



Frodsham Solar

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

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1.0 INTRODUCTION

1.1 Purpose of this Document

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

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

and

Cheshire West and Chester Council (CWCC)

1.1.2 The purpose of this SoCG is to identify areas of agreement and, where appropriate, disagreement, between the parties in respect of the Frodsham Solar development (the 'Proposed Development'). The SoCG clearly sets out the progress made on key issues discussed between the Applicant and CWCC.

1.2 The Proposed Development

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

1.2.2 The current design for the Proposed Development would enable the generation of approximately 147 megawatts (MW) of electricity¹, as well as the storage of approximately 100 MW of electricity in a BESS. The precise generating capacity and storage capacity will be subject to detailed design, but it should be noted that at present the grid connection offer from the District Network Operator (DNO) is for 100 MW export and 50 MW import. As noted above, the Proposed Development would also be capable of exporting electricity directly to local businesses.

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

1.2.3 Subject to obtaining the necessary consents, construction is anticipated to commence in Spring 2028 and be completed in mid to late 2030, The first phases of the project would be associated with the establishment of the Skylark Mitigation Area and the creation of the Non Breeding Bird Mitigation Area. The construction phase would involve habitat mitigation works first, establishing functionality, and then the main solar array. The Proposed Development comprises a time-limited development with an operational phase of up to 40 years. Decommissioning activities would therefore commence in 2070, 40 years after final commissioning.

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

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

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

- i) The Solar Array Development Area (SADA) that would include solar photovoltaic (PV) modules and support frames, internal access tracks, cabling, inverters, transformers, the solar array substation (known as the 'Frodsham Solar Substation) and the BESS;

- ii) Main Site Access route;
- iii) SPEN Grid Connection linking Frodsham Solar Substation to the SP Energy Networks (SPEN) Frodsham Substation
- iv) SPEN / National Grid Substation and access to the substation compound
- v) Private Wire Connection to local businesses
- vi) Non Breeding Bird Mitigation Area (NBBMA) (which covers Cell 2 and Cell 3 of the Manchester Ship Canal former dredging deposit ground)
- vii) Skylark Mitigation Area

1.2.6 These areas are illustrated on **ES Vol 3 Figure 1-2: Proposed Development Areas, Environmental Statement: Volume 3 Chapter 1 Figures (APP-105)**.

1.2.7 A more detailed description of the Proposed Development is provided within **Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035)**.

1.3 The Site

1.3.1 The Site is located approximately 500 m to the north of the centre of Frodsham Town Centre within the administrative areas of Cheshire West and Chester Council (CWCC), which is the Local Planning Authority (LPA).

1.3.2 The Site is approximately centred on National Grid Reference (NGR) 351000E, 378500N and is located approximately 500 m to the north Frodsham Town Centre at its nearest point.

1.3.3 The Site comprises a single red line boundary that covers all land expected to be included within the Proposed Development, which in total is approximately 337.5 ha, not including nearby traveller sites. The Solar Array Development Area covers an area of approximately 246 ha, and would be located at the eastern extent of Frodsham and Helsby Marsh, an area of land between the Mersey Estuary and the M56. The northern boundary of the Solar Array Development Area is formed by the River Weaver and the former INEOS Inovyn Dredging Deposit Ground, the north-west boundary by the Manchester Ship Canal, with the Mersey Estuary lying beyond. The western boundary of the Solar Array Development Area is formed by two of the former Manchester Ship Canal Dredging Deposit Ground Cells; Cell 3 and Cell 6.

- Cell 3 forms part of the NBBMA. The southern boundary of the Solar Array Development Area is formed by agricultural fields and the M56 motorway.
- 1.3.4 The Main Site Access is from the west, leading from Pool Lane roundabout. Vehicles accessing the Site would turn onto Grinsome Road (a private road) from Pool Lane roundabout and travel east towards Protos² for approximately 1.5 km, routing north at Grinsome Road Roundabout, along Road 1 of Protos. Vehicles would then turn east along Marsh Lane which provides access to Frodsham Wind Farm. The Frodsham Wind Farm access tracks provide access to the Solar Array Development Area. There would be no access to the Site from Frodsham during construction, operation or decommissioning, other than for emergency vehicles, and access to the potential new public car parking area on Moorditch Lane, via Brook Furlong. Access to the SPEN Frodsham Substation would be via the A56 Chester Road along a dedicated private access road that leads to the substation complex.
- 1.3.5 The Manchester Ship Canal forms the northern boundary of the Site and is separated from the Mersey Estuary by Frodsham Score, a 100-200 m wide strip of low-lying marshland. The Manchester Ship Canal is bunded in design where it forms the boundary with the Site. The Mersey Estuary and Frodsham Score are designated as a Special Protection Area (SPA), SSSI and Ramsar site. The SSSI also covers a strip of land approximately 100m wide on the southern side of the Manchester Ship Canal, the eastern 500m of which lies within the Site. The Solar Array Development Area is also designated as a Local Wildlife Site (Frodsham, Helsby and Ince Marshes Local Wildlife Site) and as Green Belt.
- 1.3.6 Neither the Site nor the immediate surrounding area is covered by any statutory landscape designations, e.g. National Parks or National Landscapes (formally referred to as Areas of Outstanding Natural Beauty (AONB)). There are no designated heritage assets within the Site.
- 1.3.7 The eastern half of the Site lies within the Environment Agency's Flood Zone 3a (for Fluvial and Tidal flood risk), which benefits from flood defences along the River

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

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

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

1.4 Status of the SoCG

- 1.4.1 This SoCG has been progressed throughout the examination and has been finalised between the Applicant and CWCC.
- 1.4.2 A signing sheet between the Applicant and CWCC is provided at Appendix A.

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

2.1 Role of Cheshire West and Chester Council

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

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

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

2.2 Summary of Consultation Undertaken

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

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

Date	Method of Consultation	Points of Discussion
16/03/2023	Teams meeting	Introductory briefing to the project

Date	Method of Consultation	Points of Discussion
28/04/2023	Teams meeting	Presentation to key officers on project
12/06/2023	Teams meeting	Meeting with officers to discuss project and the Scoping Request and associated report submitted to the PINS.
13/07/2023	Teams meeting	Meeting with CWCC’s biodiversity officer to discuss surveys undertaken to date, proposed future surveys, key ecological issues, approach to interaction with wind farm mitigation.
08/2023	Telephone call	Discussion with highways officer regarding the scope and approach to the Transport Assessment.
06/09/2023	Teams meeting	Project update; approach to cumulative; community benefits; PPA
26/09/2023	Teams meeting	Meeting with landscape officer. Approach to LVIA discussed and feedback provided in Scoping Opinion. Approach to design objectives discussed and approach to the consideration of draft AONB in the assessment agreed.
26/09/2023	Email	Technical note submitted to CWCC setting out viewpoints and approach to visualisations.
09/2023	Email	Email exchanges associated with methodology and scope of the cumulative effects assessment.
29/11/2023	Teams meeting	Project update; travellers site status; scoping of socio-economic assessment; cumulative assessment review; PROW and landscape matters; ecology review; PPA.
18/01/2024	Email	Agreement from CWCC on viewpoints
24/01/2024	Teams meeting	Project update; cumulative assessment review; ecology survey review; landscape matters; travellers site status; community benefits; PPA

Date	Method of Consultation	Points of Discussion
21/02/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; socio-economics; peat
11/03/2024	Telephone call	Discussion with biodiversity officer on scope of surveys.
15/03/2024	Email	Representation on CWCC's Land Availability Assessment - Stage One of local plan update.
20/03/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; peat; transport scoping report
17/04/2024	Teams meeting	Project update; G&G impacts on M56 and properties; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; socio-economics; peat
22/04/2024	Teams Meeting	Update on LVIA and feedback on findings of assessment / approach taken to design and access; landscape masterplan; heritage setting.
15/05/2024	Teams Meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; peat; NH feedback on the Transport Assessment scoping.
24/05/2024	Email	Provision of the Outline Non Breeding Bird Mitigation Strategy for comment.
27/05/2025	Email	Provision of the draft preliminary Flood Risk Assessment and the Stage 1 Geo-Environmental Assessment for comment. Advised on removal of the INEOS Inovyn Weaver Navigation Dredging Deposit Lagoon from solar development area; and removal of the private wire link to INEOS Inovyn's Runcorn Works.
30/05/2024	Email	Provision of design objectives, illustrative landscape masterplan, ZTVs, VP photography.
12/06/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers

