises that, ultimately, the Proposed Development does not achieve fully compliant 'Biodiversity Net Gain', and, given the nature of the NBBMA and the Proposed Development's impacts on reedbeds, it is not in a position to be able to do so, post DCO consent.</p> <p>It is therefore important that the DCO does not seek, or appear to seek, to require that the Applicant achieves 'Biodiversity Net Gain' in manner that complies with the Metric, as that is not deliverable. Crucially, it is also not statutorily required.</p> <p>The Applicant therefore does not accept the suggested Requirement as written.</p> <p>The Applicant's clear position is that the Proposed Development achieves a quantitative uplift in habitat units, except for reedbeds, and it has established this using the Statutory Metric, as that is the methodology now</p>

Reference No.	Provision	Proposed Change	Reasoning	Applicant Response
				<p>used to quantify biodiversity enhancements, in line with the requirements of NPS EN-1.</p> <p>That uplift is able to be taken to be taken into account by the ExA and Secretary of State in considering the Proposed Development but in those terms – as a quantified enhancement to biodiversity, not as compliant ‘Biodiversity Net Gain’.</p> <p>To make this absolutely clear, the Applicant has updated Requirement 9(2)(f) to use the language discussed in this response, without reference to ‘net gain’, and taking in some elements of the Requirement proposed by the ExA.</p> <p><i>“how the plan proposals will contribute to the achievement of a quantified uplift of a minimum of 20% in habitat units (excluding reedbeds), 10% in watercourse units and 75% in hedgerow units for the authorised development as a whole during the operation of the authorised development, to be quantified using the statutory biodiversity metric calculation tool published by DEFRA’.</i></p> <p>It should be noted that the Applicant has deliberately ‘underplayed’ the figures in the DCO Requirement, as compared to the numbers given in the BNG Report. This is to provide a ‘buffer’ to allow for the detailed construction methodology and construction process to play out, which may mean that small elements of uplift is lost (so that it becomes, for example, 24% rather than 20%).</p> <p>The Applicant would not want to be in breach of its DCO Requirements were this to happen and so has allowed for a buffer in its drafting. This approach aligns with the approach taken on other solar DCOs.</p>
PC003	New Requirement 23	<p>Unexpected Contamination</p> <p>23.—(1) The authorised development may not commence until an unexpected contamination protocol has been developed, detailing the steps to follow if previously unidentified contamination (e.g. contaminated soil or groundwater) is encountered. In the event such contamination is found, works in the affected area will pause and the material will be investigated and risk-assessed, with appropriate remediation, measures implemented in line with regulatory requirements. The unexpected contamination protocol must be submitted to and approved by the relevant planning authority, in consultation with the Environment Agency, in accordance with requirements 12, 13 and 20.</p> <p>(2) No part of the authorised development may commence until targeted ground investigations have been carried out at the project substation, the area surrounding and beneath the proposed project</p>	<p>Given the complexities and uncertainties of the environmental circumstances of the project site, it is considered necessary in the public interest to ensure that risks surrounding the identification and control of unexpected contamination are fully secured.</p>	<p>The Applicant notes that the Requirement proposed by the ExA goes substantially further than just dealing with Unexpected Contamination so has responded to each proposed paragraph in turn.</p> <p>In particular, the Applicant is keen to ensure that there is not inconsistency between the DCO and the control documents that are secured by it.</p> <p>Suggested Paragraph (1)</p> <p>As noted in its previous submissions, it is considered that dealing with unexpected contamination is a construction methodology and management matter, different in nature to the ground investigations undertaken to inform construction.</p> <p>In relation to the drafting, the Applicant notes the following:</p> <ul style="list-style-type: none"> the second sentence is not considered appropriate or necessary to be contained within a Requirement, as it essentially summarises a

