



**CHESHIRE WEST AND CHESTER COUNCIL**

**Frodsham Solar DCO - EN010153**

**CWCC D7**

**Cheshire West and Chester Council's comments on Deadline 6 documents**

**Submission for Deadline 7**

**29 April 2026**

## 1.0 INTRODUCTION

- 1.1. This document summarises CWCC's responses to the Deadline 6 documents.
- 1.2. Where relevant, the end column on each table is used to identify where issues are agreed (green) or not agreed (red). Amber is used where it is expected that the Applicant's DL7 submission will resolve outstanding concerns.
- 1.3. The document is separated into tables:
  - i) Table 1 Deadline 6 submission – CWCC's comments on updated application and control documents
  - ii) Table 2 Deadline 5 submission – CWCC's comments on Applicant's new Deadline 5 submission documents
  - iii) Table 3 CWCC's comments on earlier Deadline 4 submission documents
- 1.4. The document provides **comments on the changes to the documents submitted at Deadline 6.**
- 1.5. Key outstanding points from earlier representations are noted in summary, and reference should be made to CWCC's previous representations (at Deadline 6 and earlier):

REP6-044 CWCC D6 comments on DL 5 Submissions (22 April 26)  
REP5-048 - CWCC D5 comments on DL 4 Submissions (26 March 26)  
REP4-068 - CWCC D4 comments on DL 3 Submissions (5 March 26)  
REP3-047- CWCC D3 (B) comments on Procedural Deadline B documents, Deadline 1 and Deadline 2 submissions (28 January 26)
- 1.6. Given the limited time between Deadline 6 and Deadline 7 it has not been practical to provide a comprehensive response to all of the Deadline 6 submissions, and the focus has been to comment on the control documents/management plans.

## 2.0 DEADLINE 6 SUBMISSION – CWCC’s COMMENTS ON THE UPDATED APPLICATION AND CONTROL DOCUMENTS

2.1. This section summarises CWCC’s responses to the updated Deadline 6 application and control documents.

**Table 1: Deadline 5 submissions - application and control documents.**

### REP6-004 3.1 Draft Development Consent Order - P08

Ref	Document Para number	Document summary point	CWCC comments	Status
3.1 Draft Development Consent Order - P08				
D7.1.1	Part 1 Preliminary	Interpretation	<p>Part 1 Preliminary – definition of permitted preliminary works (PPW)</p> <p>Applicant’s comment at DL6 noted. CWCC accepts that the previously suggested changes to the DCO are not being made.</p> <p>CWCC has requested that the Applicant, when submitting details for discharge of requirements provides a clear narrative/description of how the submission fits in (e.g. tying together the DCO requirement, the PPW ES appendix, oCEMP oLEMP etc.).</p>	
D7.1.2	Part 3	Street Works	<p>Article 10 ‘power to alter layout’</p> <p>Applicant’s comment at DL6 noted. CWCC does not consider it necessary to include works outside the OL but accept the Applicant’s position.</p>	
D7.1.3	Schedule 1	Authorised development	<p>Work package 6. The biodiversity enhancement area by Marsh Farm and the Lum areas</p> <p>Applicant’s comment at DL6 noted. CWCC remains of the view that it would be more transparent to identify any areas of mitigation (as with Work No 6B</p>	

			(skylark habitat) and 6C (NBBMA) separately from other green infrastructure in Work No 6.	
D7.1.4	Schedule 2	Requirement 2 Commencement	Please refer to REP5-048 (D5.1.1.04)) regarding commencement and the development being kept alive.  Applicant’s comment at DL6 noted. CWCC’s position is unchanged.	
D7.1.5	Schedule 2	Requirement 6 Detailed design approval  Work no 6 (including NBBMA – Work No 6C)	CWCC’s preference remains for a separate Requirement to ensure delivery of the NBBMS given the importance of this to the scheme.  CWCC also remains of the view that the complexity of documentation is liable to make the process of discharge of the requirements and general understanding of the DCO project (e.g. by the public) more difficult to appreciate.  However, with the insertion of ‘ <b>design</b> ’ into Requirement 9 (2) (k), (and <b>subject to</b> insertion of additional wording in the oNBBMS (see further below), CWCC accept the separation out of the design approval for the NBBMA from the Design Parameters Statement.	
D7.1.6	Schedule 2	Requirement 9 Landscape and ecology management plan (LEMP)  9 (1) (f) - BNG	In paragraph 9.—(1) (f), wording has been changed to state how <i>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>  The Applicant seems to be attempting to use the metric in part, only for the habitats that satisfy metric rules and to exclude those that do not. “quantified uplift” is not a recognised term and it has not been defined here.  It is assumed that reedbeds are excluded due to trading rule losses. Scrub habitats also have a trading rule loss and it is not singled out here.	