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

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

Date	Method of Consultation	Points of Discussion
29/09/2025	Teams meeting	Sequential test and PPG; green belt / grey belt / BNG; emergency planning meeting.
20/10/2025	Teams meeting	Rule 6 letter; approach to LIR and WW; RR review; CO2 pipeline and approach to cumulative; CBF; decommissioning fund.
17/10/2025	Email	Provision of draft RR responses on ecology and biodiversity, supplementary bird data analysis, updated BNG spreadsheet and reedbed classification.
31/10/2025	Email	Provision of draft RR responses
05/11/2025	Teams meeting	Meeting to discuss CBF, Decommissioning Security, CO2 spur; protective provisions
06/11/2025	Email	Provision of draft RR responses
10/11/2025	Teams meeting	CO2 spur pipeline application; landscape; green belt; sequential test; NBBMA and water balance work; RSPB progress.
09/12/2025	Email	Exchange on actions from ISH1
10/12/2025	Email	Provision of SoCG to CWCC for comment
01/01/2026 – 28/04/2026	Emails and meetings	The Applicant and the CWCC have been in regular dialogue throughout the examination period on a range of matters to try and resolve outstanding points. In particular in relation to the drafting of the DCO, ecological issues, and cumulative effects.

3.0 MATTERS OF AGREEMENT AND DISAGREEMENT

3.1 Introduction

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

3.1.2 Table 2 provides a summary of the position between the parties in relation to specific matters that have been under discussion during the examination. The table sets out issues that are 'agreed' and 'not agreed', some with additional comment indicated.

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

Ref.	Matter	CWCC Position	Applicant Position	Status
1. Topic: Draft Development Consent Order				
1.1.	Articles and Schedules	<p>The Applicant and CWCC have been exchanging comments on the DCO and are close to reaching agreement on those changes and items where possible. Some items remain outstanding and are unlikely to be resolved. These have been identified in each party's respective submissions, including CWCC's REP5-048, and an update on points of disagreement will be included in the summary statement for the DL7 submission.</p> <p>Notable points where agreement has not been reached include:</p> <ul style="list-style-type: none"> • CWCC's preference for inclusion of a community liaison group requirement. • Provision of decommissioning fund given the importance of decommissioning and environmental sensitivity of the area • Provision of a 'no net loss' BNG DCO requirement 	<p>The Applicant notes the comments of CWCC and agrees that the parties are close to agreement on the majority of points within the Articles and Schedules.</p> <p>The Applicant has proposed an approach at D7 which demonstrates that no net loss can be achieved in relation to reedbed and scrub.</p> <p>The Applicant does not agree with the other notable points raised.</p>	Matter not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>(addressing the trading rules) and declassification of reedbeds via a BNG Strategy.</p> <ul style="list-style-type: none"> • Management of the NBBMA by the RSPB or other approved conservation organisation should be included as a DCO requirement. • The Lum and Marsh Farm biodiversity enhancement areas should be identified as separate Works within Schedule 1 as they form part of the mitigation areas. 		
2. Topic: Control Documents				
2.1.	The scope of the Design Parameters Statement.	<p>CWCC considers that the Design Parameters Statement [REP5-018] ought to include details of the NBBMA.</p> <p>Whilst CWCC prefer to see the NBBMA parameters included in the Design Parameters Statement, it is understood that the Applicant is updating the oNBBMS for DL7 to include the text referred to under the Applicant's Position and this would</p>	<p>The Applicant notes this comment and confirms that the oNBBMS is updated to include the following to address the CWCC's</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>Matter not Agreed (resolution likely with DL7 submission)</p>

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>resolve the point above in relation to the Design Parameters Statement.</p> <p>Other relatively minor amendments to the tables to ensure parameters cover relevant items in the various Work Packages across the relevant tables are sought. The minor amendments referred to will be provided in CWCC's DL6 submission.</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>The Applicant has also updated the Design Parameters Statement to reflect the comments provided by CWCC at Deadline 6.</p>	
2.2.	Scope of the management plans submitted with the application.	<p>CWCC acknowledges the Applicant's positive amendments to many of the management plans (listed below) but consider outstanding issues remain. Further comments are provided in 2.4 to 2.11 below:</p> <ul style="list-style-type: none"> • Outline Construction Environmental Management Plan - P06 (REP5-021) 	See Applicants position in relation to each point in Section 2.4 to 2.11.	Matter Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		<ul style="list-style-type: none"> • And the related Permitted Preliminary Works Appendix 2-3 (REP4-014) • Outline Operational Environmental Management Plan - P06 (REP5-023) • Outline Decommissioning Environmental Management Plan - P06 (REP5-025) • Outline Landscape and Ecology Management Plan - P06 (REP5-031) 		
2.3.	Scope of the management plans submitted with the application.	<p>The content of the following documents is broadly agreed</p> <ul style="list-style-type: none"> • Outline Construction Traffic Management Plan - P05 (REP4-024) (see comment below) • Outline Public Rights of Way Management Plan - P05 (REP5-029) • Outline Flood Warning and Evacuation Plan - P03 (REP4-042) • Outline Written Scheme of Investigation P01 (AS-029) 		Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		<ul style="list-style-type: none"> Outline Battery Safety Management Plan P04 (REP5-027) 		
2.4.	Outline Construction Traffic Management Plan - P05 (REP4-024)	<p>CWCC welcomes the introduction of the PRoW figures as requested.</p> <p>CWCC understood that all construction traffic would access the site via Pool Lane, and at REP5-048 sought minor amendment to the routing image 4.1 to refer to the red route shown on the figures as 'Route Unsuitable for HGV and Construction traffic, i.e. not just HGV).</p> <p>The applicant has indicated that not all construction traffic would be restricted, e.g. Operatives vehicles and mini-bus may use the red route via Frodsham. This is a concern in terms of likely volume of such traffic (e.g, the main construction car parks provide over 200 spaces (paragraph 4.3.4 of oCTMP)</p>	<p>The CTMP and Transport Assessment have been clear that HGV access would be restricted from travelling along the A56 via Frodsham. Cars and minibuses have not been excluded as operatives may be living or be accommodated in premises along the A56, with Frodsham and Helsby railway stations a likely pick-up point for staff minibuses. The oCTMP has been updated at Deadline 7 to confirm that no construction vehicles HGVs or staff transport, would be permitted to access the Site via Brook Furlong or Weaver Lane.</p>	<p>Matter not agreed (resolution likely with DL7 submission)</p>
2.5.	Outline Landscape and Ecology Management Plan	<ul style="list-style-type: none"> Wetland areas east of Marsh Farm and The Lum should be identified as separate Works within Schedule 1 as they form 	<ul style="list-style-type: none"> The Applicant does not consider The Lum or biodiversity enhancement area at Marsh Farm need to be specifically identified as 	<p>Matter Not Agreed</p>

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>part of the non-breeding bird mitigation areas.</p> <ul style="list-style-type: none"> • More detail is needed on the NBBMS and soil re-engineering, including land raising, cut-and-fill, and related design parameters. • Further detail is needed on re-engineering works for the NBBMA, especially excavation depth parameters for Work No. 6. • 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. 	<p>Work No. 6A already provides for the proposed habitat creation.</p> <ul style="list-style-type: none"> • Soil management and soil re-engineering details will be dealt with at the detailed design stage. • The Applicant does not consider fixed re-engineering parameters necessary or appropriate for the Green Infrastructure (Work No 6), which includes the NBBMA, as the detailed design of this will be subject to further detailed discussion and agreement with the RSPB and the Council and will be influenced by the detailed ground investigation. The LEMP and the breeding bird mitigation strategy must be in substantial accordance with the outline documents, which contain sufficient detail to ensure the outcomes in these areas are adequately secured, with details to be approved through the final Non-Breeding Bird Mitigation Strategy and Ground Investigation Strategy. 	

