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# **SCOPING OPINION:**

## **Proposed Frodsham Solar project**

**Case Reference: EN010153**

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Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

**10 July 2023**



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# 1. INTRODUCTION

- 1.0.1 On 30 May 2023, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Frodsham Solar Limited (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Frodsham Solar Project (the Proposed Development). The Applicant notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'.
- 1.0.2 The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from:  
<http://infrastructure.planninginspectorate.gov.uk/document/EN010153-000007>
- 1.0.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicant. This Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.0.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken, with appropriate supporting evidence.
- 1.0.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.
- 1.0.6 The Inspectorate has published a series of advice notes on the National Infrastructure Planning website, including [Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping \(AN7\)](#). AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.
- 1.0.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

- 1.0.8 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.



## 2. OVERARCHING COMMENTS

### 2.1 Description of the Proposed Development

(Scoping Report Section 3.0)

ID	Ref	Description	Inspectorate's comments
2.1.1	Paragraph 14.5.29	Duration of operation	Paragraph 14.5.29 of the Scoping Report states that ' <i>When the operational phase ends (the timing for this is highly uncertain at this stage), the Proposed Development will require decommissioning</i> '. Acknowledging uncertainty around the operational lifespan, the ES should clearly identify the operational duration that has been assumed as part of the Environmental Impact Assessment (EIA) and how that has been determined. Furthermore, the ES should identify whether the lifespan of the Proposed Development would require any components to be replaced when they reach the end of their operational lifespan and any likely significant effects arising from this. The ES should be clear as to the duration of the operational period and ensure that this is consistently applied to all assessments unless otherwise justified.
2.1.2	Paragraph 16.2.2	Description of Proposed Development	Paragraph 16.2.2 of the Scoping Report describes works required to provide connections and access. As drafted, it is not clear as to whether works may be required outside the solar array development area or the redline boundary. Furthermore, the Scoping Report at present has been found to not consistently include connections in proposed assessments, the ES will be required to ensure that the full Proposed Development has been assessed. The ES should clearly set out the location of all works or where uncertainty remains, assess the worst-case scenario.

ID	Ref	Description	Inspectorate's comments
2.1.3	Paragraphs 3.2.8, 3.3.17 and 3.3.18	Flexibility	<p>The Inspectorate notes the Applicant's intention to seek flexibility within the design of the Proposed Development. Paragraph 3.2.8 of the Scoping Report states that the amount of flexibility required will depend upon the progress of the design at the stage the detailed EIA work is undertaken, the Applicant anticipates that several aspects of the Proposed Development may still require design flexibility whilst the EIA is being carried out, namely:</p> <ul style="list-style-type: none"> <li>• detailed layout;</li> <li>• type of photovoltaic (PV) module mounting structures;</li> <li>• the arrangement of supporting infrastructure;</li> <li>• battery energy storage systems (BESS);</li> <li>• location of and the method used to connect to the Scottish Power Energy Networks (SPEN) Substation;</li> <li>• The INEOS Inovyn Runcorn Site; and</li> <li>• The Protos Site</li> </ul> <p>The Scoping Report paragraphs 3.3.17 and 3.3.18 state that the cable grid connection could be overground or underground for the SPEN Substation and INEOS Inovyn Runcorn Site.</p> <p>The Inspectorate expects that, at the point an application is made, the description of the Proposed Development is sufficiently detailed to include the design, size (including heights), capacity, technology, and locations of the different elements of the Proposed Development. This should include the footprint and heights (and depths) of the structures (relevant to existing ground levels), as well as land-use requirements for all elements and phases of the Proposed Development. The project description should be supported (as necessary) by figures, cross-sections, and drawings which should be clearly and appropriately referenced. Where flexibility is sought, the</p>

ID	Ref	Description	Inspectorate's comments
			<p>ES should clearly set out and justify the maximum design parameters that would apply for each option assessed and how these have been used to inform an adequate assessment in the ES, recognising that this may differ depending on the assessment being undertaken.</p> <p>The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The Inspectorate draws the Applicant's attention to Advice Note 9: Rochdale Envelope, which states that <i>"it will be for the authority responsible for issuing the development consent to decide whether it is satisfied, given the nature of the project in question, that it has 'full knowledge' of its likely significant effects on the environment."</i> The Inspectorate notes that paragraph 2.9.2 of the Scoping Report outlines the proposed maximum parameters to be assessed. The ES should identify the parameters that have been assumed as the worst-case scenario for each aspect scoped into the assessment and ensure that interactions between aspects are taken into account relevant to those scenarios.</p>
2.1.4	Paragraph 3.3.3 and Figure 1.2	Construction compounds and temporary roadways	<p>The Scoping Report states that one or more temporary construction compound(s) will be required as well as temporary roadways to facilitate access to all land within the site and that at present, it is anticipated that all temporary land requirements would be able to be included within the boundary shown on Figure 1.2 of the Scoping Report.</p> <p>The number, location and maximum parameters of construction compounds and temporary roadways should be identified in the ES. The ES should explain how the optioneering process for such</p>

ID	Ref	Description	Inspectorate's comments
			development components has sought to avoid or minimise impacts on environmental receptors during construction and operation.
2.1.5	Paragraphs 3.5.1, 3.6.1 and 3.6.3	Decommissioning	<p>Paragraph 3.5.1 of the Scoping Report identifies a 40-year operational lifespan for the Proposed Development and paragraph 3.6.3 states that the effects of decommissioning are often of a similar, or lower, magnitude than the construction effects. Paragraph 3.6.3 further states that it is not proposed to provide a separate decommissioning assessment for each aspect chapter unless there are specific issues related to decommissioning which could give rise to materially greater impacts than construction.</p> <p>The ES should clearly set out if and how decommissioning is to be assessed and any components which may remain following decommissioning. Paragraph 3.6.1 states that a Decommissioning Environmental Management Plan (DEMP) will be agreed with the Local Planning Authority. The Inspectorate would expect to see this secured through the inclusion of an outline DEMP (oDEMP) or similar with the Application.</p>
2.1.6	Paragraph 3.4.3	Construction phasing	<p>Construction is anticipated to commence in 2027 and last 15 months. Paragraph 3.4.3 of the Scoping Report sets out the expected construction activities but does not include the anticipated phasing of construction works.</p> <p>The ES should include details of how the construction would be phased, including the likely commencement date, duration and location of the required construction activities. The assessment should be based on a worst-case scenario.</p>
2.1.7	N/A	Lighting	The ES should describe the lighting requirements for all elements and phases of the Proposed Development. It should be explained what