			<p>In any case, as previously represented, CWCC requires the scheme to achieve no net loss in biodiversity with trading rules satisfied, as per standard metric guidelines and in line with policy, both non-statutory and statutory. CWCC also still has issues with the declassification of some of the reedbed habitats, as previously represented.</p> <p>Natural England’s representation at Deadline 5 in response to RIES questions states <i>“We support the approach taken by CWCC to ensure that use of the Defra metric meets the trading rules and so provides an appropriate method of evaluating the applicant’s commitments regarding BNG.”</i> And <i>“Natural England supports the LPA in leading on the assessment of the BNG metric and confirm that where the BNG metric is being used that the basic metric rules including trading rules should be satisfied.”</i> Natural England also state <i>“We note that CWCC would support a BNG strategy as a requirement in the DCO and have suggested wording for securing this, Natural England supports this position.”</i></p> <p>As previously represented at Deadline 5, CWCC support a Requirement that obliges the Applicant to satisfy basic metric rules (trading rules and to reverse the declassification of reedbed habitats) and that includes requirement for a BNG strategy and associated HMMP.</p> <p>Please see REP6-045 (response to PC002) New Requirement 22 and REP6-043 (CWCC’s cover letter of 22 April 2026) for draft suggested wording.</p>	
D7.1.7	Schedule 2	Requirement 9 Landscape and ecology	9.—(1) (h) This has been amended to include provisions such as ecological surveys to be undertaken prior to every phase, which CWCC supports.	

		management plan (LEMP) 9 (1) (h) – ecological surveys		
D7.1.8		Requirement 9 Landscape and ecology management plan (LEMP) 9 (1) (k) – Work No 6c	<p>Requirement 9 (k) for the LEMP refers to details of the establishment, maintenance, management and monitoring regime for Work No 6 C.</p> <p>It is understood that the Applicant is updating the oNBBMS for DL7 to include the following to address CWCC’s earlier concerns.</p> <p><i>3.1.18 The detailed construction design for the NBBMA will need to be submitted for approval pursuant to Requirement 9 of the draft DCO. The details to be submitted shall include:</i></p> <p><i>i) Re-engineering of the soils, earthworks including bunds, embankments, ground reprofiling, infilling of voids; re-seeding of grassland;</i></p> <p><i>(ii) scrapes and waterbodies;</i></p> <p><i>(iii) a drainage strategy and water source / water level management systems including sluices, pipework, pumps and associated control equipment; and</i></p> <p><i>(iv) use of geotextiles or clay liners water retention; and (v) installation of predator control fencing.</i></p> <p>Subject to the above, this item is expected to be resolved.</p>	
D7.1.9	Schedule 2	Requirement 13 Operational environmental management plan ( <b>OEMP</b> )	<p>Major replacements</p> <p>Applicant’s comment at DL6 noted. CWCC’s position is unchanged.</p>	

