



## **Frodsham Solar**

# Applicant Response to Cheshire West and Chester Council's D6 Submissions

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**April 2026**

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## **1.0 INTRODUCTION**

### **1.1 Purpose of this Document**

- 1.1.1 This document provides the Applicant's responses to the submission made by Cheshire West and Chester Council (CWCC or 'the Council') at Deadline 6, as part of the examination of the application for development consent for the proposed Frodsham Solar project (the 'Proposed Development').
- 1.1.2 This response is issued at Deadline 7 in accordance with the ExA's Rule 8 Letter (PD-008) issued on the 16th December 2025.
- 1.1.3 The documents submitted with the application and at previous examination deadlines are referenced using the reference number assigned by the Planning Inspectorate (PINS) i.e. [APP-XXX].

## 2.0 CWCC COMMENTS ON DEADLINE 4 SUBMISSIONS (26 MARCH 26)

2.1.1 The Council submitted comments on a number of the Applicant's application and control documents at Deadline 5, presented in a series of tables. In this section, the Applicant has provided a response to these comments. The Applicant has retained the same order, table numbering, and titles as in the Council's submission for ease of reference.

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

### REP5-002 3.1 Draft Development Consent Order - P07

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Response
REP5-002 3.1 Draft Development Consent Order - P07					
	REP3-047	General comments	Please refer to CCWCs Deadline 3 submission [REP3-047] D3B2.01.01 where necessary:		
D6.1.1	Part 1 Preliminary	Interpretation	Part 1 Preliminary – definition of permitted preliminary works (PPW) Please refer to REP5-048 (D5.1.1.01 i)) regarding re-ordering of the PPW items, to place k) site clearance at the top of the list, and then to clarify that works under (d), (g), (h) and (l) only be carried out after site clearance of the relevant phase or area of PPW. 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.		The Applicant responded to this point at Deadline 6 and does not repeat it here.
D6.1.2	Part 3	Street Works	Article 10 'power to alter layout' Please refer to REP5-048 (D5.1.1.02)) CWCC see no reason to include works outside the Order Limits in this DCO as this appears unnecessary.		The Applicant responded to this point at Deadline 6 and does not repeat it here.
D6.1.3	Schedule 1	Authorised development	Work package 6. The biodiversity enhancement area by Marsh Farm and the Lum areas  Please refer to REP5-048 (D5.1.1.03)) regarding including the Lum and Biodiversity Enhancement Area by Marsh Farm as separate Work packages.  CWCC advise that The Lum and Biodiversity Enhancement area by Marsh Farm should be included in work packages, as they are mitigation areas.		The Applicant responded to this point at Deadline 6 and does not repeat it here.
D6.1.4	Schedule 2	Requirement 2 Commencement	Please refer to REP5-048 (D5.1.1.04)) regarding commencement and the development being kept alive.		The Applicant responded to this point at Deadline 6 and does not repeat it here.
D6.1.5	Schedule 2	Requirement 6 Detailed design approval  Work no 6 (including NBBMA – Work No 6C)	CWCC have previously represented that there should be a separate Requirement to ensure delivery of the NBBMS given the importance of this to the scheme. CWCC have also previously represented on the complexity of documentation making the process difficult and less transparent. With these points in mind, CWCC would prefer to see amendment to Requirement 6 and the Design Parameters Statement to incorporate Work No 6, rather than (as currently provided) leaving Work No 6 to the oLEMP. The oLEMP can provide supplementary detail, but control over the Detailed design approval of Work No 6 via Requirement 6 and an updated Design Parameters Statement would be more consistent (and therefore more transparent) by incorporation with the controls provided for the other work packages.		Whilst the Applicant considers that this would have flowed from what is already stated within Requirement 9, at Deadline 7, Requirement 9(2)(k) has been revised to refer to ' <i>details of the design, establishment, maintenance, management and monitoring regime (including a programme) for Work No. 6C...</i> '.  The Applicant considers it is appropriate that reference to the design is kept to Requirement 9, as the design will be inherently linked to the establishment, maintenance, and management

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Response
			<p>Requirement 6 of the draft DCO provides for Detailed Design Approval of each phase of development. Requirement 6 (2) requires that the authorised development be designed and constructed in accordance with the Design Parameters Statement (REP5-018). Excluding Work No 6 from the Design Parameters has the effect of also removing it from control under Requirement 6.</p> <p>[See further comments on Requirement 9 (k), the Design Parameters Statement REP5-017], and oLEMP [REP5-031] below.</p>		<p>proposals for the NBBM, as such it is appropriate that these matters are considered together.</p> <p>The Applicant has also made further amendments to the ONBBMS that include explicit reference to the final NBBMS, providing details of the construction design.</p>
D6.1.6	Schedule 2	<p>Requirement 9 Landscape and ecology management plan (LEMP)</p> <p>9 (1) (f) - BNG</p>	<p>A new paragraph has been inserted as follows;</p> <p>9.—(1) (f) how the plan proposals will contribute to the achievement of a net gain in biodiversity of a minimum of 20% in habitat units and 75% in hedgerow units for the authorised development as a whole during the operation of the authorised development;</p> <p>CWCC approves the inclusion of BNG into the requirements, however, it is noted that watercourse units are not included here and that percentages are reduced from that represented within the metric. In addition, CWCC still represents that they do not agree with the BNG results, for reasons including misclassification of reedbed habitats and the trading rules not being satisfied, so the percentages are arbitrary.</p> <p>Having regard to Local Plan Policy (ENV4 of LP1 and DM44 of LP2), CWCC expects the development to achieve no net loss (0%) and trading rules to be satisfied, and this should be incorporated into the DCO requirement wording.</p> <p><b>ENV 4 Biodiversity and geodiversity</b></p> <div style="background-color: #e6f2ff; padding: 10px; border: 1px solid #000080;"> <p><b>ENV 4</b></p> <p><b>Biodiversity and geodiversity</b></p> <p>The Local Plan will safeguard and enhance biodiversity and geodiversity through the identification and protection of sites and/or features of international, national and local importance.</p> <p>Sites will be protected from loss or damage taking account of:</p> <ul style="list-style-type: none"> <li>The hierarchy of designations of international, national and local importance</li> <li>The irreplaceability of habitats, sites and/or features and contribution to the borough's ecological network of sites and features</li> <li>Impact on priority habitats and protected/priority species</li> </ul> <p>Development should not result in any net loss of natural assets, and should seek to provide net gains. Where there is unavoidable loss or damage to habitats, sites or features because of exceptional overriding circumstances, mitigation and compensation will be required to ensure there is no net loss of environmental value.</p> </div>		<p>Please see the Applicant's response to the ExA's Rule 17 request on this matter (Appendix A to its Deadline 6 Cover letter) and the updated DCO submitted at Deadline 6.</p> <p>The amendments made to Requirement 9(2)(f) include reference to watercourse units.</p>