ID	Ref	Description	Inspectorate's comments
			measures are proposed to minimise light spill on human and ecological receptors.
2.1.8	Paragraph 1.1.7	Mitigation	The Scoping Report should clearly set out the mitigation for the Proposed Development and its location, whether it is within or outside the Proposed Development boundary. Furthermore, due to other land uses within the redline boundary (such as the Frodsham Wind Farm) and in proximity to the Proposed Development area, any interaction, overlap or replacement mitigation should be clearly explained. The ES should provide explanation as to how mitigation has been taken into account in the assessment.
2.1.9	Paragraph 10.7.1	Baseline data	The Scoping Report indicates that the ES will utilise previous data collected for the Frodsham Wind Farm alongside data collected by the Applicant specifically for the Proposed Development. For clarity, the ES should utilise the most recently available representative datasets at the time of production. Data collected in relation to other projects and used within the ES should be clearly referenced; and the ES should include an explanation of why that data is considered applicable and representative of baseline conditions. The Applicant should make effort to agree the suitability of information used for the assessments in the ES with relevant consultation bodies.

## 2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 6.0)

ID	Ref	Description	Inspectorate's comments
2.2.1	N/A	Terminology	The Applicant should ensure consistency in terminology to ensure clarity. When referring to study areas, phrases have been used including 'array area' and 'solar array development area'. It is assumed that both of these phrases relate to the area upon which Photovoltaic panels are located. Furthermore, the phrase 'connections' can be deemed as relating to electrical connections and transport connections and therefore this would also benefit from clarification.
2.2.2	Section 2.4	Baseline conditions	The ES should ensure that all data is up to date and representative. Sharing of data between Applicants is encouraged however this data does require to be justified as being relevant and reflective of the baseline of the Proposed Development.
2.2.3	N/A	Cumulative effects	The ES should clearly explain how the Zone of Influence (ZoI) was determined and influenced the identification of the study area, noting that this is likely to be dependent on the aspect being assessed.
2.2.4	N/A	Mitigation and monitoring	The ES should clearly set out where mitigation is required for the Proposed Development, required for the Proposed Development as a result of the Proposed Development reducing the adequacy of mitigation in place for extant planning permissions (eg. Part of an ecological management plan) and where mitigation is required as a result of a cumulative effect.

ID	Ref	Description	Inspectorate's comments
2.2.5	N/A	Transboundary	<p>The Inspectorate on behalf of the SoS has considered the Proposed Development and concludes that the Proposed Development is unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State. In reaching this conclusion the Inspectorate has identified and considered the Proposed Development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts.</p> <p>The Inspectorate considers that the likelihood of transboundary effects resulting from the Proposed Development is so low that it does not warrant the issue of a detailed transboundary screening. However, this position will remain under review and will have regard to any new or materially different information coming to light which may alter that decision.</p> <p>Note: The SoS' duty under Regulation 32 of the 2017 EIA Regulations continues throughout the application process.</p> <p>The Inspectorate's screening of transboundary issues is based on the relevant considerations specified in the Annex to its Advice Note Twelve, available on our website at <a href="http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/">http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/</a></p>
2.2.6	Paragraph 6.8.14	Intra-cumulative effects	<p>Paragraph 6.8.14 of the Scoping Report notes the Applicant's intention to assess effect interactions. The Inspectorate is content with the proposed approach; however, the ES should also assess the potential for intra-cumulative effects that may occur as a result of proposed mitigation for a specific environmental aspect or matter e.g. a noise bund in terms of landscape and visual impact and mitigation planting on buried archaeological assets etc.</p>

ID	Ref	Description	Inspectorate's comments
2.2.7	N/A	Scoping Table	The Inspectorate advises the use of a table to set out the key changes in parameters/options of the Proposed Development presented in the Scoping Report to that presented in the ES. It is also advised that a table demonstrating how the matters raised in the Scoping Opinion have been addressed in the ES and/or associated documents is provided.



### 3. ENVIRONMENTAL ASPECT COMMENTS

#### 3.1 Landscape and Visual

(Scoping Report Section 7.0)

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.1.1	Paragraphs 7.4.9, 7.4.10 and Table 7.4	Effects on statutory landscape designations – all phases	The Applicant proposes to scope out Statutory Landscape Designations as there are no national landscape designations located within or in close proximity to the site, the nearest being over 26.5km away with no intervisibility with the Proposed Development. The Inspectorate agrees that, in the absence of any nationally designated landscapes, namely National Parks or Areas of Outstanding Natural Beauty, within the vicinity of the Proposed Development, this matter can be scoped out.
3.1.2	Paragraphs 7.4.17, 7.4.18 and Table 7.4	Effects on National Character Areas (NCAs) – all phases	The Applicant proposes to scope out effects on NCAs due to scale of the Proposed Development in comparison to the broad nature of NCAs which add context to the more detailed Landscape Character Areas (LCAs) identified at a district level. The Inspectorate considers NCAs to be sensitive receptors within their own right and considers that the ES should identify, locate and assess impacts to NCAs where there is the potential for significant effects to occur.
3.1.3	Paragraphs 7.5.2, 7.5.3, 7.5.4 and Table 7.4	Night-time Landscape and Visual effects – all phases	The Applicant proposes to scope out night-time landscape and visual effects on the basis that the site would not be routinely lit during operation, with lighting restricted to periods of maintenance or emergencies and that lighting required during construction and decommissioning would be managed in accordance with best practice measures set out in the outline Construction Environmental Management Plan (oCEMP). The Inspectorate would also expect this matter to be covered in the oDEMP. The Inspectorate is broadly