D7.1.10	Additional requirement	Precedent - The Fenwick Solar Farm Order 2026 Schedule 2 Requirement 4	<p>Community Liaison Group (CLG)</p> <p>Applicant's comment at DL6 noted. CWCC's position is unchanged.</p> <p>It makes it much more transparent to members of the public (rather than searching through a 'lower tier' document) reference to the CLG in the DCO would give due prominence to the commitment. The Frodsham Wind Farm Planning Permission has equivalent condition(s) (conditions (56 to (58)), and it is one of the aspects that worked very effectively for a number of years during the construction period. See RR-037 E (part 2) for the FWF consent.</p>	
D7.1.11	Schedule 2	Additional requirement	<p>Permissive Paths</p> <p>Applicant's comment at DL6 noted, and the update in the oLEMP is welcome.</p> <p>However, CWCC's preference on permissive paths is still to include a specific DCO requirement. The issue of permissive paths is liable to be one where the public expect to see on the face of the DCO what provisions are made.</p> <p>CWCC has asked the Applicant to clarify why permissive paths is not included in the point about keeping paths free from obstruction?</p> <p>6.5.24 All public rights of way <del>and permissive paths</del> within the Order Limits would be kept free from obstruction, save where required to be crossed for</p>	

**REP6- 002 Works Plans (Key Plan and Sheets 1 to 5) - P04**

Ref	Document Para number	Document summary point	CWCC comments	Status
Works Plans (Key Plan and Sheets 1 to 5) - P04				
D7.2.1		General	Please refer to CWCC’s comments in relation to changes sought for Cell 1 (e.g. setting back Work No’s 1 and 5 on part of Cell 1).	

**REP6-012 6.2 Env Statement: Vol 2 Appendix 2-3: Permitted Preliminary Works - P05**

Ref	Document Para number	Document summary point	CWCC comments	Status
6.2 Env Statement: Vol 2 Appendix 2-3: Permitted Preliminary Works - P05				
D7.3.1		General	Please refer to CWCC’s comments on Deadline 5 documents (made at Deadline 6) (22 April 2026): D6.17.1 and D6.17.2.	
D7.3.2	1.2.1		Further to CWCC’s earlier comments (D6.17.2 ) it is acknowledged that in paragraph 1.2.1 restrictions within 110m of the NBBMA have been applied, however, the incorrect season has been used (November to February) rather than the full non-breeding bird season relevant to the Mersey Estuary.	

**REP6-014 7.4 Outline Construction Traffic Management Plan - P06**

Ref	Document Para number	Document summary point	CWCC comments	Status
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7.4 Outline Construction Traffic Management Plan - P06			
D7.4.1		General	<p>Following discussion with the Applicant it is understood that the DL7 submission of the oCTMP will confirm that all construction traffic, including site operatives cars etc, will be directed to the site via Pool Lane, and there will be no access via Brook Furlong or Weaver Lane for construction related traffic.</p> <p>Subject to the above, this item is expected to be resolved.</p>

**REP6-016 7.5 Outline Construction Environmental Management Plan - P07**

Ref	Document Para number	Document summary point	CWCC comments	Status
7.5 Outline Construction Environmental Management Plan - P07				
D7.5.1		General	<p>Please see CWCC's comments on Deadline 5 documents (made at Deadline 6) (22 April 2026). Matters still outstanding: D.6.6.1; D.6.6.2; D6.6.3; D6.6.4; D.6.6.6; D.6.6.7; D6.6.9; D6.6.10, and D.6.6.11 – 14 relating to Table 5.3.</p>	
D7.5.2	Table 5-3		<p>Table 5-3: The Applicant has added some timing restrictions on works within some areas of Cell 1 to try and alleviate some of the remaining concern the LPA have regarding AEoI of the Mersey Estuary. Table 5-3: Summary of the construction mitigation and management measures –Terrestrial Ecology &amp; Ornithology now states “<i>Work within the Western SADA , particularly the area within 50m of the boundary of the NBBMA</i></p>	