Ref.	Matter	CWCC Position	Applicant Position	Status
		<ul style="list-style-type: none"> CWCC considers it appropriate to set some overarching parameters, particularly given the issue of lower peat deposits and generally to ensure the assessment / detailed design is based on a defined scope of works. <p>For the last four points above, it is understood that the Applicant is updating the oNBBMS for DL7 to include the text referred to under the Applicant's Position under the Design Parameters Statement (2.1 above) and this would resolve the points above.</p>		
2.6.	Outline Non-Breeding Bird Mitigation Strategy	<p>CWCC acknowledge some positive additions to the oNBBMS including habitat target measures, full funding of the NBBMA and bird monitoring.</p> <p>However, 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, however, CWCC considers that solar panels should be set back in Cell 1 to give</p>	<p>The Applicant considers that the revised NBBMA which incorporates Cell 2 and Cell 3 will avoid adverse effects on site integrity and will provide a valuable managed wetland resource, which is currently lacking within the Mersey Estuary SPA.</p> <p>In relation to approval of the frequency and timing of the monitoring surveys this will be approved by the CWCC in consultation with Natural England, and following consultation with RSPB by the Applicant, as per Requirement 9(2)(h).</p>	Matter Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>stand-off on eastern and northern boundaries, and footpath A should be re-routed away from these boundaries, due to likely disturbance of birds on this promontory into the River Weaver, where birds are shown as regularly using.</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>Comments from CWCC's REP4-068 are noted, in particular:</p>		

Ref.	Matter	CWCC Position	Applicant Position	Status
		<ul style="list-style-type: none"> the grassland habitats should be in place before the NBBMA can be considered to be functional and should include FWF mitigation replacement (paragraph 1.5.1 (1) of oNBBMS / 2,4,5 of oCEMP) <p>Note: Further comments on the latest version of the oNBBMS [REP5-039] are provided in CWCC's DL6 submission.</p> <p>it is understood that the Applicant is updating the oNBBMS for DL7 to include text to resolve the point about design parameters.</p> <p>CWCC notes that extending the seasonal availability of existing FWF mitigation in the NBBMA to include the autumn passage and spring passage periods for waterfowl and waders was one of the main benefits of the NBBMS. In recent representations, it is cited 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. This does not increase water levels in passage seasons as per original aims.</p>		

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>CWCC are also of the view that the NBBMA needs to be at least in part considered as compensation as opposed to just mitigation, given that it is compensating in part for the development on Cell 5, which is already FWF mitigation, and development on the northern part of Cell 1, which is embedded mitigation associated with the FWF (noting that the turbines were relocated to leave the northern part of Cell 1 free of turbines).</p>		
2.7.	<p>Outline Construction Environmental Management Plan</p>	<ul style="list-style-type: none"> 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-breeding bird seasons is considered (September to April), rather than wintering 	<ul style="list-style-type: none"> The Applicant refers to its previous responses on construction timing, cumulative impacts, and seasonal working restrictions. The Applicant considers that the measures proposed are sufficient to ensure that the Applicant will attend a Working Group and that similar controls applied to the other developments would ensure their attendance. On the 1% threshold, the Applicant considers this to be a robust trigger for requiring assessment. 	<p>Matter Not Agreed</p>

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>season (November to February), when considering works outside of sensitive seasons.</p> <ul style="list-style-type: none"> • CWCC also acknowledges the additions to the CEMP in terms of adaptive management and monitoring of water quality • CWCC do 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. Also, establishment needed in order to fulfil/compensate for existing obligations under Frodsham Windfarm mitigation on Cells 2 and 5. See answer to RQ1 RIES Questions for more detail. • 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 	<ul style="list-style-type: none"> • The Applicant’s view is that the SMA will be in place and functioning at the point it is managed as a meadow as the land is already under grassland. 	

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>document and other documents. CWCC consider NMMBA works between April and August / is the appropriate period because of passage species.</p> <ul style="list-style-type: none"> • Concern 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. • The EcOW trigger threshold of 1% of the SPA population is considered too high and insufficiently justified. • CWCC welcomes the SMA being in place before NBBMA construction, but says more detail / time is needed because habitat management to achieve the desired enhancement for skylarks will take time. <p>Note: Further comments on the latest version of the oCEMP [REP5-021] are provided in CWCC's DL6 submission.</p>		

Ref.	Matter	CWCC Position	Applicant Position	Status
2.8.	Permitted Preliminary Works (REP4-015)	<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 overly complex 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> <p>Minor additional wording is needed 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> <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>Following CWCC's queries in REP5-048 the Applicant has confirmed that items 1.2.1 i) and ii) relate to the whole of the order limits.</p> <p>The Applicant has set out in its submissions that it considers the PPWs to be adequately controlled via the limitations and controls required by Environmental Statement: Volume 2 Appendix 2-3: Permitted Preliminary Works and the limitations identified within specific Requirements.</p>	Matter Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		<ul style="list-style-type: none"> Timing restrictions on works within 50m of the River Weaver in Cell 1 have been added, however, these still refer to a reduced sensitive season and are not committed to fully, with the “where possible” terminology. CWCC’s position is that solar panels should be pulled back from eastern and northern boundaries as previous representations. 		
2.9.	Outline Operational Environmental Management Plan	<ul style="list-style-type: none"> 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. (See Fig 1 Indicative route Hierarchy in oLEMP). Concerns regarding Footpath A have 	<ul style="list-style-type: none"> On major replacement thresholds, the Applicant does not consider reducing the trigger to 25% necessary, as that would capture smaller, routine replacement campaigns already controlled by the oOEMP. The comments in relation to the permissive path alongside the River Weaver are noted. However, the Applicant considers that the measures proposed in relation to screening and signage, along with the adaptive management approach described in the oLEMP at 	Matter not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>reduced significantly with the inclusion of Cell 2 being included in the NBBMA.</p> <ul style="list-style-type: none"> • CWAC’s position has not changed in terms of proposed Footpath B, along the eastern and northern boundary of Cell 1, as previously represented (e.g. Section 7 of RR (RR-037) and Section 5 of REP1-048), 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). • The Applicant’s amendments at DL6 to the oLEMP at paragraph 6.5.25 in relation to measures to deal with disturbance of the NBBMA are welcome, but CWCC 	<p>paragraph 6.5.25 are considered sufficient.</p>	

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>considers avoidance should be followed in the first instance.</p> <ul style="list-style-type: none"> • 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. • 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 CWAC suggested at pages 29 and 30 of the CWAC Written Rep (REP1-048). • Concerns over the appropriate trigger for major replacement works, and measures to control 		