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
			content with this approach; however, the ES should include a detailed description of the lighting design and measures taken to avoid or minimise lighting impacts on human and ecological receptors, including consideration of effects relating to intermittent lighting sources such as motion activated security lighting. The Applicant's attention is drawn to ID 3.2.12 below.
3.1.4	Paragraphs 7.5.10, 7.5.11, 7.5.12 and Table 7.4	Residential Visual Amenity Assessment (RVAA) – all phases	Scoping Report paragraph 7.5.12 proposes to scope out RVAA on the basis that the threshold for assessment is not likely to be met in line with the Landscape Institute's best practice Technical Guidance Note 02/19. In the guidance note, it is indicated that the requirement for a RVAA is dependent on the outcome of a Landscape and Visual Impact Assessment. In the absence of LVIA conclusions, the Inspectorate does not agree to scope out an RVAA at this time. The need for an RVAA should be justified based on the conclusions of the LVIA presented in the ES and agreed with relevant consultation bodies, where possible.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.1.5	Paragraphs 3.2.5, 7.4.26 and Figures 7.2 and 7.3	ZTV	ZTVs are provided within the Scoping Report at Figures 7.2 and 7.3 respectively. It is noted (in paragraph 7.4.26) that these ZTVs are based on maximum panel heights of 3.5m. However, there are other components of the Proposed Development which have a height greater than 3.5m, such as pole-mounted infra-red security detection cameras at 5m in height and BESS or potential onsite distribution substation(s) of an unconfirmed height, additionally paragraph 3.3.15 of the Scoping Report notes the option of using an overground connection with cables supported on new pylons. Consequently, the ZTV may not be representative of the full extent of visibility.

ID	Ref	Description	Inspectorate's comments
			<p>The final ZTVs, and subsequently the LVIA, should ensure that a worst-case scenario is assessed based on the maximum parameters of the Proposed Development, including any auxiliary infrastructure such as security camera poles, BESS, potential onsite distribution substation(s) and overground connections (although the Inspectorate notes the Applicant's intention to assess a worst-case scenario, as stated in paragraph 3.2.5 of the Scoping Report). The Applicant should consider the use of multiple ZTVs if appropriate.</p>
3.1.6	Paragraph 7.2.5 and Figures 7.2 and 7.3	Study area	<p>The Scoping Report paragraph 7.2.5 proposes that the LVIA study area will extend for approximately 5km from the Solar Array Development Area. However, the ZTV mapping contained within Figures 7.2 and 7.3 identifies potential visibility beyond these extents. Additionally, the study area and provided ZTV mapping does not include the access roads or the Protos private wire connection. The Inspectorate considers that the study area should be informed by the extent of likely effects rather than an arbitrary study area boundary. The ES should evidence how the study area has been derived to ensure it is representative and should be agreed with relevant consultation bodies where possible.</p>
3.1.7	Table 7.3	Receptors	<p>The Scoping Report considers the potential for visual effects on transient receptors such as recreational users of Public Rights of Way (ProW) and users of the M56 motorway, but there is no consideration of boat receptors. Considering the proximity of the Proposed Development to navigable waterways, e.g. the Manchester Ship Canal, Weaver Navigation and River Mersey, the ES should consider the potential for visual effects on receptors navigating waterways. The Applicant's attention is drawn to the comments from the Canal and River Trust (Appendix 2 of this Opinion).</p>

ID	Ref	Description	Inspectorate's comments
3.1.8	Paragraph 7.4.6	Receptors	The Applicant should consult relevant consultation bodies on the receptors and sensitivity assigned to those receptors as well as viewpoints used in the assessment.
3.1.9	Paragraph 7.4.31, Table 7.3 and Figures 7.2 and 7.3.	Viewpoints	Table 7.3 of the Scoping Report provides a list of provisional viewpoints, the locations of which are illustrated indicatively on Figures 7.2 and 7.3. Paragraph 7.4.31 states that viewpoints will be agreed with consultees following receipt of comments. The ES should explain the process used to determine appropriate viewpoints through the consultation process and should take into account topography, long-distance views and the setting of heritage receptors.
3.1.10	Paragraph 7.4.32	Photomontages	<p>The Scoping Report states that Photomontages and/or other visualisations will be prepared from specific key locations to be agreed with consultees.</p> <p>The Applicant should justify the location of photomontages, ensuring these are representative of the maximum visual envelope of the Proposed Development. The Applicant should seek agreement from relevant consultation bodies regarding the appropriateness of selected photomontages and evidence of this agreement should be provided within the DCO application. The Applicant's attention is drawn to the comments from Cheshire West and Chester Council (CWCC) (Appendix 2 of this Opinion) in this regard. The photomontages should show all components of the Proposed Development, including the pole mounted CCTV, security fencing, BESS, substations, spare parts storage buildings(s) etc., and demonstrate the Proposed Development before and after mitigation in order to enable a worst-case scenario to be fully understood.</p> <p>The Inspectorate notes that the Proposed Development is located in proximity to the Protos site, a strategic development site with planning permissions for a range of energy generation and resource</p>

ID	Ref	Description	Inspectorate's comments
			management businesses. The Applicant should consider the potential for cumulative landscape and visual effects from the interaction of the Proposed Development and cumulative developments. The Applicant should consider illustrating potential cumulative effects through visualisations to indicate the changing views and visual amenity compared with the visual impacts of the project being assessed on its own.
3.1.11	Paragraph 7.4.9	Landscape designations	The Inspectorate notes that the Cheshire Sandstone Ridge is being considered for status as an Area of Outstanding Natural Beauty (AONB) by Natural England. There is likely to be intervisibility of the Ridge with the Proposed Development. The ES should consider the implications of a future designation as part of the assessment of landscape and visual impacts and the assignment of significance.