			<p><i>in Cell 5 and Cell 1, and 50m of the River Weaver within Cell 1, will be completed outside of the sensitive non-breeding period where possible (Nov-Feb inclusive)."</i> CWCC acknowledges the attempt to alleviate concerns regarding impacts on non-breeding birds using Cell 1 and adjacent land, however this still refers to a limited season, rather than the full non-breeding bird season relevant to the SPA/RAMSAR designation. The "where possible" terminology does not secure the commitment. Notwithstanding the above, this change does not alleviate concerns regarding impacts on SPA qualifying bird species using Cell 1 and the adjacent River Weaver.</p>	
D7.5.3	Table 5-3		<p>Table 5-3: Summary of the construction mitigation and management measures –Terrestrial Ecology &amp; Ornithology The Applicant has added in "<i>and 180 m of Cell 2's eastern and southern boundary</i>", to "<i>Site preparation, PV installation, or general construction activities within 180 m of Cell 3's eastern boundary and 180 m of Cell 2's eastern and southern (boundary) during the core non-breeding bird period (Nov-Feb)</i>", to take account of the fact that Cell 2 is now in the NBBMA which is acknowledged. However, the previous point made which is regarding reference to a limited wintering season, rather than the full non-breeding bird season relevant to the SPA/RAMSAR designation.</p>	

**REP6-018 7.6 Outline Operational Environmental Management Plan - P07**

Ref	Document Para number	Document summary point	CWCC comments	Status
7.6 Outline Operational Environmental Management Plan - P07				

7.6.1		General	Please see CWCC's comments on Deadline 5 documents (made at Deadline 6) (22 April 2026). Matters still outstanding include: D.6.7.1; D.6.7.1; D.6.7.2; D.6.7.3 and D.6.7.5.	
7.6.2	2.4.12		2.4.12 The Applicant has added in "or the Applicant, following proactive liaison with Frodsham Wind Farm notifies the Council of the same then:" This is acknowledged.	
7.6.3	Table 5-9		Table 5-9: Summary of the operational mitigation and management measures – Noise and Vibration. The Applicant has added in Cell 2 to the requirement for possible noise mitigation, in light of the fact it has now added the Cell 2 area to the NMMBA, which is welcomed.	

#### REP6-020 7.8 Outline Battery Safety Management Plan - P05

Ref	Document Para number	Document summary point	CWCC comments	Status
7.8 Outline Battery Safety Management Plan - P05				
D7.7.1		General	No further comment	

**REP6-022 7.11 Outline Skills, Supply Chain and Employment Plan - P02**

Ref	Document Para number	Document summary point	CWCC comments	Status
<b>7.11 Outline Skills, Supply Chain and Employment Plan - P02</b>				
D7.8.1	1.1.2	Engagement activities	Whilst CCWC’s previous comments (REP5-048 (D5.1.1.14) and D6.1.15 in DL6 submission) about Requirement 19 stand in terms of the preference to see earlier submission and approval of the skills plan, to foster earlier implementation of the plan, the addition to paragraph 1.1.2 is welcomed.	

**REP6-024 7.12 BNG Report - P03**

Ref	Document Para number	Document summary point	CWCC comments	Status
<b>7.12 BNG Report - P03</b>				
D7.9.1		General	<p>Please see CWCC’s comments on Deadline 5 document [REP4-039] (made at Deadline 6) (22 April 2026) under D6.21.1.</p> <p>CWCC has various concerns in relation to the Applicant’s BNG position including:</p> <ul style="list-style-type: none"> <li>• the Applicant’s approach to classifying reedbeds,</li> <li>• non-satisfaction of trading rules</li> </ul>	

			<ul style="list-style-type: none"> <li>no net loss to be achieved (noting that mitigation areas cannot be used to accrue net gain over 0%)</li> <li>disagreement on application of Rule 4</li> <li>impacts on priority habitats (reedbed) <ul style="list-style-type: none"> <li>monitoring of proposed mitigation measures (particularly in relation to lack of parameters and details of the steering group (e.g. in terms of triggers and remedial works)).</li> </ul> </li> </ul>	
D7.9.2		General	The metric and report have been altered to take account of the inclusion of Cell 2 into the NBBMA. The entirety of Cell 2 is now retained, rather than part retained, part lost and part enhanced. It is also noted that the LNRS has been disapplied as requested by CWCC. This leads to a reduction of habitat units by approx. 20 units.	