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>timing of works. CWCC continue to consider 50% replacement is too high a threshold and recommends a 25% threshold should apply, as 50% replacement works would take 6 months which will extend into the non-breeding bird season.</p>		
		<ul style="list-style-type: none"> CWCC had initial 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 may not be identified. 	<ul style="list-style-type: none"> The Applicant considers the provisions added to the oOEMP will provide sufficient certainty and control over any operational requirements during the proposed wind farm decommissioning works 	Matter Agreed
		<p>If Skylarks are breeding within the solar array, this should be taken into consideration in terms of timings of works, especially as most are proposed to be timed to avoid winter/passage season, meaning they will fall in breeding bird season.</p> <p>Note: Further comments on the latest version of the oOEMP [REP5-</p>	<p>Breeding birds will be safeguarded through the provision of the oOEMP and obligations under the Wildlife and Countryside Act 1980.</p>	Matter Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		021] are provided in CWCC's DL6 submission.		
2.10.	Outline Decommissioning Environmental Management Plan	<p>CWCC acknowledge positive additions to the oDEMP including provision for benefits. Impacts analysis, securing an end state and plan,</p> <p>CWCC is 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 considers 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 sought 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</p>	<ul style="list-style-type: none"> The oDEMP includes details requiring benefits/impacts analysis for leaving infrastructure in situ, and the Applicant has included the requirement to include the bridge removal over the Main Rivers from this analysis at Deadline 7 The Applicant does not consider it appropriate to define the final end state now, because it will depend on future detailed design and maintenance activities. The Applicant has committed to preparing a final end state as part of the DEMP process. The Applicant has updated the oDEMP to require Surveys to be carried out between 12 and 24 months before decommissioning, unless otherwise agreed with the LPA. The oDEMP has been revised at Deadline 7 to require a programme to be agreed with CWCC 12 months in advance of works 	Matter Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>24 months of decommissioning. This is now addressed in the Applicant's Position.</p> <p>See REP4-068 comments including:</p> <ul style="list-style-type: none"> • 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. The new commitment to remove new crossings of main rivers where there are currently no existing crossings should be captured in this analysis. It is expected that this will be addressed in the DL7 submission as noted by the Applicant. • 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>Note: Further comments on the latest version of the oDEMP [REP5-025]</p>	<p>undertaken to remove the NBBMA (if it is to be removed) following decommissioning.</p>	

Ref.	Matter	CWCC Position	Applicant Position	Status
		are provided in CWCC's DL6 submission.		
2.11.	Glossary of terms: i) Seasons ii) Mitigation APP-033	i) 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. The Applicant refers to: <ul style="list-style-type: none"> • core non breeding bird period or sensitive non-breeding period (Nov-Feb) • the peak non-breeding bird season (March to October (inclusive)) • autumn passage • spring passage 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; Table 5-8 of the HRA (REP4—13) provides peak counts across the	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. 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. The Applicant considers 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. This point has been agreed with Natural England and the RSPB.	Matter Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>Order Limits for the period Sept to April.</p> <p>CWCC notes that at paragraph 8.2.39 of the HRA refers to</p> <p>“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>ii) 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</p>		Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>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 FWF.</p>		
3. Topic: Project Benefits				
3.1.	The benefits of the Proposed Development set out in Section 5 of the Planning Statement.	CWCC agrees with the project benefits listed under Section 5.6 of the Planning Statement, and there is agreement on the various need elements of the development as set out in the Green Belt Impacts Summary Table [REP5-042]	The Applicant notes this comment.	Matter Agreed
4. Topic: Land and Compulsory Acquisition				
4.1.	The land rights sought by the Applicant through the draft DCO insofar as they relate to CWCC.	CWCC has no objection to the land rights identified in the draft DCO, insofar as they relate to CWCC.	The Applicant notes this comment.	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
5. Topic: Green Belt				
5.1.	The Proposed Development is Critical National Priority Infrastructure, and therefore, as a starting point it should be taken that the test of very special circumstances is met.	CWCC agrees that the Proposed Development is CNP Infrastructure, and therefore it should be taken as a starting point that it meets the test of very special circumstances.	The Applicant notes this comment.	Matter Agreed
5.2.	The Applicant's assessment is that the Proposed Development is located in grey belt and meets the tests of Paragraph 155 of the NPPF and therefore is not inappropriate development in the Green Belt.	CWCC does not agree with the Applicant's assessment that the Site constitutes grey belt, or that the tests of paragraph 155 of the NPPF are passed. Consequently, CWCC does not agree that the Proposed Development is not inappropriate development in the Green Belt.	The Applicant does not expect to reach agreement with CWCC on this matter.	Matter Not Agreed
5.3.	The harm to the Green Belt is clearly outweighed by other considerations, and as such very special	CWCC's position is that the Proposed Development is CNP Infrastructure and that therefore it is taken as a starting point that very special circumstances exist to justify the development. CWCC has	The Applicant notes this comment. The Applicant also considers that if the Secretary of State were to conclude that the development was not CNP, then any harm by reason of inappropriateness, and any other harm,	Matter Agreed (with comment)

Ref.	Matter	CWCC Position	Applicant Position	Status
	circumstances exist to justify development.	provided an assessment/critique of the Green Belt in its Relevant Representations (RR-037), with further comment in response to EXQ1 (Q9.2.1) [REP2-005] and following the ExA's request at ISH2 for the views on the weight to be given to the various harms and benefits for under a Green Belt Assessment the Applicant and CWCC have compiled a summary table (final combined version was submitted by the Applicant at DL6). See also Section 11 and Appendix 4 of CWCC's LIR [REP1-046] and Sections 6 of WR [REP1-048].	would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.	
6. Topic: Landscape and Visual				
6.1.	The study area and methodology used for the landscape and visual impact assessment.	CWCC agrees with the study area and methodology used for the landscape and visual impact assessment (<i>as per para. 6.1 of CWCC's Relevant Representation [RR-037]</i>)	The Applicant notes this comment.	Matter Agreed
6.2.	The baseline data for the landscape and visual impact assessment.	CWCC agreed with the baseline data for the landscape and visual assessment, including the landscape character assessments and the selection of viewpoints used for the	The Applicant notes this comment.	Matter Agreed (with comment)

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>assessment. Further comment was provided in relation to National Character Areas following ISH1 in Appendix A to CWCC's written representations [REP1-048], and the selection of viewpoints was discussed at ISH2 - Agenda item 3c iii) [REP4-074].</p>		
6.3.	<p>The measures proposed to mitigate landscape and visual effects.</p>	<p>CWCC broadly agrees with the measures proposed to mitigate landscape and visual effects, but considers it is not possible to fully mitigate the landscape and visual effects that would result from the Proposed Development.</p> <p>CWCC consider that there would be significant harm in terms of landscape character and visual impact, which will be moderated as mitigation planting establishes.</p> <p>CWCC is satisfied that the management plans, particularly the outline Landscape and Ecology Management Plan, contain sufficient controls to ensure the effective implementation and management of the landscape mitigation proposals.</p>	<p>The Applicant notes this comment. The Applicant agrees it is not possible to mitigate all landscape and visual effects of the Proposed Development. However, it has sought to provide a balance of retention of key landscape features, introduction of screening and retention of open views within the landscape design to reduce the landscape and visual effects of the development.</p>	<p>Matter agreed (with comment)</p>

Ref.	Matter	CWCC Position	Applicant Position	Status
6.4.	The conclusions in respect of the assessment of landscape and visual effects.	<p>Whilst CWCC agree with much of the conclusions in respect of the assessment of landscape effects and visual effects. There are notable aspects of professional disagreement.</p> <p>The Green Belt Impact Summary Table submitted at DL6 (draft provided REP5-047) details where there is agreement on the weighting of various items of Landscape and Visual effects, with comments on variations in the assessment. .</p> <p>It is agreed that there would be significant Landscape Character impact (harm) from within the Order Limits during the operational phase in the short term. The Applicant considered that in the longer term there would be moderate to major beneficial effects on the LCA4a associated with the various enhancements. CWCC regard these as mitigation and compensation for the impacts.</p> <p><i>(as per paras. 6.17 and 6.18 of CWCC’s Relevant Representation [RR-037]).</i></p> <p>CWCC broadly agrees with the conclusions in respect of the assessment of visual effect, with</p>	<p>Viewpoint 9 (Frodsham War Memorial):</p> <p>Refer to item CWACC6.7 in the Applicant’s Response to CWCC’s Relevant Representation [PD2- 027] for further detail on the Applicant’s position.</p> <p>The difference between the Applicant’s and CWCC’s conclusions reflects nothing more than variance in professional judgment. It is not reflective of any deficit in the Applicants approach.</p> <p>The Applicant maintains that the assessment of Viewpoint 9, concluding a moderate adverse (not significant) effect, is appropriate, evidence-based, and reliable for the purpose of the Examination.</p> <p>The Applicant will continue to discuss this with CWCC but does not anticipate being able to ultimately reach agreement.</p> <p>Viewpoints 6 and 26 (St Lawrence’s Church):</p> <p>Refer to item CWACC6.8 in the Applicant’s Response to CWCC’s Relevant Representation [PD2-027]</p>	Matter Not Agreed (with comment)