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Response
			<p><b>DM 44 - Protecting and enhancing the natural environment</b></p> <p><b>DM 44</b></p> <p>In line with Local Plan (Part One) policy <a href="#">ENV 4</a>, development will be supported where there is no net loss of natural assets and, wherever possible, it delivers net gains within the borough.</p> <p>Development likely to have an impact on protected sites (statutory and non-statutory), protected/priority species, priority habitats or geological sites must be accompanied by an Ecological Assessment that complies with industry best practice and guidance, and:</p> <ol style="list-style-type: none"> <li>1. identifies the assets of biodiversity/geodiversity value on and within the vicinity of the site;</li> <li>2. evaluates the value and extent of the assets;</li> <li>3. assesses the likely expected impact of the development on assets of biodiversity/geodiversity value taking into account the mitigation hierarchy;</li> <li>4. identifies the net losses and gains for biodiversity/geodiversity, using a biodiversity metric calculation;</li> <li>5. identifies the options to enhance the value of the assets and contribute towards the borough's ecological network; and</li> <li>6. provides sufficient information to inform a Habitats Regulations Assessment (HRA), where development could have an individual or in combination significant effect on a European Site or its supporting habitat.</li> </ol> <p>Commensurate with the size and scale of potential impact, proposals must:</p> <ol style="list-style-type: none"> <li>7. be designed in line with the mitigation hierarchy, with compensatory measures only considered as a last resort;</li> <li>8. include a long term habitat and species management plan, if applicable;</li> </ol> <ol style="list-style-type: none"> <li>9. include a management plan for invasive species, if applicable; and</li> <li>10. utilise native species in landscaping schemes, where appropriate.</li> </ol> <p>Development that makes a positive contribution towards the borough's ecological network will be supported. Within the components of the ecological network, as identified on the policies map, proposals should:</p> <ol style="list-style-type: none"> <li>11. increase the size, quality or quantity of priority habitat within core areas, corridors or stepping stones;</li> <li>12. within corridors and stepping stones, improve the connectivity of habitats for the movement of mobile species;</li> <li>13. in restoration areas, improve the structural connectivity, resilience and function of the network;</li> <li>14. in buffer zones within core areas and around protected meres and mosses, minimise adverse impacts from pollution or disturbance;</li> <li>15. contribute towards the integration and creation of green infrastructure and habitats in line with Local Plan (Part One) policy <a href="#">ENV 3</a>.</li> </ol> <p>Soil resources must be protected and used sustainably to retain ecosystem services, in line with accepted best practice.</p>		
D6.1.7	Schedule 2	<p>Requirement 9 Landscape and ecology management plan (LEMP)</p> <p>9 (1) (h) – ecological surveys</p>	<p>9.—(1) (h) This has been amended to include provisions such as ecological surveys to be undertaken prior to every phase, which CWCC supports.</p> <p>Please refer to REP5-048 (D5.1.1.08).</p> <p>Requirement 9 (1) (h) should include reference ecological surveys being required in relation to PPW. Nowhere is it set out which PPW's need which surveys, or what the PPW triggers for controls are (e.g. in terms of CEMP, ecological survey).</p> <p>As referred to in Deadline 4 submission, and the Applicant's Response to ExA First Written Questions (Q11.3.7).</p>		The Applicant responded to this point at Deadline 6 and does not repeat it here.

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Response
			<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>		
D6.1.8		<p>Requirement 9 Landscape and ecology management plan (LEMP)</p> <p>9 (1) (k) – Work No 6c</p>	<p>Requirement 9 (k) for the LEMP refers to details of the establishment, maintenance, management and monitoring regime for Work No 6 C, but there is little in the oLEMP or oNBBMS relating to the details/parameters of construction (including drainage). e.g. covering the works authorised under 6 C:</p> <p>(i) earthworks including bunds, embankments, ground reprofiling, infilling of voids; (ii) scrapes and waterbodies; (iii) water level management systems including sluices, pipework, pumps and associated control equipment; (iv) use of geotextiles or clay liners water retention; and (v) installation of predator control fencing.</p> <p>Either the Design Parameters Statement, Requirement 9 or the oLEMP/oNBBMS need amending to ensure control over the details.</p>		<p>The Applicant disagrees with this suggestion.</p> <p>The details of the matters referenced will come via approval of the NBBMS, as Requirement 9(2)(k) requires details to be provided of how the NBBMA will be established, i.e. constructed.</p> <p>The Applicant notes that the Outline NBBMS also sets out how the detailed NBBMS will include relevant details.</p> <p>It is also noted that the Environment Agency will also consider many of the matters raised, pursuant to the DfR permit/Materials management plan approach.</p> <p>As noted at D6.1.5 the oNBBMS has been amended to require design details to be provided in the final document for approval.</p>
D6.1.9	Schedule 2	Requirement 9 Landscape and ecology management plan (LEMP)	<p>Please refer to REP5-048 (D5.1.1.08b).</p> <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 of the draft DCO. However, there is no reference to an Adaptive Management Plan in this Schedule 2 Requirement 9(k) of the draft DCO and this should be clearly amended.</p>		<p>The Applicant responded to this point at Deadline 6. Requirement 9(2)(f) requires management measures to be approved, to be in substantial accordance with the Outline NBBMS which sets out what those management measures need to deal with, including needing to be adaptive.</p>
D6.1.10	Schedule 2	Requirement 12 Construction environmental management plan (CEMP)	<p>Please refer to REP5-048 (D5.1.1.01 i)) regarding concern over Requirement 12 (3) only referring 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 whilst it would be covered by the CEMP, it would not fall within control without some amendments to 12(3).</p> <p>Under 12 (3) the requirement refers only to 'construction' of any phase being carried out in accordance with the CEMP. The wording of the requirement should clarify that this includes associated works such as PPW, and to achieve this it may be that 12 (4) (a) relating to the definition of 'commence' be extended or mirrored to include/cover a definition of 'construction' to include PPW.</p> <p>CWCC welcomes the addition of 12 (4) (b) defining 'phase' and including PPW.</p>		<p>The Applicant considers that no change is required here as 12(3) refers to the construction of <i>any phase</i>. As the definition of phase in that Requirement includes the relevant permitted preliminary works, Requirement 12(3) can be read as, for example, '<i>the construction of...any permitted preliminary works comprising above ground site preparation for temporary facilities for the use of contractors</i>'.</p>
D6.1.11	Schedule 2	Requirement 13 Operational	Major replacements		<p>The Applicant responded to this point at Deadline 6 and does not repeat it here.</p>

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Response
		environmental management plan (OEMP)	Please refer to REP5-048 (D5.1.1.11). 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.		
D6.1.12	Additional requirement	Precedent - The Fenwick Solar Farm Order 2026 Schedule 2 Requirement 4	Community Liaison Group Please refer to REP5-048 (D5.1.1.10). CWCC recommend an additional requirement based on other precedents: The Fenwick Solar Farm Order 2026 (requirement 4) The Tillbridge Solar Order 2025 (requirement 4) The West Burton Solar Project Order 2025 (requirement 4). It is suggested that the wording be amended to include provision for a complaint handling protocol as well.		The Applicant responded to this point at Deadline 6 and does not repeat it here.
D6.1.13	Schedule 2	Additional requirement	Permissive Paths Please refer to REP5-048 (D5.1.1.12). CWCC recommend additional requirement based on other precedent: The Oaklands Farm Solar Park Order 2025 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.		The Applicant responded to this point at Deadline 6 and does not repeat it here. In discussions with the Council, the Applicant was asked to clarify why permissive paths were excluded from the first paragraph of 6.5.24. The Applicant notes that the later sentences of the paragraph deal with protections for permissive paths, and these differ from public rights of way, as some permissive paths run along access tracks that will need to be occasionally closed for inspection and maintenance works. The paragraph, in its totality, is considered to provide proportionate protections to public rights of way and permissive paths.
D6.1.14	Schedule 2	Additional requirement	CWCC maintains its preference for an Unexpected Contamination requirement as set out in response to ExQ1 (Q.3.2.12) [REP2-005] and in principle CWCC welcome the ExA's proposed changes to the draft DCO [PD0-18] with detailed comments on the ExA's wording provided in separate submission at Deadline 6.		The Applicant responded to this point at Deadline 6 and does not repeat it here.
D6.1.15	Schedule 2	Requirement 19 Skills and supply chain	Please refer to REP5-048 (D5.1.1.14). Following discussion with the Applicant, it is understood that there is no intention to vary the requirement, with the explanation given in REP4-052. CWCC would prefer to see the changes requested to raise the profile/need for early / proactive engagement to make the most of the opportunities presented, but the Applicant's explanation is noted.		The Applicant responded to this point at Deadline 6 and does not repeat it here.
D6.1.16	Schedule 2	Requirement 20 Decommissioning	Please refer to REP5-048 (D5.1.1.15). 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: 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;		The Applicant's responses to these points are contained in pages 17-18 of REP4-052. The period for completion of decommissioning is secured by the fact that Requirement 20(3) requires the DEMP to include a programme for approval, and sub-paragraph (4) requires decommissioning to be carried out in accordance with the approved plan, including the programme.