#### REP6-026 7.13 Outline Landscape and Ecology Management Plan - P07

Ref	Document Para number	Document summary point	CWCC comments	Status
7.13 Outline Landscape and Ecology Management Plan - P07				
D7.10.1		General	Please see CWCC's comments on Deadline 5 document (made at Deadline 6) (22 April 2026). Matters still outstanding include: D6.11.3 (regarding clarification over the implications of providing National Highways access.	

D7.10.2	4.6.1		4.6.1 The Applicant has changed the figures of the NBBMA to reflect the fact that Cell 2 area has now been added into the NBBMA.	
D7.10.3	5.1.3 & 6.1.3	Management of the NBBMA	CWCC welcomes the changes to 5.1.3 and 6.1.3  However, CWCC recommends that RSPB's management role be confirmed prior to determination of the DCO.	
D7.10.4	6.5.3		6.5.3 The Applicant has added in that Badger gates would be focused around sett areas and along known commuting routes and foraging areas in accordance with survey information, which is welcomed and resolves the remaining issues regarding Badgers (notwithstanding further comments regarding addition of Cell 2 impacts on Badgers, please see oNBBMS).	
D7.10.5	6.5.25		The Applicant states in paragraph 6.5.25 that if the use of any of the proposed permissive paths leads to disturbance of the NBBMA, or habitats of the River Weaver adjacent to Cell 1, such that the disturbance results in a notable reduction in the value of that habitat to wintering birds, it will be necessary to introduce mitigation to reduce disturbance to an acceptable level, which could involve the closure of sections of the path that are causing disturbance during core non-breeding bird periods (Nov- Feb inclusive), temporarily or permanently. The Applicant shall undertake ornithological monitoring, as set out in section 7.4 of this plan, to monitor and assess levels of disturbance from the permissive paths. It shall, in coordination with the organisation responsible for the management of the NBBMA, report on the findings of the survey and, if considered necessary, propose adaptive management to mitigate the impacts of disturbance. This	

			<p>monitoring and any mitigation deemed necessary shall be submitted and approved by CWCC in consultation with Natural England. Further monitoring shall be undertaken to establish the success of any additional mitigation applied and whether any additional adaptive mitigation is required.</p> <p>This is a positive measure to the issue of recreational usage of footpath disturbance impacting on SPA qualifying bird species. However, CWCC would still advise that Footpath B should be re-routed away from the River Weaver/Estuary, to avoid the impact in the first place. See CWCC’s response to RIES Question 11.</p> <p>In addition, it is not clear what “notable reduction” in bird numbers would constitute and this should be defined with RSPB, NE and CWCC. Also note again that the restricted season referred to is not the full non-breeding bird season relevant to the SPA/RAMSAR and should be expanded to September to April.</p>	
D7.10.6	6.6.49		<p>In paragraph 6.6.49, the Applicant has added that the planting specification will also take into account the ecological objectives of certain areas of the Site, for example the ecological preference of wintering birds for open habitats. Screen planting would be avoided along the boundaries of the NBBMA, the banks of the River Weaver and other locations which are managed for the benefit of wintering birds. This is welcome clarification.</p>	

D7.10.7	6.9.4		<p>In paragraph 6.9.4, the Applicant has added planting will be provided along Alder Lane to help screen users of the PRow from Cell 2.</p> <p>These are positive measures that consider the screening benefits versus the impact on openness of the proposed planting. CWCC would expect to have input on this matter.</p> <p><b>Note:</b> this does not absolve remaining concerns regarding the solar panel extent in Cell 1, or Footpath B.</p> <p>In paragraph 6.9.4, the Applicant has included ongoing management of grassland on Cell 2 for the benefit of SPA birds when NBBMA gets excavated, which is a positive measure.</p> <p><b>Note:</b> that this still does not rectify the disagreement regarding when the NBBMA is considered to be functional as per previous representations.</p>	
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**REP6-037- 8.32 Outline Non-breeding Bird Mitigation Strategy - P06**