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>disagreement narrowed to the following:</p> <ul style="list-style-type: none"> • The effects from Viewpoint 9 (Frodsham Hill War Memorial). • The effects from Viewpoints 6 and 26 (St Lawrence’s Church). <p>CWCC and the Applicant agree that in the short term the visual impact from within the Order Limits is in the range of significant (harm), and at least moderate (harm) in the longer term.</p> <p>In terms of visual impact beyond the Order Limits the Applicant’s assessment overall is of limited harm, whilst acknowledging a moderate adverse impact at viewpoints 6, 9 and 13). CWCC agrees with the Applicant’s assessment for the majority of the viewpoints,</p> <p>However, CWCC considers the Applicant’s assessment of moderate/non-significant impact at VP6 and 26 (St Lawrence’s Church) in the short term is underestimated (paragraph 6.30 of RR-037), and there is disagreement over VP9 (War Memorial) as expressed in 6.23 to 6.27 of RR-037.</p>	<p>for further detail on the Applicant’s position.</p> <p>.</p> <p>While the Applicant recognises that the degree of visual change from St Lawrence’s Church may be somewhat greater than from the War Memorial, the underlying conclusion of a moderate adverse effect remains appropriate. The effect would be clearly perceptible but not determining in overall visual terms, and the fundamental appreciation of the view as a broad, open outlook over the Mersey Estuary within a mixed rural-industrial setting would remain intact. The Applicant therefore maintains that the assessment is methodologically sound, balanced, and defensible.</p> <p>The Applicant will continue to discuss this with CWCC but does not anticipate being able to ultimately reach agreement.</p> <p>Sequential visual effects for persons walking through the Site:</p> <p>The representative viewpoints were chosen specifically to typify the types of circumstance experienced along key routes, including those crossing and skirting the Site. Viewpoint selection was verified in consultation with</p>	

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>In the longer term, whilst the introduction of additional screen planting will have some effect to lessen impacts over time, at some of the key viewpoints (e.g. VP 3 Ship Street)[APP-111]; other views (and in particular those where CWCC have raised concerns), would remain largely as per Year 0 (e.g. VP26 St Lawrence’s Church [APP 121] and VP9 War Memorial (APP-113)</p> <p>There is also some disagreement over:</p> <ul style="list-style-type: none"> • Whether sequential visual effects are underestimated or not fully acknowledged for persons walking through the Site along the length of a PRoW. <p>The Applicant considers there would be moderate long-term impact as by year 10 landscape mitigation would have reduced.</p> <p>CWCC accepts that the impact of proposed planting (subject to appropriate management) lessens the visual impact of the proposed development from within the OL, but this would still be at the upper end of moderate and into significant, when considering the holistic impact visual impact. See paragraph 6.29 of RR-</p>	<p>CWACC and other stakeholders at the scoping and PEIR stages. While the LVIA reports effects at discrete viewpoint locations, the assessment also explicitly considers the continuity of views and the duration of exposure along these routes. Section 6.8 of the LVIA describes how effects were appraised on users moving through the landscape, with the magnitude of change reflecting both the extent and frequency of visibility along footpaths. The effects experienced from routes within the Site and remote to the Site (including long-distance paths) are documented in some detail within paragraphs 6.8.87 to 6.8.99. The reporting in the LVIA is thus not limited to representative viewpoints. It provides a much broader understanding of how the development will be experienced when travelling through the landscape. It does not underestimate the overall impact.</p>	

Ref.	Matter	CWCC Position	Applicant Position	Status
		037. The visual impacts (including perception of openness to the landscape character) would be long lasting, through to decommissioning (see paragraph 13.22 of LIR [REP1-046]) and 6.8.69 – 70 of APP-039 as referred to in the Green Belt Impact Summary table.		
7. Topic: Arboriculture				
7.1.	The arboricultural impact assessment.	Whilst there is some divergence of views as to the appropriate methodology used to identify trees (See 13.12 to 13.17 of LIR (REP1-048]) and CWCC questioned the recording of some trees under an 'Area' designation which may result in an under reporting of the number of tree losses, there is no significant disagreement regarding the Applicant's approach to retention of trees were practical, and provision of enhanced woodland planting at selective locations. Noting the above point, CWCC considers that the methods proposed to ensure protection of the tree resource at the Site, as controlled via the methods set out in the management plans, is reasonable.	The Applicant notes that some trees were recorded under an 'Area' category to reflect the fact that there are large areas of the Site where trees are present but they fall outside areas that would be impacted by the Proposed Development. The Applicant considers the approach taken is proportionate and is proposing tree planting significantly in excess of the tree loss at the Site.	Matter Agreed (with comment)

Ref.	Matter	CWCC Position	Applicant Position	Status
8. Topic: Ecology and Biodiversity				
8.1.	Overview of ecology and biodiversity	<p>The ecology and biodiversity topic has raised most issues during the Examination with relatively few aspects completely resolved/agreed. The aspects where there is agreement on impact/assessment are:</p> <ul style="list-style-type: none"> • Great Crested Newts, • Bats, • Water voles, • Invertebrates • Fish. • Badgers • Otters • Reptiles. 	The Applicant notes this comment.	Matter Agreed
8.2.	Overview of ecology and biodiversity	CWCC acknowledges that the Applicant has responded and made positive amendments on various element, notably and most recently by proposing incorporation of Cell 2 into the NBBMA. However, multiple areas of concern remain and are	Applicant considers these matters to have been dealt with adequately in the application.	Matter not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		unlikely to be resolved before close of the Examination as follows; <ul style="list-style-type: none"> • Non-breeding birds • Impact on International/national/European sites • Impact on local wildlife sites • HRA conclusions • Footpath proposals • Decommissioning impacts • In-combination effects • Survey data • NBBMS • EMP documents as above • DCO wording • BNG • Skylarks and Skylark Mitigation Area • Breeding birds 		
8.3.	CWCC has several remaining concerns regarding the ecological impact assessment and BNG assessment. The main unresolved issues include: Impacts on international/European/national sites and non-breeding birds:			Matters not agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
	<ul style="list-style-type: none"> • Lack of robustness with survey data • Construction, operational and decommissioning impacts (See section on CEMP, OEMP, DEMP) • Impacts from disturbance caused by the proposed enhancement and extension of the new and upgraded footpath and right of way network that are not sufficiently assessed; • The proposed NBBMA (even with Cell 2 added) does not fully mitigate the impacts of the Proposed Development on qualifying non-breeding bird species to be able to recommend a conclusion of no AEoI in HRA terms; • Definition of NBBMA functionality • In-combination effects during construction and operation of the Runcorn Spur • Lack of assessment of disturbance of flight paths of birds; • Disagreement with conclusion of HRA • 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)); • Confirmation of long-term management and monitoring by RSPB <p>BNG:</p> <ul style="list-style-type: none"> • the Applicant’s approach to classifying reedbeds, • non-satisfaction of trading rules • no net loss to be achieved (noting that mitigation areas cannot be used to accrue net gain over 0%) • disagreement on application of Rule 4 • impacts on high distinctiveness habitats (reedbed) • 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)); <p>Local Wildlife Site:</p> <ul style="list-style-type: none"> • the assessment of impacts on the Frodsham, Helsby, and Ince Marshes LWS • unresolved impacts relating to qualifying features of the LWS; - non-breeding birds, 			