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Response
			<ul style="list-style-type: none"> <li>o Addition of a period of restoration aftercare measures and provisions to be included in the DEMP (prior to handover back to the landowner)</li> <li>o Period for completion of decommissioning.</li> </ul>		
D6.1.17	Schedule 2	Additional requirements	<p>Decommissioning security.</p> <p>CWCC welcome the ExA's proposed changes to the draft DCO [PD0-18] with detailed comments provided in separate submission at Deadline 6.</p>		The Applicant responded to this point at Deadline 6 and does not repeat it here.
D6.1.18	Schedule 2	Additional requirements	<p>In combination issue in relation to Runcorn CO2 Spur pipeline</p> <p>Please refer to REP5-048 (D5.1.1.21).</p>		The Applicant responded to this point at Deadline 6 and does not repeat it here.

**REP5-006 to REP5-011 Works Plans (Key Plan and Sheets 1 to 5) - P03**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Response
REP5-006 to REP5-011 Works Plans (Key Plan and Sheets 1 to 5) - P03					
D6.2.1			<p>It is understood that the Applicant will be including Cell 2 in the NBBMA, and the Works Plans will be updated accordingly.</p> <p>Any further comment on the Work Plans provided for Deadline 6 will be made at Deadline 7.</p>		The Applicant included Cell 2 in the NBBMA within its Deadline 6 submission.

**REP5-014 Planning Statement - P02**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Response
REP5-014 Planning Statement - P02					
D6.3.1		General	<p>CWCC note that due to the lack of time between Deadline 5 and Deadline 6 and other matters to respond to, it has not been practical to prepare a full response to the updates in the Applicant's Planning Statement</p>		Noted
D6.3.2	8.3.11/ 8.3.12	Public benefit (including ecology and biodiversity)	<p>The Applicant assigns weight in the overall planning balance to the benefits associated with the ecological and biodiversity interventions. Whilst acknowledging that there will be some uplift in habitat units, the development fails to meet the trading rules to achieve formal BNG status.</p> <p>The ecological mitigation areas continue to be presented as being to 'compensate and enhance habitats for species associated with the Mersey Estuary designated sites', which is a point CWCC raised in earlier representations regarding the confusion over aspects of mitigation and compensation. The additional text reinforces the</p>		<p>The Applicant maintains its position that the NBBMA will deliver significant benefits in ecological terms by providing a substantially improved, managed wetland area for the birds of the SPA. It is entirely possible to reach this conclusion irrespective of the fact that the land used for the NBBMA is currently providing mitigation for the Frodsham Wind Farm. The determining factor is whether the change to the management of these areas results in additive mitigation, which the Applicant has demonstrated.</p> <p>The Applicant has been clear in its representations since the outset of the Examination that the NBBMA is not compensation, particularly following questions raised by the interested parties. As such the</p>

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			<p>confusion, with reference to the creation of the NBBMA carrying significant beneficial weight in the planning balance (and moderate weight when factoring in the harm from the construction phase).</p> <p>CWCC has previously made representations relating to the confusion in some of the terminology used in the submission documents when describing whether something is mitigation, compensation or enhancement in terms of following the mitigation hierarchy,</p> <p>The Applicant's Glossary definition in the ES for Mitigation is "Actions or measures taken to avoid, reduce, remediate, or compensate adverse impacts on the environment". As such it has not been easy to differentiate between actions as to where these are intended to be in terms of the hierarchy.</p> <p>Whilst the NBBMA is considered by NE/RSPB as mitigation, consideration should be given to the context that the NBBMA is proposed on areas identified as FLL and also already comprising mitigation for the Frodsham Wind Farm.</p> <p>CWCC notes that the additive enhancement to the existing Cell 3 mitigation area to form the NBBMA is intended as mitigation, and as such it should not be seen as carrying significant beneficial weight in the planning balance, as it is a necessary requirement to address the harm caused by the proposed development.</p>		Applicant does not consider there to be any remaining confusion on this point, just a disagreement between the Applicant and CWACC on whether the NBBMA is mitigation or compensation.
D6.3.3	8.3.17	Green Belt	CWCC disagrees with the Applicant's assessment that the development is on grey belt land, and that the development is not inappropriate development, as expressed in earlier representations and ISH2.		The Applicant notes this comment. Its position on green belt is clearly documented in its submission.

**REP5-016 6.3 Environmental Statement Volume 3 Chapter 1 Figures P02**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Response
REP5-016 6.3 Environmental Statement Volume 3 Chapter 1 Figures P02					
D6.4.1			It is understood that the Applicant will be including Cell 2 in the NBBMA, and the Figures will need to be updated accordingly.		The Applicant has confirmed that it will be including Cell 2 within the NBBMA within its Deadline 6 submissions. The figures of the ES are not being updated.

**REP5-017 7.1 Design Parameters Statement - P05**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Response
REP5-017 7.1 Design Parameters Statement - P05					
D6.5.1		General	Please refer to CWCC's related comments regarding the lack of Design Parameters for the oNBBMA in either the Design Parameters Statement, oLEMP or oNBBMS, e.g. to set parameters for the design and construction (including drainage/hydrology) for the NBBMA and works set out in Schedule 1 for Work No 6C:		The Applicant notes its response above. These matters will be approved pursuant to Requirement 9(2)(k). To the extent that there are design parameters that can be given, these have been set out in the ONBBMS, which the design of the NBBMA must be in substantial accordance with.

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Response
			<p>earthworks including bunds, embankments, ground reprofiling, infilling of voids;</p> <p>scrapes and waterbodies;</p> <p>water level management systems including sluices, pipework, pumps and associated control equipment;</p> <p>use of geotextiles or clay liners water retention; and</p> <p>installation of predator control fencing.</p> <p>See D6.5.7 below.</p>		
D6.5.2		Table 2 - Design Parameters for Work No. 2A and 2B and Table 3 - Design Parameters for Work No. 3A and 3B	Add parameters for access roads and car parking, fencing, CCTV/ lighting (similar to Tables 8 and 9)		The Design Parameters Statement has been updated to reflect this comment.
D6.5.3		Tables 4 and 5 - Design Parameters for Work No. 4A, 4B and 5	Add parameter referring to design to facilitate removal on decommissioning. (also add to Table 9)		The Design Parameters Statement has been updated to reflect this comment.
D6.5.4		Table 6 - Design Parameters for Work No. 6	<p>Work 6A - Add parameters for permissive paths, fencing/means of enclosure, internal access tracks, car park (similar to Tables 8 and 9)</p> <p>Work 6C e) Add parameter for predator control fencing</p>		The LEMP is the primary control document for Work No. 6 due to the range of different specifications that could be used in relation to matters such as permissive path specifications and other environmental and recreational improvement works. A parameter for the surfacing of the car park has been included.
D6.5.5		Table 7 - Design Parameters for Work No. 7	Add parameters for fencing / CCTV/ lighting (similar to Table 9)		The Design Parameters Statement has been updated to reflect this comment.
D6.5.6.		Fig1- Solar Array Areas subject to variable slope angle parameters	Note if Cell 2 omitted from Work Package no 1. then the Design Parameters Statement Fig should be updated.		The Applicant has annotated Figure 1 to clarify that A04 and A02 will not be developed with solar arrays and will comprise part of the NBBMA (Work No. 6C).
D6.5.7		Scope of Design Parameters to include Work No. 6	<p>The design of the Green Infrastructure and habitat areas (Work No 6) including the NBBMA for Cell 3 is explicitly excluded from the Design Parameters Statement (para 1.2.9 of REP5-018); deferring to the oLEMP [REP5-032].</p> <p>However, neither the oLEMP or the oNBBMS [REP5-039] provide detailed design parameters for the oNBBMS works other than Figure 3: Proposed NBBMS Overview in REP5-039 and the Proposed Levels Option 2 drawing in the Water Balance report appended to the oNBBMS.</p> <p>CWCC consider it would be more transparent/consistent for these works to be included in the Design Parameters Statement.</p> <p>For example, Requirement 6 of the draft DCO [REP5-002] provides for Detailed Design Approval of each phase of development. Requirement 6 (2) requires that the authorised development be designed and constructed in accordance with the design parameters statement. Excluding Work No 6 from the Design Parameters has the effect of also removing it from control under Requirement 6.</p> <p>Requirement 9 for the LEMP (k) refers to details of the establishment, maintenance, management and monitoring regime for Work No 6 C, but</p>		<p>See above in respect of the NBBMA.</p> <p>In respect of Work No. 6 more broadly, Requirement 9(2) requires that the detailed LEMP includes details of all proposed hard and soft landscaping works and ecological mitigation and enhancement measures.</p> <p>That is standard wording in DCOs and constitutes the design of the green infrastructure proposed. The Council will therefore approve these matters.</p> <p>Although specific quantitative 'parameters' are not provided, the Outline LEMP includes the Illustrative Environmental Masterplan, which</p>