Ref	Document Para number	Document summary point	CWCC comments	Status
8.32 Outline Non-breeding Bird Mitigation Strategy - P06				
D7.11.1	General	Addition of Cell 2	The addition of Cell 2 to the NBBMA is welcomed, in terms of providing more area for non-breeding qualifying bird species and reducing development of the Site near to the Estuary, providing connected, contiguous habitat along part of that boundary. Concerns regarding Footpath A are also reduced to lower than significant, as although this means that the	

			<p>Footpath runs along more of the expanded NBBMA, birds will have more areas to displace to at this location. However, to avoid an Adverse Effect on the Integrity of the Mersey Estuary SPA/RAMSAR, CWCC still advise that solar panels and Footpath B should be pulled back from the northern and eastern boundaries of Cell 1, as previously represented (e.g. paras 7.8, 7.70 to 7.72 of the CWCC Relevant Representation (RR-037) and Comments on the Report on Implications for European Sites (if required) (REP6-046) at RQ11. This is because there are SPA qualifying birds regularly using the mudflats adjacent to Cell 1 and using northern and eastern areas within Cell 1. This is likely because Cell 1 is adjacent to the River Weaver (an area highly used by SPA birds) and forms a promontory that protrudes into where the River Weaver meets the Mersey Estuary itself.</p> <p>There are still other outstanding issues regarding impact on qualifying bird species of the Mersey Estuary as represented in this and previous representations.</p> <p>The addition of Cell 2 has not been assessed in terms of impacts on other species. The Applicant should assess any possible negative impacts on other protected species and any mitigation that is required. CWCC would point out the following:</p> <ul style="list-style-type: none"><li>• Breeding Skylarks were recorded in Cell 2 on occasion and so taking development away from this area means that concerns regarding Skylarks are reduced. Outstanding concerns regarding the size and lack of survey of the Skylark Mitigation Area remain.</li></ul>	
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			<ul style="list-style-type: none"> <li>• Badger setts are located along the boundary of Cell 2 and although they will benefit from having no development on the north side of these setts, the NBBMA predator-fencing will restrict Badgers from this area, so a larger part of the site, directly adjacent to an area of setts, will become inaccessible for Badgers. It is noted that the predator fencing is specified to be placed along ditches, so are unlikely to indirectly impact setts which are on embankments, and it is understood that the final route of predator fencing will be decided by the nature conservation organisation. Therefore, there looks to be flexibility to place the predator-fencing northwards, away from the southern boundary of Cell 2, to provide more area for badger foraging and to be set-back from setts. This can be agreed at the detailed stage.</li> <li>• Reduction of the developable area is also welcomed in terms of LWS concerns, however, there is still a significant issue here, in terms of the amount of area of the LWS that is considered to be lost and impacts on qualifying criteria.</li> </ul>
D7.11.2		General	<p>Please see CWCC’s comments on Deadline 5 document (made at Deadline 6) (22 April 2026). Matters still outstanding include: D6.12.1 relating to the size of the NBBMA, although acknowledging that the inclusion of Cell 2 goes a long way to addressing this; the LUM etc should be included as mitigation in the Work package, and the long-term management organisation should be secured at this stage (also D6.12.4).</p>