Ref.	Matter	CWCC Position	Applicant Position	Status
	<ul style="list-style-type: none"> - reedbeds, - wildlife corridors <p>Breeding birds:</p> <ul style="list-style-type: none"> • the location and effectiveness of the Skylark Mitigation Area; • lack of baseline data of Skylark Mitigation Area • lack of detail on when SMA will become functional • 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); <p>Other matters:</p> <ul style="list-style-type: none"> - the connectivity of habitats - Impacts on Priority habitats (reedbed) - The adequacy of controls in relation to PPW. <p>The Applicant has provided its views on many of these issues in submissions made at previous deadlines.</p>			
9. Topic: Habitats Regulations Assessment				
9.1.	The conclusion that the Proposed Development would not result in likely significant effects that could affect the integrity of the Mersey	CWCC has raised concerns in relation to the Habitats Regulations Assessment and the adequacy of the proposed mitigation. Even with Cell 2 added to the NBBMA, CWCC do not advocate a recommendation that no AEoI should be concluded by the SoS. This is primarily due to lack of agreed methodology to calculate the	The Applicant notes this comment and has provided submissions on all of the points noted.	Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
	<p>Estuary SPA and Ramsar.</p>	<p>NBBMA required, impacts from solar panels and footpaths on Cell 1 and cumulative impacts. Therefore, engagement with precautionary principle is required,</p> <p>In terms of the extent of the NBBMA CWCC consider that increasing the undisturbed buffers around the eastern and northern edges of Cell 1, where SPA qualifying birds were consistently recorded (including rerouting the permissive path away from the boundaries of Cell 1) would establish a reasonable precautionary approach (in the absence of an agreed methodology for establishing the size of the NBBMA), paving the way to a robust conclusion of no AEoI.</p> <p>Other HRA concerns relate to:</p> <ul style="list-style-type: none"> • Omission of passage Redshank from the appropriate assessment stage • Lack of agreed methodology to calculate the NBBMA required • Definition of mitigation versus compensation when 		

Ref.	Matter	CWCC Position	Applicant Position	Status
		considering existing FWF mitigation cells <ul style="list-style-type: none"> • Definition of season impacting non-breeding birds and works programming; CWCC would consider September -April to be the NBB sensitive season, however, this is referred to as November to March and November to February in some HRA sections • Mechanisms for remedial measures under the adaptive management and controls • Lack of robustness of cumulative impact assessment with Runcorn Spur and considering FWF as a cumulative project. • Please also see all issues relating to non-breeding birds/designated sites in section 8.2 		
10. Topic: Flood Risk and Drainage				
10.1.	The Applicant's Flood Risk Assessment. The	CWCC considers that the Applicant's Flood Risk Assessment is generally	The Applicant notes this comment.	Matter Agreed (with comment)

Ref.	Matter	CWCC Position	Applicant Position	Status
	<p>Proposed Development meets the requirements of the 'Sequential Test'.</p>	<p>adequate. As noted in REP2-005 (CWCC response to ExQ1), following the Applicant's response in [PD2-027] regarding flood risk, CWCC generally accepts the Applicant's submission in relation to the sequential test and to finding other potential sites/disaggregation of the development etc. CWCC acknowledges that the scale of the development limits the availability of alternative sites and also limits the ability to disaggregate the scheme. CWCC's conclusion is that development in Flood Zone 3 is a matter to be considered in the planning balance, not necessarily that other locations should be pursued further.</p> <p>CWCC defer to the Environment Agency with regard to the adequacy of any flood risk modelling undertaken by the Applicant.</p>		
10.2.	<p>The Proposed Development meets the requirements of the 'Exception Test'.</p>	<p>As the proposed development is essential infrastructure, and on the basis that it is accepted that the sequential test is met, consideration of the Exception Test is needed. CWCC accepts for the first element of the two-part test, i.e. that a) the development would provide wider sustainability benefits to the community that outweigh the flood risk, would be satisfied given the urgent need for CNP. CWCC considers that the EA is best placed to advise on whether part b) of the Exception Test is met.</p>	<p>Matter Agreed (with comment)</p>	

Ref.	Matter	CWCC Position	Applicant Position	Status
10.3.	CWCC's role as Lead Local Flood Authority	CWCC agrees with the Applicant's approach to managing surface water and drainage and agrees to the disapplication set out in Article 7(1, a-d) of the draft DCO.	The Applicant notes this comment.	Matter Agreed
11. Topic: Water Quality and Resources				
11.1.	The approach to assessing impacts and effects on the water environment.	<p>CWCC as Lead Local Flood Authority (LLFA) have not raised objection/issue with:</p> <ul style="list-style-type: none"> the Applicant's approach to assessing impacts and effects on the water environment; the baseline data for the assessment of the water environment; the measures proposed to mitigate impacts to the water environment; and the conclusions in respect of the assessment of impacts and effects on the water environment. <p>However, CWCC considers that the Environment Agency and Natural England (in relation to hydrology</p>	<p>The Applicant notes this comment.</p> <p>Various matters are secured within the OCEMP - see 1.3.2, 4.1.50, 4.1.51, Table 5-4. The monitoring column of Table 5-4 specifies that water quality monitoring undertaken.</p>	Matter Agreed (with comment)

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>matters effecting the NBBMA in particular), are best placed to comment on assessment of the impacts and effects on the water environment.</p> <p>CWCC’s initial comments in Section 15 of the LIR should be taken into account, Comments in response to ExQ1 (Q85.1.5) [REP2-005] are also noted (e.g in relation to securing the Construction Groundwater and Surface Water Management Plan (GWSWMP) and provision for water quality monitoring in the CEMP (as per EA’s comment EA0008).</p>		
11.2.	Water Framework Directive Water Bodies	<p>CWCC considers that the project has regard to the River Basin Management Plans and meets the requirements of the Water Framework Directive (WFD) regulations (as referred to in response to ExQ1 (Q8.1.5) [REP2-005].</p> <p>CWCC considers that the Environment Agency is best placed to advise on the potential impacts and mitigation to avoid deterioration in the ecological or chemical status of a WFD water body..</p>	The Applicant notes this comment.	Matter Agreed (with comment}

Ref.	Matter	CWCC Position	Applicant Position	Status
Topic: Land and Soils				
11.3.	The agricultural land classification for the Site.	CWCC accepts the Applicant's assessment of the agricultural land, and agrees the Site is not best and most versatile land.	The Applicant notes this comment.	Matter Agreed
11.4.	The approach to soil management across the Site.	CWCC welcomes the inclusion of the oSMP (APP-141) with a view to preserving the structure of the soils. CWCC has no significant comments on the approach set out in the oSMP but notes that further detail / clarification in relation to any stockpiling in areas at risk of flooding should be provided in accordance with any comments / guidance from the EA (or LLFA).	The Applicant notes this comment.	Matter Agreed
12. Topic: Ground Conditions				
12.1.	The methodology and baseline used for the assessment of ground conditions.	Note: The Environment Agency is responsible in relation to controlled waters, CWCC agrees with: <ul style="list-style-type: none"> the methodology used for the assessment of ground conditions; and 	The Applicant notes this comment. Requirement 17 controls the need for a ground conditions investigation and assessment strategy. The oCEMP also requires ground gas monitoring and design of gas protection measures where necessary.	Matter Agreed (with comment)

Ref.	Matter	CWCC Position	Applicant Position	Status
		<ul style="list-style-type: none"> the baseline data used for the assessment of ground conditions <p>CWCC recommends that further detailed investigation and assessment is carried out at the detailed design phase, with a focus on proposed areas of piling and ground disturbance and the areas of the Site where there is the potential for localised contamination. Design of the proposed buildings on site also need to consider potential gas risk. [RR-037].</p> <p>See also CWCC comments in REP1-048 response to ISH1 agenda (item 5 (h)).</p>		
12.2.	The measures proposed to mitigate impacts in relation to ground conditions and contaminated land.	<p>CWCC agrees with the measures proposed to mitigate impacts in relation to ground conditions and contaminated land.</p> <p>Consideration needs to be given to the EA representations (RR-024) relating to the ground stability and the protection of flood defences [RR-024] (noting that the EA consider this resolved now).</p> <p>CWCC welcomes the ExA's proposed change to the draft DCO</p>	The Applicant notes this comment.	Matter Agreed (with comment)