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Response
			<p>there is little in the oLEMP or oNBBMS relating to the details/parameters of construction (including drainage). e.g. covering the works authorised under 6 C:</p> <p>(i) earthworks including bunds, embankments, ground reprofiling, infilling of voids; (ii) scrapes and waterbodies; (iii) water level management systems including sluices, pipework, pumps and associated control equipment; (iv) use of geotextiles or clay liners water retention; and (v) installation of predator control fencing.</p>		

**REP5-021 7.5 Outline Construction Environmental Management Plan - P06**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Response
REP5-021 (se also REP4-028) 7.5 Outline Construction Environmental Management Plan - P06					
D6.6.1		General	<p>The construction phasing has significantly improved since the beginning of the Examination, with reorganisation of phases and addition of NBBMA and SMA in advance of construction. However, the issue of cumulative impacts of construction with other projects is still outstanding, as well as agreement of seasons in which works should take place, with inconsistent terminology used by the applicant and CWCC requesting that the whole non-reeding bird seasons is considered (September to April), rather than wintering season (November to February), when considering works outside of sensitive seasons.</p>		<p>The Applicant has presented its assessment within the Information to Inform Habitats Regulations Assessment (as updated alongside this submission) as to the extent to which the Site is used during the passage months and the extent to which this is likely to have an effect on SPA species. The Applicant has therefore concluded, and an agreement has been reached with Natural England and RSPB, that avoiding works within the core non-breeding bird season of November to February inclusive, is sufficient to avoid adverse effects on the integrity of the SPA.</p>
D6.6.2		General	<p>CWCC does not agree that the NBBMA can be agreed to be functional immediately after works are finished, as some of the invertebrate resource required by certain species will take time to reestablish. See answer to RQ1 RIES Questions for more detail.</p> <p>See comments on paragraph 2.4.3 below</p>		<p>The Applicant notes this comment and retains its position.</p>
D6.6.3		General	<p>This comment refers across a number of the submission documents. Various terms are used throughout the various submission documents relating avoidance of works in sensitive seasons for non-breeding birds. CWCC asserts that these terms require clarification and it is useful to clarify the interpretation of these terms.</p> <p>The Applicant refers to:</p> <ul style="list-style-type: none"> <li>core non breeding bird period or sensitive non-breeding period (Nov-Feb)</li> <li>the peak non-breeding bird season (March to October (inclusive))</li> <li>autumn passage</li> <li>spring passage</li> </ul> <p>CWCC considers that the peak non-breeding bird season and therefore that which works are either avoided or mitigation applied, should be as September to April, to include passage seasons;</p> <p>Table 5-8 of the HRA (REP4—13) provides peak counts across the Order Limits for the period Sept to April.</p>		<p>The Applicant has sought to provide consistency in terminology but acknowledges there may be instances where the core non-breeding bird period/season and the peak non-breeding bird period/season have been used interchangeably.</p> <p>When referring to the core or peak non-breeding bird season or period, the Applicant considers this to be November to February inclusive as set out above. The Applicant has updated the oCEMP at Deadline 7 to ensure the consistent use of the term core non-breeding bird season is applied.</p>

Ref	Document Para number	Document summary point	CWCC comments	Status	
			<p>CWCC notes that at paragraph 8.2.39 of the HRA refers to “Baseline data confirm that both the Eastern SADA and Western SADA (Cells 1, 2 and 5) and NBBMA (Cell 3 and part of Cell 2) are used by SPA species throughout the non-breeding season, particularly between October and March”, indicating that the Applicant’s core non-breeding period of November to February is too narrow,</p> <p>It would be helpful to include definitions of the terms in the Glossary of terms [APP-033] used in the ES.</p>		
D6.6.4		General (4.1.64 and various elements in Table 5-3)	<p>Following on from the point above, in the oCEMP (and the Applicant’s various other documents) the Applicant advocates carrying out various works/activities outside the core non- breeding bird period or sensitive non-breeding period (Nov-Feb) as part of the mitigation measures.</p> <p>CWCC also notes that the terms ‘peak’ and ‘core’ could only be used in relation to wintering birds and we are considering passage as well on this site.</p> <p>In general, CCWC considers that this period of restriction is too narrow, and should be extended. Works should generally be completed outside of the period Sept to March (i.e. between April and August inclusive).</p> <p>Other examples in other documents include: oOEMP [REP5-023] Tables 5-3 and 5-8; oDEMP [REP5-025] Table 5-3; Information to inform HRA [REP4-013] – para’s 8.2.49 and 8.2.61.</p> <p>It is noted that the Information to inform the HRA [REP4-013] refers at paragraph 8.2.43 to March and October being treated as lower-sensitivity periods, but not entirely risk-free and that construction would be subject to ECoW oversight and adaptive management, but CWCC considers that the period of restriction on works should be broader than presented.</p>		The Applicant considers that a robust assessment has been presented and adequate measures included within the oCEMP, oOEMP and oDEMP to ensure impacts are adequately controlled and mitigated. It notes that Natural England has not disputed the sensitivity periods that have been set out in these management plans.
D6.6.5		2.1.2	CWCC welcomes the additional text in relation to confirmation of the installed generating capacity.		No comment
D6.6.6		2.4.3	<p>CWCC welcomes the commitment not to commence on the SADA until the SMA is established and the NBBMA is functional.</p> <p>However, paragraph 2.4.3 states that the construction of the SMA and the NBBMA would be undertaken at the beginning of the development programme. Work on the construction of the SADA will not commence until the SMA is established and the NBBMA is functional.</p> <p>The SMA has been inserted into this paragraph, however, as far as the CWCC is aware, there is no construction proposed within the SMA. On the same note, it is not clear what “established” means in terms of the SMA, as there is nothing to establish.</p> <p>The enhancements purported to occur for the SMA include different management practices over years, rather than any initial works and will not see any enhancement for Skylarks, if they use the area, until the short-medium term. This is the same issue for paragraph 2.4.6 i) and table 5-3 changes made.</p>		<p>The Applicant confirmed in response to Q2.1.2 of the Applicant’s Responses to the ExA’s Second Written Questions (REP5-041) that the SMA would be available immediately as a grassland resource for skylark, with the cutting regime managed to optimise skylark habitat. The Applicant considers that the NBBMA will be functional upon completion of the relevant works and the removal of construction equipment from the Site. The definition of ‘functional’ in respect of the NBBMA has been agreed with Natural England, and so the Applicant sees no reason to depart from that agreement.</p> <p>Furthermore, with the inclusion of Cell 2 within the NBBMA, Natural England and the RSPB consider that sufficient habitat would be</p>