## 3.2 Ecology and Nature Conservation

(Scoping Report Section 8.0)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	Paragraph 8.5.4 and Table 8.4	Human disturbance during operation on priority habitats or otherwise of biodiversity importance/value	<p>The Inspectorate agrees that due to the limited number of staff required on site during operation, human disturbance is unlikely to be sufficiently greater than currently experienced and subsequently, unlikely to result in likely significant effects to priority habitats or otherwise of biodiversity importance/value therefore this matter can be scoped out.</p> <p>To note, the Inspectorate has assumed that the matter being scoped out is in relation to effect on habitats and not species. Should this matter relate to species, the Inspectorate does not agree to scoping the matter out.</p>
3.2.2	Paragraph 8.7.1 and Table 8.4	Indirect effects upon statutorily designated sites for nature conservation (without mobile qualifying criteria) located greater than 2km from the Site during all phases of the Proposed Development	The Inspectorate agrees that distance between the Proposed Development and statutory designated sites without mobile features, the nature and scale of the development and standard mitigation proposed, limits the potential for significant effects. However, the ES should demonstrate that all potential pathways for effects, have been adequately considered, including for example any hydrological pathways. Assuming that this can be clearly demonstrated within the ES, then the Inspectorate is content to scope this matter out.
3.2.3	Paragraph 8.7.2 and Table 8.4	Impacts to existing common and widespread habitats of low sensitivity and/ or conservation interest during all phases of the Proposed Development	The Inspectorate acknowledges that although there may be common and widespread habitats of low sensitivity/conservation value, we would query whether e.g. Cells 2 and 5 are of low conservation value given that they form managed habitat for Special Protection Area (SPA) species. The ES should clearly assess impacts on habitats supporting important ecological features, where likely significant effects could occur (although recognising the potential for overlapping

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			assessments, for example, the assessment for wintering birds). The Inspectorate therefore does not agree to scope this matter out altogether, noting the query above.
3.2.4	Table 8.4	Effects on Breeding and Wintering Birds during operation	The Inspectorate agrees that the level of human activity due to take place on the Proposed Development site during operation is low however, this matter fails to consider the impacts of the panels being in situ and any likely significant effects this may have on breeding and wintering birds, specifically noting the inclusion of managed areas within the site for SPA species. The Inspectorate therefore does not agree to scope this matter out.
3.2.5	Table 8.4	Bats (roosting) during operation and decommissioning	<p>The Scoping Report states effects on roosting bats is scoped in during the construction stage on a precautionary basis but scoped out for during the operation and decommissioning stages. The Scoping Report does not provide reasoning for the scoping out during the operation and decommissioning phases.</p> <p>In the absence of justification, the Inspectorate does not agree to scope this matter out at this stage. Evidence should be provided in the ES to justify this matter being scoped out, should the Applicant consider this appropriate. The Applicant should seek to agree this matter with the relevant consultation bodies, including Natural England, where possible.</p>
3.2.6	Table 8.4	Bats (foraging and commuting) during operation	The Scoping Report states that operational impacts will be avoided through embedded design (lighting plan) and are therefore have scoped the matter out on this basis. The Scoping Report does not however, explain why the site has been classified as being of low foraging potential or how other factors such as hedgerow removal may affect foraging bats.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>The Inspectorate therefore does not agree to scope this matter out at present. Evidence should be provided in the ES to justify this matter being scoped out should the Applicant decide to do so. This should consider factors such as how the structure and smooth surfaces present at the Solar farm could affect navigation and orientation of bat populations when in situ. Where possible, this should be agreed with relevant consultation bodies. The Applicant should consider comments made in relation to lighting elsewhere in this section of the Scoping Opinion.</p>
3.2.7	Paragraph 8.7.3 and Table 8.4	Impacts on reptiles, amphibians (including Great Crested Newt) during all phases of the Proposed Development	<p>The Inspectorate considers, based on the information provided in the Scoping Report regarding the likely absence/low population present within the Proposed Development, and mitigation being proposed in the form of buffers and management plans, that significant effects on reptiles and amphibians, including great crested newts, are unlikely.</p> <p>The Inspectorate is content that this matter can be scoped out of the assessment. Mitigation should ensure that any works avoid offences/ensure protection. Mitigation needs to be clearly described in the outline management plans (as proposed) and secured through the draft Development Consent Order (dDCO).</p>
3.2.8	Paragraph 8.7.3 and Table 8.4	Impacts on water voles and aquatic species (including Otter) during all phases of the Proposed Development	<p>The Inspectorate notes that the Scoping Report has provided information on surveys that have been undertaken and their findings along with information on the topography of the site to demonstrate that in their view buffers that currently exist, and mitigation measures set out in environmental management plans will provide adequate mitigation to ensure that significant effects are unlikely. However, CWCC consider a population of water voles to be present and therefore deem further surveys necessary. Therefore, the Inspectorate is not content that this matter can be scoped out of the assessment at this time. The Applicant should discuss this matter</p>



ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			further with relevant consultation bodies to determine the potential need for further surveys and assessment before scoping this matter out.
3.2.9	Table 8.4	Impacts on Badgers during operation	The Inspectorate notes the information provided in the Scoping Report; however, this information does not discuss the presence of fencing and how this may interact with the presence of main sets and foraging activity within the Proposed Development site. Furthermore, the ES should clearly state the value of badgers as an ecological receptor. Noting the above, the Inspectorate cannot agree to scope this matter out at present.
3.2.10	Table 8.4	Impacts on other mammals during all phases of the Proposed Development	The ES should be clear as to which species are being considered as 'other mammals' and their importance as an ecological feature. Without such information, the Inspectorate is unable to comment on the appropriateness of the avoidance measures outlined in the Scoping Report or comment on whether significant effects are unlikely on 'other mammals'. Therefore, the Inspectorate does not, at this time, agree to scoping this matter out.
3.2.11	Table 8.4	Impacts on Invertebrates during all phases of the Proposed Development	<p>The Scoping Report states that impacts to invertebrates are scoped-in for targeted areas only, subject to completion of surveys of the INEOS Inovyn Deposit Ground. The Scoping Report states that across the remainder of the Proposed Development, areas of higher habitat suitability for terrestrial invertebrates are avoided through embedded mitigation (project design) and impacts are therefore scoped out. The ES should clearly set out how levels of habitat suitability have been concluded and how the project design/embedded mitigation has protected these areas.</p> <p>The Inspectorate is content that providing avoidance measures are secured through the oCEMP that this matter can be scoped out.</p>