Ref.	Matter	CWCC Position	Applicant Position	Status
		relating to inclusion of an Unexpected Contamination requirement (23).(PC003). The EA's comments at EA004 under REP5-054 are noted too.		
13. Topic: Peat Resources				
13.1.	The baseline data collected in relation to identifying peat across the Site.	CWCC recognises that the application includes desk-based and site investigation data relating to the presence of peat across the Site. CWCC considers additional information needs to be gathered prior to construction to ensure the baseline data accurately characterises the presence of peat across the Site.	The Applicant notes this comment.	Matter Agreed
13.2.	The assessment of impacts on peat resources.	The potential for impacts on peat has been raised in CWCC's [RR-037] and in the Written Representations [REP1-048} (see Appendix A in relation to ISH 5 (g)). Further investigation is expected to be carried out under the oWSI (AS-029) (LIR) CWCC broadly agrees with the conclusions presented on peat based	The Applicant notes this comment.	Matter Agreed (with comment}

Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>on the information provided in the application.</p> <p>The Applicant provided a Technical Note on Peat Resources [REP1-043]. See CWCC's comments in REP3-047 on the note (largely in relation to works for the NBBMS), In response [REP4-052] the Applicant confirms that the proposal is to excavate into Cell 3 to a depth of circa 1m, and it is not anticipated that there would be any likelihood of impact on peat deposits, and ground condition investigation would identify if there is a need for a Peat Management Plan.</p> <p>CWCC is satisfied that the necessary controls are in place within the DCO requirements and the management plans to ensure that additional information is gathered prior to construction and that mitigation responding to the detailed investigation will be delivered via a Peat Management Plan if required. However, it is noted that CWCC would prefer to see the Design Parameters statement.</p>		
<p>14. Topic: Cultural Heritage and Archaeology</p>				

Ref.	Matter	CWCC Position	Applicant Position	Status
14.1.	The methodology and assessment of effects on the historic environment.	<p>CWCC agrees with:</p> <ul style="list-style-type: none"> the methodology used for the assessment of the historic environment, encompassing both cultural heritage and archaeology; the baseline data for the assessment of the historic environment, encompassing both cultural heritage and archaeology; the measures proposed to mitigate impacts on the historic environment, and considers the approach to securing mitigation through the DCO requirements and the Outline Written Scheme of Investigation are appropriate; and <p>CWCC broadly agrees with the conclusions in respect of the assessment of impacts and effects on the historic environment. The Green Belt Impact Summary Table submitted at DL6 (draft provided REP5-047) confirms limited harm is agreed in terms of archaeological impact and CWCC considers there to be limited to moderate harm (as opposed to just limited) in relation to</p>	The Applicant notes this comment.	Matter Agreed (with comment)}

Ref.	Matter	CWCC Position	Applicant Position	Status
		the operational phase and setting of heritage assets. See paragraph 22.4 of LIR [REP1-046].and Appendix 7 of REP1-046 as referred to in the Green Belt Impact Summary table.		
15. Topic: Transport and Highways				
15.1.	The study area and methodology used for the assessment of traffic and transport impacts.	CWCC agrees with: <ul style="list-style-type: none"> the methodology used for the assessment of traffic and transport impacts; and the baseline data used for the assessment of traffic and transport impacts. 	The Applicant notes this comment.	Matter Agreed
15.2.	The measures proposed to mitigate traffic and transport impacts.	CWCC is satisfied that appropriate mitigation is provided and is adequately controlled within the relevant management plans. However, it should be noted that there will be a residual moderate adverse impact in terms of the construction (and decommissioning) in relation to the temporary closure of PRow, noting that this will include impact on the National Cycleway Network. The closure of RB40 to pedestrians potentially for circa 30-34 months represents a long diversion	The Applicant notes this comment. RB40 would be open to users outside the construction working hours. The Applicant has also committed, within the oPROWMP (REP5-029) to opening RB40 for use by pedestrians during working hours when safe and possible to do so (see para 4.2.2 vi))	Matter Agreed (with comment)

Ref.	Matter	CWCC Position	Applicant Position	Status
		(in duration and distance) for those using this route, e.g. employees walking from Helsby to some of the large industrial sites around the Protos site (paragraph 24.7 of LIR [REP1-046]).		
15.3.	The conclusions in respect of the assessment of traffic and transport impacts and effects.	CWCC considers the Transport Assessment submitted as part of the application to be adequate. Please see Section 23 of the LIR for additional comment [REP1-046]	The Applicant notes this comment.	Matter Agreed
16. Topic: Tourism and Recreation				
16.1.	The study area and methodology for the assessment of tourism and recreation impacts.	CWCC agrees with the methodology for the assessment of tourism and recreation impacts.	The Applicant notes this comment	Matter Agreed
16.2.	The baseline data for the assessment of tourism and recreation impacts.	CWCC broadly agrees with the baseline data for the assessment of tourism and recreation impacts,	The Applicant notes this comment	Matter Agreed (with comment)
		However, CWCC note the lack of baseline data relating to recreational use to provide information relating to use of the footpaths within the Order	The Applicant does not consider that the lack of baseline data impacts the judgment that it has made, which is that increased recreational use may	Matter Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		Limits; making assessment of the ecological impacts arising from use of the proposed permissive paths (as referred to in response to ExQ2 Q2.5.15 (REP5-045).	cause disturbance, and so screening has been proposed, along with adaptive management during operation.	
16.3.	The measures proposed to mitigate tourism and recreation impacts.	CWCC broadly supports the approach to improving public access around the Site with the exception of the below point.	The Applicant notes this comment.	Matter Agreed
16.4.	The measures proposed to mitigate tourism and recreation impacts.	CWCC retain its concerns about the impacts of the improved public access on ecology and biodiversity. CWCC has made representations about suggested alterations to the permissive paths in Section 5 of its WR [REP1-048] CWCC would also like the permissive paths retained following decommissioning.	The Applicant has set out the measures it considers are required to mitigate effects on ecological receptors. After decommissioning, the Applicant will no longer be in control of the land, so there is no mechanism to secure the long-term retention of the permissive paths beyond the life of the DCO.	Not Agreed
16.5.	The conclusions in respect of the assessment of tourism and recreation impacts and effects.	CWCC has raised concerns in relation to the following specific areas: <ul style="list-style-type: none"> The assessment of tourism and recreation impacts and effects does not adequately address the visual impact on users of public rights of way, and enjoyment of the footpath network. 	The Applicant considers that the impacts on tourism and recreational assets have been assessed appropriately given the nature of the resource available and the context of the site's characteristics. It considers that the design has sought to mitigate impacts and improve recreational opportunities at the Site.	Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
		<ul style="list-style-type: none"> CWCC considers that the assessment undervalues the sensitivity of local public rights of way, and underplays the magnitude of impact, resulting in a lower overall level of effect. 		
17. Topic: Health and Amenity				
17.1.	The conclusions in respect of the assessment of noise and vibration impacts and effects.	CWCC agrees with the baseline data and conclusions of the assessment of noise and vibration.	The Applicant notes this comment.	Matter Agreed
17.2.	The conclusions in respect of the glint and glare assessment.	CWCC agrees with the conclusions of the glint and glare assessment.	The Applicant notes this comment.	Matter Agreed
17.3.	The conclusions in respect of residential visual amenity assessment.	CWCC agrees there would be no significant residential visual amenity effects as a result of the Proposed Development.	The Applicant notes this comment.	Matter Agreed
17.4.	The conclusions in respect of air quality impacts and effects.	CWCC agrees there would be no significant effects on air quality as a result of the Proposed Development.	The Applicant notes this comment.	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
18. Topic: Waste				
18.1.	The Applicant's approach to managing waste across the lifetime of the development.	CWCC agrees with the Applicant's approach to managing waste across the lifetime of the development, and that the Proposed Development would not give rise to significant waste impacts.	The Applicant notes this comment.	Matter Agreed
19. Topic: Decommissioning				
19.1.	The Applicant's proposed approach to funding of decommissioning for the Proposed Development.	CWCC have requested the DCO provides for a decommissioning fund and welcomes the ExA's proposed change to the draft DCO (PC001).	The Applicant has set out its opposition against imposing a requirement for a decommissioning fund / security / bond in Item 5f (Decommissioning funding) of the Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033] and in response to ExAs proposed changes to the DCO (see Appendix A – Deadline 6 covering letter)	Matter Not Agreed
20. Topic: Cumulative Effects				
20.1.	The scope of other developments assessed as part of the Applicant's	CWCC agrees with the scope of other developments included in the assessment of cumulative effects with the exception of the below points	The Applicant notes this comment.	Matter Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
	Cumulative Effects Assessment.			
20.2.	Hob Lane Solar Farm at land North of Rake Lane, Dunham On the Hill (25/01339/FUL)	<p>In CWCC's REP1-046 the application for a solar farm was noted as requiring assessment, In the Applicant's response to the LIR [REP3-042] it was noted:</p> <p>"The distance and noting that the two developments lie on opposite sides of the M56 motorway, mean that cumulative effects in relation to ecology, ground, water resources, and archaeology indicate that cumulative effects are unlikely to be significant".</p> <p>However, since then NE have commented on application 25/01339/FUL and identified the site is FLL, commenting that an appropriate assessment should be undertaken.</p> <p>It is expected that the appropriate assessment will need to consider the in-combination/cumulative effects (including Frodsham Solar), and it follows that the ExA / SoS will want to consider the potential for in-combination effects in respect of the DCO application.</p>	<p>The Information to Inform Habitats Regulations Assessment will be updated at Deadline 7 to include Hob Lane Solar Farm.</p> <p>Note: Inclusion of Hobs Lane in the HRA is agreed. It should be noted CWCC will not have the opportunity to comment on the DL7 submission.</p>	<p>Matter Agreed (i.e, to include Hobs Lane in the HRA assessment)</p>