Ref	Document Para number	Document summary point	CWCC comments	Status	
			<p>CWCC remains concerned that i) functionality of the SMA will take time to establish (as it is based on a change in management from arable) and the grassland will take time to develop into suitable breeding habitat following cessation of applying chemical etc. and ii) (notwithstanding NE's acceptance that the NBBMA would be "functional for SPA birds once all earthworks, water level management and reseeded works in the NMMBA have been completed, and all plant and construction personnel are no longer present within the NMMBA in order to remove visual/ noise disturbance from the mitigation area" [RR-012 and see also NE01 of REP1-056 and 4.1.6 of REP4-012 (HRA)]) CWCC consider (as set out in D4.1.2.01 of REP4-068 that the grassland habitat on the NBBMA needs time to established before work on the SADA in order to fulfil/compensate for existing obligations under Frodsham Windfarm mitigation e.g. on Cell 5.</p> <p>CWCC considers that the grassland habitat on the NBBMA needs to be established before work on the SADA in order to fulfil /compensate for existing obligations under Frodsham Windfarm mitigation on Cells 2 and 5. (as per D4.1.2.01 of REP4-068) and to provide for species that require certain invertebrates. See CWCC answer to RIES question RQ1.</p>		available to enable construction of the SADA to commence following completion of the NBBMA creation works.
D6.6.7		2.4.5	<p>Paragraph 2.4.5 of the oCEMP [REP5-22] refers to construction of the NBBMA between March and October (inclusive). Elsewhere in the CEMP (e.g. in Table 5-3 the stated sensitive non-breeding period of Nov–Feb is referred to. The terminology and periods should be consistent across the document and other documents. CWCC considers NMMBA works between April and August / September is the appropriate period because of passage species.</p>		The Applicant has provided comments above on the terminology used and the periods it considers appropriate for works to be undertaken.
D6.6.8		2.4.7	<p>CWCC welcomes the provision of notification of commencement at the various stages (PPWs, the NBBMA, SMA and the SADA).</p> <p>It is important that the PPW are controlled via the CEMP under Requirement 12 of the draft DCO (see comment above about Requirement 12).</p>		No comment
D6.6.9		4.1.61	<p>Concerns that reasonable endeavours to establish a Working Group with HyNet projects is not considered robust enough, with no detail of controls and responsibilities if remedial measures are required. CWCC prefers a legal agreement.</p>		<p>The oCEMP sets out the involvement of the other developers will depend on their respective development consents, which should include equivalent conditions or requirements reflecting these collaborative commitments. The Applicant has no control over these other consents. It cannot require other parties to join a working group unless those consents require it.</p> <p>The Applicant has committed to use reasonable endeavours to co-ordinate the construction, maintenance and operation of the authorised development with the construction, maintenance and operation of the Cadent Gas project.</p>
D6.6.10		4.1.64	<p>CWCC recommends amendment (as shown in bold) to the third bullet point :</p> <p>"In particular, this will include the requirement to control noise impacts within specified distances of the NBBMA within the <del>core</del> non breeding bird period <b>September – March</b> <del>Nov-February</del> (inclusive)."</p>		The Applicant's position on the core non-breeding bird season is provided above.

Ref	Document Para number	Document summary point	CWCC comments	Status	
D6.6.11		Table 5-3 - Impacts to qualifying species of the Mersey Estuary SPA, Ramsar and SSSI.	<p>CWCC recommends amendment in terms of the mitigation of the potential impacts to qualifying species (as shown in bold and with some re-ordering of the text):</p> <p><i>“Construction of the NBBMA will be scheduled outside the <del>peak</del> non-breeding bird season (i.e. construction would be undertaken <b>April to August March-October</b>-inclusive).</i></p> <p><b><i>Work within the Western SADA, particularly the area directly adjacent to the NBBMA in Cell 2 and Cell 1, will be completed outside of the sensitive non breeding period where possible (September – <del>March Nov-Feb</del> inclusive)”.</i></b></p> <p>The following paragraph would also require re-working, as it is too vague (not clear what limited works are, or what ‘away’ from Cell 1 and Cell 2 means.</p> <p><i>During March and October limited works away from Cell 1 and Cell 2 may be permitted under there will be ECoW oversight, real-time monitoring and adaptive management would be used in these months to ensure should there be any unexpected concentrations of SPA species that works are appropriately managed to reduce disturbance e.g. changes to sequencing, temporary suspension of works, or the introduction of additional acoustic barriers.”</i></p>		<p>The Applicant's position on the core non-breeding bird season is provided above.</p> <p>The Applicant is unclear on the quoted paragraph. Table 5-3 sets out clear parameters of when works would occur, when they would be limited and what measures are proposed to monitor impacts and adapt mitigation if considered necessary.</p>
D6.6.12		Table 5-3 Impacts to qualifying species of the Mersey Estuary SPA, Ramsar and SSSI (cont'd).	<p>CWCC recommends amendment in terms of the mitigation of the potential impacts to qualifying species (as shown in bold):</p> <p><i>“Noise mitigation measures such as use of acoustic screening such as hoarding, hay bales may be required in the following scenarios to avoid adverse effects on qualifying species of the SPA: i) When construction works to create the NBBMA within Cell 3 lie within 80m of the eastern boundary of Cell 3 during weekdays, or within 110m on Saturdays; ii) Site preparation, PV installation, or general construction activities within 180 m of Cell 3's eastern boundary during the core non-breeding bird period (<b>Sept-March</b> <del>Nov-Feb</del>); and iii) Saturday morning works within 120 m of the SSSI north of Cells 2 and 3 during the core non-breeding bird period (<b>Sept-March</b> <del>Nov-Feb</del>).” .....</i></p> <p>....</p> <p><i>“Outside the sensitive period of <b>September to March</b> (inclusive) the ECoW would be consulted for any works occurring within the distances specified above”.</i></p>		<p>The Applicant's position on the core non-breeding bird season is provided above.</p>
D6.6.13		Table 5-3 Impacts to qualifying species of the Mersey Estuary SPA, Ramsar and SSSI (cont'd).  A protocol will be required to be included within the CEMP that will detail the monitoring methods, thresholds for action (e.g. numbers exceeding 1% of the relevant SPA population),	<p>The ECoW trigger threshold of 1% of the SPA population is considered too high and insufficiently justified.</p>		<p>Paragraph 5.1.4 of the Information to Inform Habitats Regulations Assessment report sets out that for the purposes of this HRA, the 1% SPA population general rule is applied for all wetland birds recorded within the Order Limits as the basis for further consideration and the identification of mitigation requirements. This is considered to be a reasonable trigger threshold and is commonly used in HRA.</p>

Ref	Document Para number	Document summary point	CWCC comments	Status	
D6.6.14		Table 5-3 Impact of noise arising from construction activities at ecological receptors.	CWCC recommend amendment in terms of the mitigation of the potential impacts to qualifying species (as shown in bold): <i>"Mitigation measures may be required in the following scenarios to avoid adverse effects on qualifying species: i) When construction works to create the NBBMA within Cell 3 lie within 80m of the eastern boundary of Cell 3 during weekdays, or within 110m on Saturdays; ii) Site preparation, PV installation, or general construction activities within 180 m of Cell 3's eastern boundary during the <del>core</del> non-breeding bird period (<b>Sept-March Nov-Feb</b>); and iii) Saturday morning works within 120 m of the SSSI north of Cells 2 and 3 during the <del>core</del> non-breeding bird period (<b>Sept-March Nov-Feb</b> inclusive). The mitigation measures to be employed may include the use of acoustic screening such as hoarding, hay bales, or equivalent barriers capable of achieving of 5–10 dB attenuation. Outside the sensitive period of November to February (inclusive) the EcoCoW would be consulted for any works occurring within the distances specified above to confirm the need for mitigation measures to be employed. This may be influenced by the time of year, the number of birds recorded as being present and seasonal variations in weather conditions."</i>		The Applicant's position on the core non-breeding bird season is provided above.
D6.6.15		General/ earlier comments	Please refer to REP5-048 (D5.1.13.1) in relation to badger setts.		The Applicant has included appropriate measures to ensure the protection of badgers in line with the legislative requirements of the Protection of Badgers Act 1992.