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.2.12	Paragraph 8.7.5	Lighting effects on biodiversity during all phases of the Proposed Development.	The Inspectorate agrees, noting the information provided in the Scoping Report relating to the presence of bats and other species on the site, that lighting is unlikely to result in significant effects. However, it is also noted in paragraph 7.5.3 of the Scoping Report that under certain circumstances additional lighting will be required. The ES should be clear how this additional lighting has been assessed. Providing that this additional lighting is not assessed as giving rise to significant effects and embedded mitigation be secured through a lighting strategy or similar document to ensure delivery, the Inspectorate agrees to this matter being scoped out.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.2.13	Paragraph 8.1.6	Functionally linked land	<p>The ES should assess any potential significant effects on functionally linked land as a result of the Proposed Development. CWCC have referenced the Natural England document 'Functionally Linked Land supporting Special Protection Areas' Page 20 of Appendix 9 which they state shows that part of the site has 'high potential' of being functionally linked land. This means that the land is considered to be critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which a Special Areas of Conservation (SAC)/ Special Protection Area (SPA)/ Ramsar site has been designated. In the view of NE, these habitats are frequently used by SPA species and support the functionality and integrity of the designated sites for these features.</p> <p>The ES should detail any mitigation/compensation required and agree this with relevant consultation bodies.</p>

ID	Ref	Description	Inspectorate's comments
3.2.14	Paragraph 8.2.3 (iii) and (v)	Habitats and wintering birds	<p>The Applicant should ensure the habitat survey area, as informed by the Zone of Influence for the Proposed Development, includes all land necessary to inform the determination of important ecological features that could be subject to likely significant effects, this should also include the consideration of relevant pathways. The ES should clarify the ZoI and how this has informed the study area. Paragraphs 8.2.1 and 8.2.2 in the Scoping Report acknowledge that the ZoI for ecological features varies but then paragraph 8.2.3 specifies set distances without further justification. Furthermore, this should not be limited, without justification to land without access constraints, where barriers to access preclude this, or access has been unreasonably refused, alternative mechanisms for gaining access should be considered.</p>
3.2.15	Paragraph 8.2.3 (iv)	Breeding Bird Surveys	<p>The Inspectorate notes reference to surveys being undertaken in the site and 'adjacent boundary habitats viewable from within the Site' and 'targeted checks for evidence of nesting species' for the access road and adjacent land only. The Inspectorate at present is not clear on the rationale of surveying 'habitats viewable from within the Site' only and whether the use of targeted surveys at limited times and days is representative.</p> <p>This also appears to contradict information in Paragraph 8.4.27 of the Scoping Report which references surveys for Schedule 1 listed species within 100m of the access road and the connections. Clarification and justification for the surveys undertaken should be provided in the ES and agreement should be sought with relevant consultation bodies.</p> <p>Additionally, CWC state that Barn Owls are present on the site and therefore the Applicant should consider the need for further survey work to ensure the baseline is reliable.</p>

ID	Ref	Description	Inspectorate's comments
3.2.16	Paragraph 8.4.44	Bats	The Inspectorate notes the information gathered to date and the justification for not carrying out further surveys, however the Inspectorate notes that paragraph 7.5.3 of the Scoping Report notes that; <i>'Additional lighting is likely to be required during construction and decommissioning, which would be use in periods of poor visibility during normal working hours (e.g. the start and end of the working day during the winter months)'</i> The Applicant should ensure any potential impacts relating to this lighting are assessed. The Applicant should ensure that this approach is agreed with relevant consultation bodies and the measures stipulated in the justification are secured through construction management plans and the dDCO.
3.2.17	Paragraph 8.4.50	Badgers	The Scoping Report states that surveys have been undertaken in the Solar Array Development Site, however it is unclear as to whether this includes the cable and transportation routes. The Applicant should ensure that surveys are undertaken for all areas which have the potential to result in likely significant effects on badgers. It is noted that further surveys will be reviewed if works are required within 30m of an active sett. The Applicant should ensure that the ES is informed by surveys to determine the presence and absence of setts and their classification and level of activity.
3.2.18	Paragraph 8.4.69	Frodsham Windfarm (existing development)	The ES should clearly set out how the Proposed Development would affect any land that has been designated as mitigation for the operational Frodsham Windfarm. The Inspectorate notes the commitment to consider whether additional mitigation/compensation measures are required as a result of the impacts of the Proposed Development on the Frodsham Windfarm.
3.2.19	Paragraph 8.7.5	Lighting	The Inspectorate notes that paragraph 7.5.3 of the Scoping Report states that under certain circumstances additional lighting will be required. The ES should be clear as to how this additional lighting will be assessed and should clearly describe the full extent and

ID	Ref	Description	Inspectorate's comments
			<p>characteristics of any proposed lighting. Furthermore, in relation to human disturbance, the ES should be clear as to whether this lighting has been considered separately or as part of the assessment for human disturbance.</p>
3.2.20	NA	Confidential Annexes	<p>Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.</p>

### 3.3 Flood Risk, Drainage and Surface Water

(Scoping Report Section 9.0)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	Table 9.6	Water pollution from increased siltation – operation	<p>The Applicant proposes to scope out water pollution from increased siltation during operation on the basis that impacts are unlikely to occur due to there being no exposed soils.</p> <p>Given the operational nature of the Proposed Development, the Inspectorate agrees to scope this matter out of further assessment.</p>

ID	Ref	Description	Inspectorate's comments
3.3.2	Paragraphs 3.3.16, 9.5.3 and 9.5.4	Watercourse crossings	<p>Paragraph 3.3.16 of the Scoping Report identifies that the underground grid connection option would be constructed by a combination of trench cut and backfilling, and Horizontal Directional Drilling (HDD) to navigate beneath the River Weaver. Further potential crossings of waterbodies are referred to in paragraphs 9.5.3 and 9.5.4 of the Scoping Report, but no further details are provided. The ES should describe the number, location and types of watercourse crossings required for the Proposed Development and assess impacts where there is the potential for significant effects to occur. Effort should be made to agree the approach and appropriate location(s) with the relevant consultation bodies and should drilling fluid be used in construction, a breakout plan should be produced, submitted and secured in the application.</p>
3.3.3	Paragraph 9.2.1	Study area	<p>The Scoping Report proposes a 1km study area to identify water bodies and downstream receptors that could be affected by the Proposed Development. The Inspectorate considers that the ES should clearly define the study area based on the ZoI, the hydrology</p>