D7.11.3		General	<p>Following discussion with the Applicant it is understood that further amendments to the oNBBMS will be included for DL7, notably the following:</p> <p>Paragraph 1.9.8 – deletion of reference to Cells 1, 2 and 5 being unsuitable for most SPA species.</p> <p>Paragraph 3.1.1- addition of confirmation that:</p> <p>“... pursuant to Requirement 9, the final design for the NBBMA will be subject to the approval of the relevant planning authority in consultation with Natural England and the RSPB.”</p> <p>With similar addition to paragraph 4.2.3.</p> <p>New paragraph 3.1.18 -</p> <p>3.1.18. The detailed construction design for the NBBMA will need to be submitted for approval pursuant to Requirement 9 of the draft DCO. The details to be submitted shall include:</p> <ul style="list-style-type: none"> <li>i) Re-engineering of the soils, earthworks including bunds, embankments, ground reprofiling, infilling of voids; re-seeding of grassland;</li> <li>(ii) scrapes and waterbodies;</li> <li>(iii) a drainage strategy and water source / water level management systems including sluices, pipework, pumps and associated control equipment; and</li> <li>(iv) use of geotextiles or clay liners water retention; and (v) installation of predator control fencing.</li> </ul> <p>CWCC welcomes these further changes.</p>	
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D7.11.4		General	Figures have been altered in the NBBMA to include the welcome addition of Cell 2 into the NBBMA.	
D7.11.5	1.5.1 (2)		In paragraph 1.5.1 2, the Applicant has committed to the continued provision of conservation-managed grassland across Cell 2, in accordance with the methods set out and delivered by FWF, as updated through adaptive management (see Section 4.4), which is a positive measure.	
D7.11.6	1.6.2 (2)		In paragraph 1.6.2 2), the Applicant has added that the installation and on-going adaptive management of predator exclusion measures around the perimeter of the NBBMA (precise locations and design to be agreed with the appointed nature conservation body but placed in-ditch where possible) and maintenance of water within the ditches which surround Cell 3;where practicable. This is acknowledged.	
D7.11.7			Paragraph 3.1.1 states that measures proposed under the oNBBMS are illustrated in Figure 3. This is an indicative layout; the final design and measures will be agreed between the Applicant and the appointed nature conservation body. CWCC should also have control over the agreement of this. <i>(see comment at D7.11.2 above and expected resolution for DL7)</i>	
D7.11.8	Table 3.1		Although it is assumed that the figures in Table 3.1 have changed due to the inclusion of Cell 2, there is no explanation as to how that has changed the figures and why some have been deleted and therefore this should be provided.	
D7.11.9	3.1.10		In paragraph 3.1.10, the Applicant points out that the new NBBMA area is closer to that which was calculated to be required through the bird-day calculations. As previously	

			represented, CWCC does not agree with these calculations and so the point is not accepted.	
D7.11.10	4.1.11		In paragraph 4.1.11, the Applicant has added that hydrology will most likely be measured based on the extent to which scrapes hold water, both in terms of duration and depths at critical times of the year. This seems to be a sensible proposal, however, area of water coverage across the NBBMA should also be included in this measure.	
D7.11.11	4.1.15		In paragraph 4.1.15, the Applicant has added in that organic matter, such as farmyard manure, will be added to all or parts of the NBBMA to improve soil health and therefore increase invertebrate biomass. The precise extent, timing and location of any such measures will be at the discretion of the appointed nature conservation body. This is not in line with other aims, such as improving water quality due to cessation of agriculture, including potential runoff of manure when applied. In addition, the habitat proposed here is Other Neutral Grassland, which requires a lower soil fertility. This could jeopardise BNG targets for species rich grasslands.	
D7.11.12	4.2.3		In paragraph 4.2.3, it states that predator fencing is anticipated to comprise a predator fence within a ditch which is kept wet, as is typically installed at nature reserves. The final design of predator exclusion measures will be agreed between the Applicant and the appointed nature conservation body. These measures will also further prevent human access to the NBBMA and therefore reduce risks of disturbance. CWCC would also request that the final alignment of predator fencing includes consideration of and avoidance of impacts on other species, such as Badgers, some of whom are located along boundaries where predator fencing is proposed (Cell 2).	

D7.11.13	4.4.8		<p>In paragraph 4.4.8, the Applicant has added that a high-water table within Cell 3 will be targeted for the winter period (November to March), with levels then gradually lowered through spring and summer. Water levels will be managed by the managing nature conservation body for the sole purpose of achieving the aims and objectives of the final NBBMS. The earlier objectives of the NBBMA stated that the reengineering of Cell 3 would enable increase the permanently wet areas for the whole non-breeding bird period, especially the passage seasons, where Cell 3 was not currently holding water. So to lower the levels during spring passage season and also to not include autumn passage season in the requirement, would seem contradictory. CWCC would request that there is a commitment to maintain high water levels during passage seasons as well.</p>	
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### 3.0 DEADLINE 7 – CWCC’s COMMENTS ON APPLICANT’S NEW SUBMISSION DOCUMENTS