REP5-023 7.6 Outline Operational Environmental Management Plan - P06

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicants Comment
REP5-023 7.6 Outline Operational Environmental Management Plan - P06					
D6.7.1		General	There is a significant concern in relation to the new and upgraded permissive footpaths, in that there has been no baseline study carried out to ascertain current level and type of footpath usage on which to base an assessment of the impacts of the new permissive routes on SPA qualifying species and Badgers and nesting birds. Main concerns relate to Footpaths A and B. Concerns regarding Footpath A would reduce significantly if Cell 2 were to be included in the NBBMA.  CWCC's position has not changed in terms of proposed Footpath B, along the eastern boundary of Cell 1, as previously represented, as there is no current footpath nearby and this is adjacent to an area well-used by birds according to the bird survey data presented by the applicant. In particular, the area of concern is along the northern half of the eastern boundary of Cell 1, past the wind turbine (T15) at field 1 and 2 in Figure 4 Proposed Development Areas - With Cells in the Habitat Regulations Assessment [REP3-006].  As previously represented, screens are a mitigation measure when the impact is known, rather than a measure when impacts are not known because no baseline on usage of footpaths has been carried out.  Also as previously represented, there are limitations to "careful routing" of the footpaths, as the majority of the ones that have concerns from CWCC are on narrow embankments.		The Applicant has introduced measures to protect wildlife from disturbance by users of the permissive paths. The permissive paths were included in the design as a result of community feedback. Recognising the potential for disturbance from increased use, the Applicant has proposed a range of measures to mitigate impacts. It is noted that footpaths and recreational access to areas of biodiversity importance are common, as is the case in many RSPB reserves and local nature reserves. Access to nature and increased awareness of the value of the local environment are important community functions of the proposed increased access across the Site, in addition to providing mental and physical health benefits.  The Applicant re-emphasises that Natural England and RSPB have both considered the provisions of the permissive paths and have not raised any objection to them.  The Applicant does not consider that baseline surveys would influence either the routing of the paths or the mitigation provided, which is considered to be in line with the approach taken on other nature reserve sites. Furthermore, the Applicant has included adaptive mitigation within the oLEMP should public access cause unacceptable disturbance to wildlife on and adjacent to the Site.

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicants Comment
			<p>There is no footpath on or near to proposed Footpath A currently, so precautionary principle means that the footpath should be reduced southwards to stop at turbine T15 and be re-routed around less sensitive areas, as CWCC suggested at pages 29 and 30 of the CWCC Written Rep (REP1-048).</p> <p>Concerns over the controls relating to decommissioning of Frodsham Wind Farm during the operational period of the Proposed Development (major replacement), if that were to clash with major replacement works, as potential cumulative impacts would not be identified.</p>		
D6.7.2	2.4.7	prior to any replacement activities which involve replacement of more than 50% of the solar panels within the Proposed Development over a 12 month period within either a single campaign or over multiple campaigns, a notification must be submitted to Cheshire West and Chester Council	<p>CWCC continue to consider 50% replacement is too high a threshold and recommend 25%.</p>		<p>The Applicant has demonstrated through its submissions that 50% replacement activity would not result in significant environmental effects and that the control documents contain adequate measures to mitigate effects of large scale replacement activities.</p>
			<p>To increase clarity/transparency over replacement activities, there needs to be a mechanism for ensuring that notification is provided before the commencement of works comprised in a major replacements campaign, whether this be set at 50% or a lower figure. This might be achieved by including provision for the community liaison group to be kept informed by receiving regular reports and advance notifications of upcoming replacements where this involves more than regular maintenance (e.g. reporting on levels of replacements above say 10% to the community liaison group).</p>		<p>The Applicant considers that this can be something that could be developed in consultation with the CLG on its formation, noting that paragraph 3.2.2 of the oOEMP sets out that <i>"the CLG will be to allow interested community members and bodies to be updated on maintenance, periodic replacements and other such activities."</i></p>
D6.7.3	2.4.10	The replacement works shall be scheduled so that work activities avoid replacement activities closest to the NBBMA during the core non-breeding bird period, accounting for the controls set out in Table 5-9.	<p>It should be clarified if 'closest to the NBBMA' means within 180m of the eastern boundary of Cell 3 and within 120m of the SSSI to the north of Cell 2 and Cell 3?</p> <p>CWCC consider that it should be the non-breeding bird period (extending the period to Sept to March, from the November to February period referred to in Table 5-9).</p>		<p>The paragraph makes a direct reference to Table 5-9, which clarifies the distances from the NBBMA. The Applicant's position on the core non-breeding bird season is set out above.</p>
D6.7.4.	2.4.12	Re: notification of FWF decommissioning/repowering	<p>The onus should not rely solely on CWCC serving notification on the Applicant in respect of FWF activities. It is expected that Frodsham Solar would liaise directly with FWF to co-ordinate activities; and this should be included in the text.</p>		<p>Paragraph 2.4.12 of the oOEMP was amended at Deadline 6 to reflect this request.</p>
D6.7.5.	Table 5-3	Disturbance to protected and notable species through management and maintenance activities or periodic replacements	<p>It is not clear how the replacement threshold might operate in practice. Whether the threshold is 25%, 50% or some other figure, it is not clear when the surveys (or indeed notification) might be carried out. For example, replacement of 49% of the panels might take place with no notification/survey, with a belated requirement only being triggered post 50%. The mechanism needs to ensure notification/survey are triggered from (and preferably before) the start of a replacement campaign).</p> <p>Prior to any replacements exceeding 50% of the PV panels, ecological surveys will be carried out for protected species, such as otters, water vole, badgers, roosting bats, great crested newts, and breeding birds. Should any of these protected species be identified, appropriate mitigation measures will be implemented in accordance with relevant legislation and best practice guidelines to ensure their protection</p>		<p>Paragraph 2.4.7 of the oOEMP has been updated to require the Applicant to submit any notification 12 months in advance of any replacement activities where 50% or more of panels are to be replaced.</p>

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicants Comment
			throughout operational activities and included in the notification referred to in Section 2 of this oOEMP.		