ID	Ref	Description	Inspectorate's comments
			of the site and potential for significant effects. Consideration of upstream receptors should also be included where appropriate.
3.3.4	Paragraphs 9.4.12 and 9.4.14	Flood Defences	The site lies within an area benefitting from flood defences however, limited information has been provided regarding these defences. Additionally, the Scoping Report highlights the potential for ground and fluvial flooding should a failure of the Environment Agency (EA) pumping stations which serve Frodsham Marshes and Ince Marsh occur. The ES should locate, identify and describe the type of flooding and flood defences as well as any other assets which may have implications on flooding/flood risk, their condition and who is responsible for their maintenance. Impacts to/from these flood defences and assets should be assessed in the ES where there is the potential for likely significant effects to occur and their influence on the impacts to/from flooding should be described. This should take into account the most up to date climate change projections to inform a worst-case scenario, particularly in relation to breach events.
3.3.5	Paragraph 9.6.2	Flood Risk Assessment (FRA)	The Inspectorate notes the Applicant's intention to include a FRA as a standalone report to be included within the Technical Appendices of the ES. The FRA should be based on the requirements of the Environment Agency standing advice. This should include a description of how the Proposed Development satisfies the requirements of the sequential and exception tests, where relevant. The sequential test should consider alternative development sites in addition to locating the development in areas of the site at lowest risk. The FRA should demonstrate that the Proposed Development includes suitable mitigation measures and flood resilient construction that will allow the development to remain operational for its 40-year lifespan. This includes confirming that all the flood sensitive equipment associated with the Proposed Development remains operational during a 0.1% event. Furthermore, the FRA should consider the surface water drainage/flood risk impacts that may occur

ID	Ref	Description	Inspectorate's comments
			<p>off site and the potential of increased flood risk beyond the site boundary. This should include consideration of the potential for the solar installation to increase the rate of runoff from the site. The Applicant's attention is drawn to the comments from the Environment Agency (Appendix 2 of this Opinion) regarding the FRA.</p>
3.3.6	Paragraph 9.4.22	Receptors	<p>Paragraph 9.4.22 of the Scoping Report lists the receptors identified from the baseline review which could be potentially susceptible to environmental effects from flooding and drainage during the construction, operational and decommissioning phases.</p> <p>Groundwater has been included as a receptor, but no reference has been made to any abstractions. Any potentially impacted permitted or private water supplies should be identified and included in the assessment where there is the potential for likely significant effects to occur</p>
3.3.7	N/A	Effects of vibration on flood defences	<p>The Applicant should consider the effects of vibration on the structural integrity of flood defences located on site. This should include consideration of all works with potential to act as vibration sources in proximity to the flood defences for all phases. The Applicant should ensure any potential interaction of impacts are assessed for this matter with appropriate cross-referencing to relevant ES chapters.</p>



### 3.4 Ground Conditions

(Scoping Report Section 10.0)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.1	Paragraph 10.5.16 and Table 10.6	Effects on human health arising from contamination through dermal, ingestion and inhalation pathways during operation and decommissioning	<p>The Inspectorate, having considered the information provided within the Scoping Report agrees that significant effects on human health from exposure to contamination during operation are unlikely to occur and agrees to scope this matter out from further assessment</p> <p>However, given the potential for the effects of decommissioning to be similar to those of the construction phase and based on the information available, the Inspectorate does not agree to scope out an assessment of the effects of contamination on human health during decommissioning at present.</p>
3.4.2	Paragraph 10.5.7 and Table 10.6	Human health (UXO) during operation and decommissioning	<p>The Inspectorate, having considered the information provided within the Scoping Report agrees that significant effects on human health from UXO during operation and decommissioning are unlikely to occur and agrees to scope this matter out.</p>
3.4.3	Paragraph 10.5.13 and Table 10.6	Controlled waters (potential for remobilisation of contaminants during operation and decommissioning)	<p>The Inspectorate, having considered the information provided within the Scoping Report agrees that significant effects during operation are unlikely to occur and agrees to scope this matter out, however, given the baseline conditions, the Inspectorate considers there is potential for contamination events to occur during decommissioning of the Proposed Development. The ES should assess impacts from decommissioning to controlled waters where there is the potential for significant effects to occur. Best practice measures should be employed and secured via the dDCO to ensure any potential pollution impacts are minimised.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.4	Paragraph 10.5.21 and Table 10.6	Ecological receptors (Site of Special Scientific Interest (SSSI)/SPA) during operation and decommissioning	The Applicant's attention is drawn to ID 3.4.3. Given the potential for contamination events to controlled waters to occur during construction and decommissioning of the Proposed Development, the Inspectorate considers that this has the potential to impact ecological receptors during these phases. The ES should assess the impacts from decommissioning of the development where there is the potential for significant effects to occur. Cross reference should be made to the biodiversity assessment of the ES.
3.4.5	Paragraph 10.5.19 and Table 10.6.	Property (potential for instability/aggressive conditions to sub-surface structures) during operation and decommissioning	The Inspectorate, agrees that considering the location and nature of the Proposed Development, that significant effects on property from the potential for instability/settlement during operation and decommissioning are unlikely to occur and agrees to scope this matter out.
3.4.6	Paragraph 10.5.16 and Table 10.6	Livestock (potential for exposure if deeper dredging soils introduced to surface soils) during operation and decommissioning	The Inspectorate notes that the Applicant proposes to scope out the effects of the introduction of deeper dredging soils to surface soils on grazing livestock. Given the limited information provided within the Scoping Report regarding known contaminant levels, grazing regimes and mitigation measures, the Inspectorate does not agree to scope this matter out. The ES should assess the impacts from all phases of the development where there is the potential for likely significant effects to occur.