Reference No.	Provision	Proposed Change	Reasoning	Applicant Response
		<p>BESS (Works No. 2A) and the proposed non-breeding bird mitigation area (Works No. 6C). Soil samples (and leachate, where relevant) from these areas must be collected and laboratory-tested using a laboratory accredited with the British Standards Institution to identify any contaminants and their concentrations. Based on the results, a thorough risk assessment must be completed to determine safe handling and reuse strategies for the excavated materials. If necessary, site-specific remediation or special handling measures should be devised for those materials and set out in a remedial strategy (for example, isolating or treating any hotspots of contamination).</p> <p>(3) Remediation measures made under this requirement must be approved in writing by the Local Planning Authority in consultation with the Environment Agency. The findings of these investigations must directly inform the materials management approach included in the final soil management plans drafted in accordance with requirement 16, ensuring that any contaminated soil is managed appropriately from the outset.</p> <p>4) If soil contamination levels exceed the thresholds for suitable use as defined by the CL:AIRE Definition of Waste Code of Practice, then that material will not be reused under the most up to date version of the CL:AIRE Definition of Waste: Code of Practice. Instead, such material must be subject to treatment or disposal via an appropriate permitted waste route. If certain excavated soils require treatment to make them safe e.g. stabilisation of contaminated dredge material, a mobile treatment permit must be obtained under The Environmental Permitting (England and Wales) Regulations 2016 and the soil should be treated on-site and only after successful treatment would it be reused, otherwise it will be taken off-site to a facility licensed by the Environment Agency</p> <p>5) Additional ground investigation and risk assessment must be undertaken by the undertaker during the detailed design stage to inform foundation and piling strategies. A Foundation Works Risk Assessment (FWRA) will be produced and complied with by the undertaker to address any areas of known or potential contamination, and it must include measures such as dust suppression during ground works and the prevention of silt-laden runoff (using sediment traps, settlement ponds, etc.) to avoid pollution of soil and water. A Piling Risk Assessment (PRA) must be prepared and complied with by the undertaker to ensure that the chosen piling method generates minimal arisings and does not mobilise contaminants; this must guide the adoption</p>		<p>protocol, when the Requirement states is otherwise to be approved by others;</p> <ul style="list-style-type: none"> the Applicant's DCO already requires an unexpected contamination protocol to be submitted for approval at construction stage – see Requirement 12(2) and the OCEMP sets out what it should include (see para 4.1.26 and Table 5-5, for example). The wording in Table 5-5 reflects the Environment Agency's standard, and preferred formulation for such protocols; the Applicant has also required this for operation and decommissioning (Requirements 13 and 20) which the ExA's proposed Requirement does not appear to require; and the general approach to DCO drafting is for the detail of what should or should not be included <p>As such, the ExA's proposed Requirement would duplicate what is already contained within the DCO and so it is unclear why it is needed additional to what is contained in Requirements 12, 13 and 20.</p> <p>Suggested Paragraphs (2) and (3)</p> <p>These paragraphs are not needed as the requirement for ground investigations taking place before commencement is already secured via Requirement 17.</p> <p>Pursuant to that Requirement, the Applicant would be putting forward a comprehensive strategy dealing with all matters relating to ground conditions (including remediation), contamination and ground stability to ensure that a thorough, co-ordinated approach is taken to all parts of the Proposed Development, not just Work No. 2A and Work No. 6C, to ensure the safe handling of materials.</p> <p>This would work alongside the Materials Management Plan/DfR as is noted in the outline CEMP. It is also noted that Requirement 1/17 and the CEMP provide for verification, which is not included in the ExA's proposed wording and is an important part of the ground conditions process.</p> <p>In respect of soils, section 6.4 of the Outline Soils Management Plan [REP4-036] set out clearly how soil will be managed, including in relation to sampling, and how that will be considered as part of materials management more generally.</p> <p>However, to ensure there is clear linkage between the two topics in the DCO Requirements, the Applicant has amended the DCO at Deadline 6 as follows:</p> <ul style="list-style-type: none"> in Requirement 1, a new sub-paragraph has been added to refer to 'soil sampling and investigations'; and

Reference No.	Provision	Proposed Change	Reasoning	Applicant Response
		<p>of drilling and piling techniques to be undertaken by the undertaker that protect both construction workers and the environment. The FWRA and PRA must be submitted to and approved by the relevant planning authority, in consultation with the Environment</p>		<ul style="list-style-type: none"> in Requirement 16 sub-paragraph (2) (in respect of the requirements for soil management plans submitted for approval) has had the words '<i>and consistent with, and, where they are available, taking account of the results of, the ground conditions investigations and assessments strategy</i>' added at the end. <p>As such, the matters sought to be controlled here are already matters that will be able to be considered by regulators as part of consideration the plans and strategies that are already secured via the DCO. This additional wording is therefore not required.</p> <p>Suggested Paragraph (4)</p> <p>The Applicant considers that this proposed paragraph is not required or appropriate for the following reasons:</p> <ul style="list-style-type: none"> the Applicant's approach to contaminated soils has been the subject of much considered thinking, as set out in ES Chapter 10 [APP-043] and Appendix 10.2 [APP-098]. The Applicant's approach will, following further discussion with the EA, either involve the development of a Materials Management Plan or the obtaining of a Deposit for Recovery Permit. In both instances, the appropriate regulator will be ensuring that there is compliance with the Code of Practice (as also noted in the Outline CEMP); reference to the Code of Practice is also made in the Outline Soil Management Plan, to ensure that contaminated soils are managed appropriately; as such, this Requirement is not needed, as this issue will be dealt with via approval of the CEMP, its associated documents, Requirement 16, and where relevant, the discharge of Requirement 17 (in terms of how such matters are considered in ground investigations); and a DCO Requirement does not need to set out the legislative position, as is set out in the proposed text in green. The legislative position exists irrespective of the DCO, and so if the suggested scenarios play out, the relevant licence will need to be obtained. This does not need to be stated in a DCO. <p>As such, this paragraph is not required, as its intent will be captured by the plethora of other controls already in the DCO.</p> <p>Suggested Paragraph (5)</p> <p>The Applicant considers that this Requirement is not needed because the detailed requirements for a Foundation Works Risks Assessment and Piling Risk Assessment are already contained within the Outline CEMP (see Table 5.5) and this does not need to be duplicated within the DCO.</p>

Reference No.	Provision	Proposed Change	Reasoning	Applicant Response
PC004	Schedule 10	For the non-breeding bird mitigation strategy, change the version and the date to being: 'outline non-breeding bird mitigation strategy 8.32 P04 March 2026'	<p>The table reference listing the non-breeding bird mitigation strategy gives the incorrect document reference and incorrect date. In addition, it does not have the word 'outline' at the start.</p> <p>The applicant will need to keep version control under observation should later versions of this (and other) document be provided in the remaining examination deadlines.</p>	This has been updated at Deadline 6 to account for the updated ONBBMS also submitted at this deadline.