**REP5-025 7.6 Outline Decommissioning Environmental Management Plan - P06**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
REP5-025 7.6 Outline Decommissioning Environmental Management Plan - P06					
D6.8.1		General	<p>CWCC are concerned regarding the risk to mitigation areas when handed back to landowners, particularly on Cell 3, where the specialist wetland areas could be removed. CWCC consider that as a minimum measure, the removal of solar development from the western array needs to be programmed to be well in advance (e.g. 24 months) before the hand back of the NBBMA to the landowner in order that the previously developed areas have time to re-colonise in terms of SPA birds</p> <p>CWCC also would like clarity that ecological surveys will be programmed to capture all seasons required and will be carried out no later than 12 months before decommissioning and no earlier than 24 months of decommissioning.</p>		Table 5-3 has been updated to require that if mitigation areas are to be lost at the point of decommissioning by reverting these areas back to the land use prior to the commencement of the Proposed Development, the programme of these works should be agreed with CWACC 12 months prior to the works being undertaken.
D6.8.2		Restoration/aftercare	CWCC remains of the opinion that more detail on the restoration/aftercare should be incorporated into the oDEMP.		The Applicant considers the oDEMP contains appropriate mechanisms to ensure that proposals for restoration and aftercare are provided in sufficient time and to provide such details 40 years in advance of the works being undertaken would be unnecessary.
D6.8.3	2.4.4 to 2.4.6	Removal of new crossings of main rivers	CWCC consider that as a new large work element it should be explicitly included in the benefits/impacts analysis proposed in paragraph 2.4.6. The DEMP should include provision for consultation with the Environment Agency in relation to the benefits/impact analysis as referenced in paragraph 2.4.6.		2.4.6 has been amended to include for the benefit/cost analysis to incorporate an assessment of the environmental implications of removing the crossings of the main rivers. The Environment Agency is a consultee to Requirement 20 and so explicit provision of consultation is not considered necessary in relation to paragraph 2.4.6.
D6.8.4		General	<p>See REP4-068 comments including:</p> <p>Benefits/impacts analysis for infrastructure left in the ground should cover both infrastructure left in situ and infrastructure removal and require CWCC's written agreement.</p> <p>More clarity is requested on the final end state of the site. If mitigation areas are lost on reversion to previous land use, CWCC wants agreed timescales, including surveys in preceding seasons.</p>		The Applicant considers that these points have been addressed in response to D6.8.3 and D6.8.1.

**REP5-027 7.8 Outline Battery Safety Management Plan - P04**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
REP5-027 7.8 Outline Battery Safety Management Plan - P04					
D6.9.1		General	No further comment apart from recommendation to appending the CFRS response/advice to the oBSMP for ease of future reference, (e.g. from Appendix F of REP5-041 – Applicant response to ExQ21).		The CFRS responses were appended to the oBSMP at Deadline 6.

**REP5-029 7.9 Outline Public Right of Way Management Plan - P05**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
REP5-029 7.9 Outline Public Rights of Way Management Plan - P05					
D6.10.1		General	No further comment		No comment

**REP5-031 7.13 Outline Landscape and Ecology Management Plan - P06**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
REP5-041 7.13 Outline Landscape and Ecology Management Plan - P06					
D6.11.1			The design of the Green Infrastructure and habitat areas (Work No 6) including the NBBMA for Cell 3 is explicitly excluded from the Design Parameters Statement (para 1.2.9 of REP5-018); deferring to the oLEMP [REP5-032].  However, neither the oLEMP or the oNBBMS [REP5-039] provide detailed design parameters for the oNBBMS works other than Figure 3: Proposed NBBMS Overview in REP5-039 and the Proposed Levels Option 2 drawing in the Water Balance report appended to the oNBBMS.  CWCC considers it appropriate to set overarching design parameters and to ensure the assessment / detailed design is based on a defined scope of works.		See response to D6.5.7
D6.11.2	5.1.3 and 6.1.3	Management of the NBBMA	Reference to 'or suitably qualified personnel' should be omitted. It should be more definitive that the NBBMA will be managed by the approved conservation organisation (i.e. RSPB) rather than just expected. To address NE's concerns / requirements as they relate to establishing no Adverse Effect of the Integrity of the European site this needs to be resolved prior to determination of the DCO,		The oLEMP has been amended to address this point and reflect the wording used in the oNBBMS
D6.11.3	6.10.2	National Highways Access to M56 via SMA	It is not certain what the implications of this would be, as the SMA is proposed to be managed for grassland habitats. It should be confirmed that this would have no impacts on habitats (in terms of Skylark disturbance and BNG) and that this would be for vehicles tracking over the land, rather than e.g. erecting compounds etc for road works.		National Highways have requested that access to their assets, i.e. the M56, is maintained. National Highways have not requested use of the land for erecting compounds or for road works.

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
D6.11.4		General / earlier comments	Please refer to REP5-048 (D5.1.11.1) in relation to the number and location of mammal gates; and (D5.11.2) in relation to landscaping.		Paragraph 6.5.3 of the oLEMP was been amended at Deadline 6 to reflect the request of CWACC.

**REP5-040 8.32 Outline Non-breeding Bird Mitigation Strategy - P05**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comments
REP5-040 8.32 Outline Non-breeding Bird Mitigation Strategy - P05					
D6.12.1		General	<p>CWCC considers that the NBBMA is too small, due to lack of a robust methodology and removal of existing mitigation areas. The addition of Cell 2 is a positive step and starts to enact the precautionary principle required in the absence of an agreed methodology.</p> <p>CWCC considers that a long-term management organisation is essential to the success of the NBBMA and should be secured at this stage.</p> <p>CWCC is concerned that the FWF mitigation will not be fully replaced and that reducing mitigation areas overall will lead to a less sustainable, vulnerable mitigation area.</p> <p>CWCC is concerned that reducing the area available to birds adjacent to the Estuary and having reduced undeveloped areas in-between the Estuary and favoured marsh areas, will negatively impact the SPA bird population.</p> <p>CWCC advise that The Lum and Biodiversity Enhancement area by Marsh Farm should be included in work packages, as they are mitigation areas.</p>		<p>The Applicant has included Cell 2 with the NBBMA. The Applicant's position is that this will avoid adverse effects on the integrity of the Mersey Estuary SPA and will provide significant benefits to SPA birds at the Site. Natural England and RSPB also consider that the Proposed Development will not have adverse effects on the integrity of the Mersey Estuary SPA . At Deadline 5 the RSPB confirmed they are happy to be considered the primary choice to be the managing conservation body for the NBBMA.</p> <p>The Applicant has set out that it is not necessary for The Lum and the Biodiversity Enhancement Areas to be identified as specific work items, as these areas are provided for within the scope of Work No 6 and are controlled via the oLEMP and the associated Illustrative Environmental Masterplan.</p>
D6.12.2		General	<p>CWCC consider the oNBBMS lacks detail in terms of setting parameters for the design and construction (including drainage/hydrology) for the NBBMA and works set out in Schedule 1 for Work No 6C:</p> <p>earthworks including bunds, embankments, ground reprofiling, infilling of voids;</p> <p>scrapes and waterbodies;</p> <p>water level management systems including sluices, pipework, pumps and associated control equipment;</p> <p>use of geotextiles or clay liners water retention; and</p> <p>installation of predator control fencing.</p>		The Applicant has discussed this with CWACC and has amended the oNBBMS to include that the final NBBMS shall include the details requested.
D6.12.3		General	CWCC awaits/welcomes confirmation of Cell 2 being added to the oNBBMA, but there are other shortfalls in terms of the extent of the oNBBMA (e.g. part of Cell 1) and issues such as the permissive paths		The Applicants position on these matters are set out in previous responses within this table.

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comments
D6.12.4	1.1.4 and 4.4.4		Paragraph 1.1.4 and 4.4.4 have been amended to include that the appointed nature conservation organisation must be named in the final NBBMS, which is progress, however, the issue in terms of NE requirements relates to no Adverse Effect of the Integrity of the European site and so still needs to be resolved prior to determination of the DCO.		This has been resolved and Natural England confirmed at Deadline 6 that it has concluded there would be no adverse effects on the integrity of the Mersey Estuary SPA.
D6.12.5	4.4.3		Paragraph 4.4.3 has been amended to include that funded costs for long-term management of the land will include undertaking works pursuant to the NBBMS and management. This is a positive addition.		No comment
D6.12.6		General/earlier comments	Please also refer to REP5-048 (D5.1.20.1 to D5.1.26)		

**DEADLINE 6 – CWCC’s COMMENTS ON APPLICANT’S NEW SUBMISSION DOCUMENTS**

Table 2: Deadline 5 submissions – CWCC comments on applicant’s new Deadline 5 submission documents

REP5-041 8.45 Applicant’s responses to ExA Second Written Questions

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
REP4- 041 8.45 Applicant’s responses to ExA Second Written Questions					
D6.13.1		General	Any further/outstanding comments in relation to this specific document will be incorporated into CWCC’s summary response to be provided at <b>Deadline 7</b> .		No comment

**CWCC's COMMENTS ON APPLICANT'S EARLIER DEADLINE 4 SUBMISSION DOCUMENTS**

2.1.2 This section summarises CWCC's responses to the earlier Deadline 4 submission documents that were deferred /delayed at the previous Deadline 5 submission.