3.1. This section summarises CWCC’s responses to the new Deadline 6 submission documents

**Table 2: Deadline 6 submissions – CWCC comments on the Applicant’s new Deadline 5 submission documents**

#### REP6-040 8.50 Applicant’s responses to Interested Parties D5 submission

Ref	Document Para number	Document summary point	CWCC comments	Status
8.45 Applicant’s responses to Interested Parties D5 submission				
D7.12.1		General	It has not been practical to provide full comment on the Applicant’s responses in this document, but the comments below are provided to assist.	
D7.12.2		General	The Applicant addresses a matter raised by CWCC regarding limiting access to food resources for Otters due to installation of predator fencing around the fishing pools in which they were accessing for food. The Applicant states that “ <i>the ditches across the remainder of the Site, of which there is a significant number, would be retained and the habitats alongside them enhanced and that new scrapes would be created in proximity to the Lum. On this basis, it is considered that the retained access to waterbodies, and the habitat and associated water quality enhancements, would mitigate for any reduction in food resource loss due to the access restrictions in the NBBMA.</i> ” It is assumed that this means that due to the improvement in water quality that the fish populations in the ditches would increase, thereby replacing the loss of food	

			resource in the NBBMA. Notwithstanding comments regarding potential impacts on water quality due to detail regarding manure application in paragraph 4.1.15 of the Outline Non-Breeding Bird Mitigation Strategy, as represented above, CWCC agrees that overall, water quality could improve and therefore fish populations are likely to increase. Expansion of scrapes in The Lum area could also support an increase in fish populations that would be accessible to Otter.	
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#### 4.0 CWCC's COMMENTS ON APPLICANT'S EARLIER DEADLINE 4 SUBMISSION DOCUMENTS

- 4.1. This section summarises CWCC's responses to the earlier Deadline 4 submission documents that were deferred /delayed at the previous Deadline 5 submission.
- 4.2. Please refer to REP5-048 for comments on other Deadline 4 submission documents.

**Table 3: CWCC comments on Applicant's earlier Deadline 4 submission documents**

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

Ref	Document Para number	Document summary point	CWCC comments	Status
6.2 Env Statement: Vol 2 Appendix 7-5: Assessment LWS - P02				
D7.13.1		General	Table 2.1 includes a reference to where potential impacts to LWS Met criterion are addressed within Chapter 7: Terrestrial	

		<p>Ecology [EN010153/DR/6.1] (APP-040) of the Frodsham Solar Environmental Statement (ES).</p> <p>This is still addressing the LWS elements separately, rather than a whole and it is disappointing that this has not been carried out, as requested by CWCC on several occasions.</p> <p>The Section 3 Conclusion references enhancement to the LWS, which CWCC fundamentally disagrees with.</p> <p>Paragraph 3.1.3 references habitat enhancement but does not take into account the loss of reedbed habitat demonstrated in the biodiversity metric.</p> <p>Paragraph 3.1.4 references BNG but does not reference the trading rule loss in one of the LWS qualifying habitats (reedbed).</p> <p>Paragraph 3.1.5 states that wildlife corridors will be strengthened, which is absolutely incorrect in terms of LWS, as previously represented by CWCC, due to loss of functionally linked-land and area on which non-breeding birds (another LWS qualifier) will be reduced.</p> <p>In addition, in terms of wildlife corridors, the development causes other restrictions on movement of LWS qualifying species, such as Badgers and Otters.</p> <p>In paragraph 3.1.6 it is stated that the decision to exclude mammals from NBBMA is conservation-based, as a reason to justify this, which is a separate issue from the LWS issue and</p>
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			<p>so is not a factor in consideration in terms of the LWS assessment.</p> <p>CWCC fundamentally disagrees with paragraph 3.1.7 in which it is stated that the Proposed Development is anticipated to result in medium to long term moderate positive effects for the lifetime of the Proposed Development on Frodsham, Helsby and Ince Marshes LWS.</p>	
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