Ref.	Matter	CWCC Position	Applicant Position	Status
20.3.	Runcorn Spur CO2 Pipeline	<p>CWCC set out in REP1-048 the concern that if the proposed development and pipeline are constructed within a year or two of each other or less, this would amount to continued long-term cumulative disturbance to the bird population associated with the SPA, past the original assessed impacts.</p> <p>CWCC notes that the Applicant's cumulative assessment of scenario 3 (Runcorn Spur comes after pipeline) for the Runcorn CO2 Spur pipeline [REP4-053] is based on utilising trenchless methods of construction, which has not been proposed or confirmed by the Applicant for the CO2 spur. This may be one form of mitigation, but it would be unreliable to regard this as anything more than a plausible or potential option for the method of construction works in the NBBMA.</p> <p>The solar farm project is under the DCO regime and the Runcorn Spur project is under the TCPA regime.</p> <p>CWCC has suggested a legal agreement for all parties to sign up to, or a 24month restrictive condition on both developments, to</p>	<p>The applicant for the Runcorn Spur Pipeline, LBCCS Ltd, has set out in its submission at Deadline 6 that it maintains it will construct the pipeline in advance of the creation of the NBBMA. It is on this basis that LBCCS Ltd submitted its application and this is clearly stated within the application documents. On this basis the Applicant and LBCCS Ltd have proposed potential planning conditions to CWCC that would limit the development to the terms of the Application. A legal agreement is not considered necessary.</p>	<p>Matter Not Agreed</p>

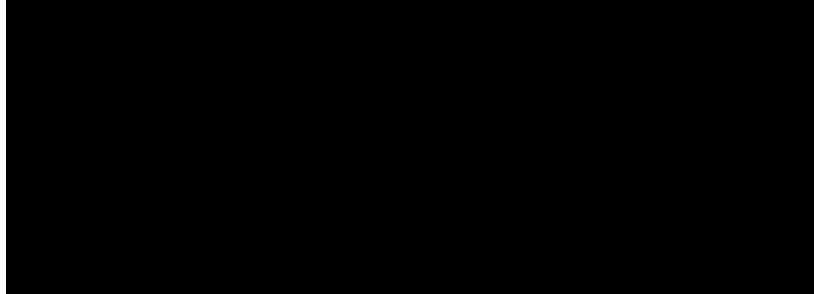
Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>control the situation with one cohesive, consistent approach, due to the complexity of phasing of both projects and limited seasonal window in which works can take place, and likely significant impacts that could occur. However, these have been refused by both the applicant and the Runcorn Spur developer.</p> <p>Discussion ongoing as to the approach to take to control impacts should the pipeline be constructed after the creation of the NBBMA.</p>		
20.4.	Frodsham Wind Farm	<p>CWCC also consider the Frodsham Windfarm to be relevant in terms of cumulative impact, noting the following issues/aspects:</p> <p>Embedded mitigation; gap between turbine arrays</p> <p>Stand-off from estuary</p> <p>FWF commitment to dredging of cell 6</p> <p>Mitigation vs compensation</p> <p>Lack of adequate replacement of Cells 2 and 5</p>	<p>The Applicant has considered Frodsham Wind Farm as part of the baseline and has accounted for the wind farm mitigation when designing the proposals for the NBBMA. The Applicant has also provided controls within the oOEMP in respect to environmental effects during decommissioning. An assessment of an alternative future baseline following decommissioning of the wind farm (REP4-054) has also be provided. It is considered that the Applicant has fully considered the cumulative effects of the Proposed</p>	Matter Not Agreed

Ref.	Matter	CWCC Position	Applicant Position	Status
			Development with the Frodsham Wind Farm.	
21. Topic: Community Benefit Fund				
21.1.	The Applicant's proposed community benefit fund.	CWCC welcomes the principle of the Applicant's proposed Community Benefit Fund. CWCC will work with the Applicant to agree the amount and find a suitable mechanism for securing the benefits and administering the CBF. CWCC raised various point in Section 12 of REP1-48. CWCC welcome confirmation from the Applicant in REP3-041 that the level of community benefit currently proposed will be kept under review, including in light of the Government's ongoing consultation on community benefits associated with renewable energy infrastructure.	The Applicant notes this comment and will continue to engage with CWCC on the CBF.	Matter Agreed (with comment)

Appendix A - Agreement

FRODSHAM SOLAR LTD:

Name:



Signature:

Position:

Cubico UK Development Lead

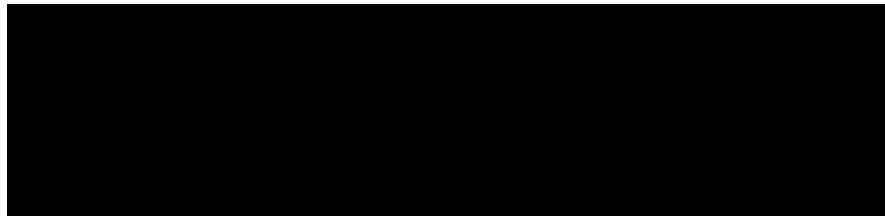
On behalf of:

Frodsham Solar Ltd

Date:

29 April 2026

Name:



Signature:

Position:

Cubico Head of UK Development

On behalf of:

Frodsham Solar Ltd

Date:

29 April 2026

CHESHIRE WEST AND CHESTER COUNCIL:

Name:

Signature:

Position:

Principal Planning Officer

On behalf of:

Cheshire West and Chester Council

Date:

29 April 2026