2.1.3 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**

EP4-002 2.2 Land and Crown Land Plans - P04Ref	Document Para number	Document summary point	CWCC comments	Status	
REP4-002 2.2 Land and Crown Land Plans - P04					
D6.15.1			No comments		No comment

**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					
D6.16.1			Given the expressed intention to include Cell 2 in the NBBMA, it is queried whether the route of the permissive path proposed along the southern boundary of Cell 2 would be varied to provide a buffer from the extended NBBMA?		As illustrated on the Environmental Illustrative Masterplan Sheet 3 (Appendix A of the oLEMP) Cell 2 sits several meters below Cell 5 and there is a bund between the two. The proposed permissive path is proposed to the south of the bund, therefore providing screening to Cell 2.

**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	Applicant Comment
REP4-014 6.2 Env Statement: Vol 2 Appendix 2-3: Permitted Preliminary Works - P04					
D6.17.1		General	<p>CWCC continues to have concerns relating to the controls over PPW as expressed previously and elsewhere in the representations.</p> <p>Although further wording has been added to the PPW document, CWCC remain concerned that the PPW's are potentially impactful and the controls in place are not clear and not sufficient to protect SPA birds and other protected species present on site.</p> <p>Some extra controls have been introduced for certain elements of PPW on the NBBMA, however, these should be site-wide and species-wide, e.g. iv) remedial work in respect of any contamination or other adverse ground conditions.</p>		The Applicant has responded to specific points relating to PPWs at Deadline 6. The Applicant considers that the controls in place are sufficient to control the impacts from the PPWs, these include the provision of a CEMP for activities that are most likely to impact the NBBMA.
D6.17.2			<p>Please refer to comments from DL5 (REP5-048). In addition:</p> <p>Minor additional wording is needed in the document to confirm the purpose of Table 1 within the document.</p> <p>Under 1.2.1 minor rewording is also needed to clarify that PPW's can only be undertaken in accordance with the CEMP.</p>		The Applicant has amended Environmental Statement: Volume 2 Appendix 2-3: Permitted Preliminary Works to set out the purpose of Table 1 and has confirmed that where a CEMP is required, then the PPW must be undertaken in accordance with the approved CEMP for those works.

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
			<p>Following CWCC's queries in REP5-048 the Applicant has confirmed (verbally) that items 1.2.1 i) and ii) relate to the whole of the order limits.</p> <p>CWCC considers that 1.2.1 iii) should also apply to construction plant within range of the NBBMA, The Lum and the Estuary, as they could have impacts on SPA qualifying bird species.</p> <p>CWCC consider 1.2.1 iv) should apply to the whole of the SADA, as badgers, breeding birds etc could be impacted by land remediation.</p>		<p>The Applicant confirmed in writing at Deadline 6 that items 1.2.1 i) and ii) relate to the whole of the order limits.</p> <p>Appendix 2-3 confirms that 1.2.1 iii) applies to such operations within 110m of the NBBMA.</p> <p>The Applicant does not consider that 1.2.1 iii) needs to be applied to other areas of the Site as the NBBMA is designed to mitigate for the impacts of the wider Site.</p> <p>In relation to 121.1 iv) it is not considered necessary to alter the approach as Table 1 requires that, aside from the general protections provided by the Wildlife and Countryside Act 1980, pre-construction surveys are required for badgers, that RAMS shall apply in relation to amphibians and reptiles, and no works are to be undertaken within 5m of a watercourse without surveys for badger and otter. Breeding birds would be protected by virtue of any vegetation clearance requiring a CEMP and LEMP to be provided.</p>

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

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
REP3-008 ES Vol 2 Appendix 9-2 Water Framework Directive (P02)					
D6.18.1		General	No comments		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	Applicant comment
REP4-018 6.2 Env Statement: Vol 2 Appendix 6-4: Residential Properties - P02					
D6.19.1		General	No comments. Note that response on Glint and Glare given in response to ExQ2 Q2.9.2 (referring to REP4-16) [REP5-045.		No comments

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

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant comment
REP4-020 6.2 Env Statement: Vol 2 Appendix 7-5: Assessment LWS - P02					
D6.20.1		General	General Biodiversity comments on LWS provided in other representations. Any further/outstanding comments in relation to this specific document will be incorporated into CWCC's summary response to be provided at <b>Deadline 7</b> .		No comments

**REP4-036 7.10 Outline Soil Management Plan - P03**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant comment
REP4-036 7.10 Outline Soil Management Plan - P03					
D6.21.1		General	General comments on soil management provided in other representations. Any further/outstanding comments in relation to this specific document will be incorporated into CWCC's summary response to be provided at Deadline 7.		No comments

**REP4-039 BNG Report - P02**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comments
REP4-039 BNG Report - P02					
D6.21.1		General	<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> <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)</li> <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>		<p>The Applicant considers that it has correctly classified reedbeds as set out in its submission. The Applicant has recognised areas of reedbed within the Site where the water table is at or above ground level for most of the year.</p> <p>The Applicant has responded to the Rule 17 letter issued on the 24<sup>th</sup> April on points relating to trading rules and no net loss of habitats.</p>

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

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
REP4-042 8.6 Outline Flood Warning and Evacuation Plan - P03					
D6.22.1		General	No further comments		No comments

**REP4-050 8.33 Outline Drainage Strategy - P02**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
REP4-050 8.33 Outline Drainage Strategy - P02					
D6.23.1		General	No further comments		No comments

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

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
REP4-052 Applicant's Response to Interested Parties Deadline 3 and 3A Submissions					
D6.24.1		General	Any further/outstanding comments in relation to this specific document will be incorporated into CWCC's summary response to be provided at <b>Deadline 7</b> .		No comments

**REP4-055 Applicant's Response to ISH2 Action Points**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
REP4-055 Applicant's Response to ISH2 Action Points					
D6.25.1		General	Any further/outstanding comments in relation to this specific document will be incorporated into CWCC's summary response to be provided at <b>Deadline 7</b> ; including any comments on Appendix C: Scientific papers referenced in ISH2 relating to ornithology and Appendix E: Response to Skylark Mitigation Area (SMA) - Mitigation vs Compensation.		No comments

**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	Applicant Comment
REP4-056 Written Summary of Applicant's Oral Submissions at Compulsory Acquisition Hearing 1 (CAH1)					
D6.26.1		General	No comments		No comments

**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	Applicant Comment
REP4-057 Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 2					
D6.27.1		General	Any further/outstanding comments in relation to this specific document will be incorporated into CWCC's summary response to be provided at <b>Deadline 7</b> .		No comments

**REP4-060 to REP4-062 Annex 1 Site Biodiversity Metric Calculation Tool (NBBMA) / (OL) and (OL ex NMMBA)**

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
REP4-60 to REP4-062 Annex 1 Site Biodiversity Metric Calculation Tool					
D6.28.1		General	CWCC's comments/concerns regarding BNG calculation has been represented previously and in other submissions at Deadline 6 .		The updated BNG Report and metric submitted at Deadline 6 accounted for the change to include Cell 2 in the NBBMA.

Ref	Document Para number	Document summary point	CWCC comments	Status	Applicant Comment
			<p>Any further/outstanding comments in relation to this specific document will be incorporated into CWCC's summary response to be provided at <b>Deadline 7</b> if necessary.</p> <p>It is noted that the BNG calculations will need to take account of the Applicant's expressed change to include Cell 2 in the NBBMA.</p>		