### 3.5 Cultural Heritage and Archaeology

(Scoping Report Section 11.0)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.1	Table 11.5	Direct impacts on heritage assets – operation and decommissioning	<p>The Applicant proposes to scope this matter out on the basis that likely significant direct impacts of the Proposed Development on heritage assets would be limited to the construction phase. The Scoping Report states that the operational phase would not result in ground disturbance and below ground disturbance during decommissioning would be limited.</p> <p>The Inspectorate agrees that significant effects during operation and decommissioning are unlikely to occur and this matter can therefore be scoped out of the ES.</p>
3.5.2	Table 11.5 and paragraph 3.4.3	Direct impacts along the access road – all phases	<p>The Inspectorate notes that the proposed access road follows an existing route which, the Applicant considers likely to have disturbed or truncated any archaeological remains within its footprint and therefore no further significant effects on buried remains are anticipated.</p> <p>The Inspectorate notes however, the intention listed in paragraph 3.4.3 of the Scoping Report to upgrade existing site tracks / access roads and construction of new tracks. The Inspectorate agrees to scope this matter out for operation and decommissioning. However, in the absence of further detail relating to the extent of works required along the access roads, the Inspectorate cannot agree to scope this matter out for the construction phase. The ES should include an assessment of direct impacts on archaeological assets along the access roads for the construction phase where any upgrades / works are planned.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.3	Table 11.5	Settings impacts on designated heritage assets within the defined study areas – decommissioning	<p>The Scoping Report states that the removal of above ground infrastructure and restoration to similar conditions to that which prevail at present is unlikely to result in any adverse heritage setting impacts as it will be a return to the current baseline. The Inspectorate notes that the anticipated duration of the decommissioning phase is between 12 and 24 months.</p> <p>The Inspectorate would expect to see further detail within ES as to why significant effects on designated heritage assets during decommissioning are not likely occur. Provided the ES contains suitable justification/detail, the Inspectorate agrees to scope this matter out.</p>
3.5.4	Paragraph 11.5.5	Designated heritage assets not within the ZTV and not identified as having key views - operation	<p>The Applicant proposes to scope out from further assessment, designated heritage assets, within the defined study areas not within the ZTV and not identified as having key views which may include the Proposed Development. The Inspectorate agrees to scope this matter out, however, the ES should fully justify the choice of heritage assets included in the setting assessment and their locations should be depicted on a supporting plan. Effort should be made to agree the approach and sensitive receptors with relevant consultation bodies.</p> <p>The assessment should be supported by appropriate visualisations such as photomontages to help illustrate the likely impacts of the Proposed Development. Effort should be made to agree the assessment approach, sensitive receptors and appropriate viewpoint locations for visualisations with relevant consultation bodies including local authorities and Historic England. The Inspectorate also considers that the setting influence of assets may extend beyond their strict designation boundary and that the wider landscape context should be considered in the assessment where relevant. Cross-reference can be</p>

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
			made to the Landscape and Visual ES assessment to avoid duplication.
3.5.5	Paragraph 11.5.9	Detailed assessment of cultural heritage impacts – decommissioning	The Inspectorate considers that there is potential for decommissioning stage effects on buried archaeological resource, such as the potential for harm due to compaction, removal of piles, and subsequent potential changes in drainage patterns. The Inspectorate does however note the limitations on the assessment at this stage. The Inspectorate does agree that this matter can be scoped out, however would expect to see a draft oDEMP or security to produce one in the application documentation to ensure that such matters will be considered at a later stage.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.5.6	Section 11.2	Study area	Section 11.2 of the Scoping Report sets out the proposed study areas for the assessment. For the assessment of setting, the study area should be agreed with the relevant consultation bodies and informed by the visual analysis in the form of understanding the ZTV.
3.5.7	Figure 11.2	Study area	The Inspectorate notes that the study areas depicted on Figure 11.2 of the Scoping Report do not include the access roads or the Protos private wire connection. Given that the Protos connection would require trenching (following the existing access road) and that paragraph 3.4.3 of the Scoping Report lists the intention to upgrade existing site tracks / access roads and construction of new tracks, the Inspectorate considers that the ES should also assess the potential for effects on heritage assets along the access roads and Protos private wire connection route.

ID	Ref	Description	Inspectorate's comments
3.5.8	11.4.21 and Table 11.5	Receptors	CWCC raise in their consultation response (see Appendix 2 of this opinion) that Overton, Five Crosses (Frodsham) Conservation Area should be added to the designated heritage assets located between 1km and 3km from the site. They also request that the setting of Helsby Hill should be considered despite being outside the 5km boundary.

### 3.6 Climate Change

(Scoping Report Section 12.0)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1	Table 12.3	<p>Climate change effects during decommissioning and construction from:</p> <ul style="list-style-type: none"> <li>• Increase in winter precipitation</li> <li>• Decrease in summer precipitation</li> <li>• Increased frequency and magnitude of wind and storms</li> <li>• Increase in summer temperatures</li> <li>• Changes in cloud cover</li> <li>• Sea level rise</li> </ul>	<p>The Inspectorate agrees that changes in precipitation, frequency and magnitude of wind and storms, summer temperatures, changes in cloud cover and sea level rise as a result of climate change are unlikely to give rise to significant effects on the construction and decommissioning phases of the Proposed Development. Therefore, the Inspectorate is content to scope these matters out, however the ES should explain how the development has been designed to be resilient to such effects.</p>
3.6.2	Paragraph 12.5.3, 12.5.5 and Table 12.3	<p>Changes in water availability (climate change resilience) – all phases</p>	<p>Paragraph 12.5.3 of the Scoping Report identifies the potential for changes in water availability to result in more acid soils and/ or water which can increase the deterioration of building materials. Given that the Scoping Report states that materials used will be chosen to be appropriate for existing ground conditions and would be able to withstand changes in soil acidity as a result of changes in water availability, the Inspectorate is content to scope this matter out. The ES should ensure that appropriate security is provided within the dDCO to ensure use of such materials.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.3	Paragraph 12.5.4 and Table 12.3	Changes to snow and ice (climate change resilience) – all phases	The Inspectorate agrees to scope this matter out on the basis that UKCP18 predictions anticipate less snow and ice than the current baseline and that the risk from snow and ice is not anticipated to increase with climate change.
3.6.4	Table 12.3	GHG emissions of the following during operation and decommissioning: <ul style="list-style-type: none"> <li>• Raw material extraction, manufacturing of products and transportation of raw materials to the place of manufacturing</li> <li>• Transportation of product to the Proposed Development</li> <li>• Emissions from onsite construction activities</li> <li>• Transportation of construction materials (where not included in the product-stage embodied GHG emissions)</li> <li>• Loss of peat</li> </ul>	The Inspectorate agrees to scope these matters out on the basis that impacts would be limited to the construction phase only, for which a construction phase assessment for each of the listed potential impacts has been proposed.
3.6.5	Paragraph 12.5.7 and Table 12.3	Travel of construction workers (GHG emissions) – all phases	The Applicant proposes to scope this matter out on the basis that emissions from the travel of construction workers are expected to be negligible in context of the other sources of emissions during construction and the overall GHG emission savings associated with the Proposed Development. In the absence of further detail, the



ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			Inspectorate cannot agree to scope this matter out at this time. The Inspectorate would expect potential GHG emissions associated with the travel of construction workers to be characterised within the ES and an assessment of impacts provided where there is the potential for likely significant effects to occur.
3.6.6	Paragraph 12.5.7 and Table 12.3	Energy consumption from the provision of clean water and treatment of wastewater – all phases	The Applicant proposes to scope this matter out on the basis that energy consumption from the provision of clean water and treatment of wastewater is expected to be negligible in context to the overall GHG emission savings. In the absence of further detail, the Inspectorate cannot agree to scope this matter out at this time. The Inspectorate would expect potential GHG emissions associated with the travel of construction workers to be characterised within the ES and an assessment of impacts provided where there is the potential for likely significant effects to occur.
3.6.7	Table 12.3	GHG emissions of the following during construction and decommissioning: <ul style="list-style-type: none"> <li>• Leakage of GHGs</li> <li>• Energy generated</li> </ul>	The Inspectorate agrees to scope these matters out on the basis that impacts would be limited to the operational phase only, for which an operational phase assessment for each of the listed potential impacts has been proposed.
3.6.8	Paragraph 12.5.7 and Table 12.3	Energy consumption, material and waste generation from ongoing site maintenance – all phases	The Applicant proposes to scope this matter out on the basis that operational emissions related to maintenance are expected to be negligible in context to the overall GHG emissions. Although limited information is provided within the Scoping Report with regard to the potential energy consumption and material and waste generation, considering the nature of the Proposed Development, the Inspectorate agrees to scope this matter out.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.9	Paragraph 12.5.7 and Table 12.3	GHG emissions of the following during construction and operation: <ul style="list-style-type: none"> <li>• Emissions from onsite decommissioning activities</li> <li>• Transportation and disposal of waste materials</li> </ul>	The Inspectorate agrees to scope these matters out on the basis that impacts would be limited to the decommissioning phase only, for which a decommissioning phase assessment for each of the listed potential impacts has been proposed.
3.6.10	Paragraph 12.5.7 and Table 12.3	Travel for workers during decommissioning	The Applicant proposes to scope this matter out on the basis that emissions from the travel of workers associated with decommissioning are expected to be negligible in context of the other sources of emissions during decommissioning and the overall Greenhouse Gases (GHG) emission savings associated with the Proposed Development. The Applicant's attention is drawn to ID 3.6.5. In the absence of further detail, the Inspectorate cannot agree to scope this matter out at this time. The Inspectorate would expect potential GHG emissions associated with the travel of decommissioning workers to be characterised within the ES and an assessment of impacts provided where there is the potential for likely significant effects to occur.

### 3.7 Noise and Vibration

(Scoping Report Section 13.0)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.7.1	Table 13.1	Noise and vibration associated with plant and machinery	The Inspectorate, having considered the information provided in the Scoping Report and supporting Appendix 13.1: Noise Impact Assessment, agree that noise and vibration effects during all phases of the Proposed Development associated with plant and machinery are unlikely to give rise to significant effects, this is however dependent on embedded mitigation being secured through environmental management plans, providing this is demonstrated in the application documentation and agreed with relevant consultation bodies, the Inspectorate agrees that this matter can be scoped out.
3.7.2	Table 13.1	Impacts associated with Proposed Development traffic movements	The Inspectorate agrees that the increase traffic movements associated with the Proposed Development at all phases are unlikely to result in significant effects relating to noise and vibration and therefore this matter can be scoped out.

ID	Ref	Description	Inspectorate's comments
3.7.3	13.4.4	Sensitive Receptors	<p>CWCC have raised in their scoping response that a Gypsy and Traveller site is located near to the Proposed Development site. The Inspectorate would expect an assessment to include all sensitive receptors likely to experience a significant effect.</p> <p>Furthermore, the Scoping Report appears to focus assessment on residential receptors. Particularly as a result of the location of the Proposed Development, the assessment should also consider all potential ecological receptors.</p>

ID	Ref	Description	Inspectorate's comments
			Receptors should be discussed and where possible agreed with relevant consultation bodies.

### 3.8 Socioeconomics, Land use and Tourism

(Scoping Report Section 14.0)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.8.1	Paragraphs 14.5.4, 14.5.25 and Table 14.2	Employment and GVA (direct and indirect) and skills and training effects during constructional phases of the Proposed Development.	The Inspectorate notes the comments in the Scoping Report relating to the duration of construction and the number of workers required in relation to GVA for the local, regional and national area. The Inspectorate agrees as a result of the limited number of jobs to be created during construction, that this matter can be scoped out.
3.8.2	Paragraphs 14.5.8, 14.5.18 and Table 14.2	Workplace population and demand for social and community infrastructure during all phases of the Proposed Development	<p>The Inspectorate agrees that considering the number of construction workers required, duration of the construction and decommissioning period, geographical and demographic information provided, the construction workforce can reasonably be accommodated within the region. Therefore, limiting any permanent immigration of construction workers. The Inspectorate agrees that this matter can be scoped out.</p> <p>The Inspectorate notes the demands would be very low during operation and therefore, noting the above, agrees that this matter can be scoped out for operation.</p>
3.8.3	Paragraph 14.5.9 and Table 14.2	Economic effects on volume and value of local tourism during all phases of the Proposed Development	The Inspectorate notes the geographical location and separation from the nearest settlements and commitment to not route construction traffic through these settlements. However, tourism is not limited to these settlements. As such, the Inspectorate would expect the assessment to consider wider tourism impacts such as users of the Weaver Navigation canal, other watercourses and PRoW in and around the site. As such, without such information, the Inspectorate is not content to scope this matter out.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.8.4	Paragraphs 14.5.11, 14.5.27 and Table 14.2	Effects on recreational use of Public Rights of Way (PRoW) and National Cycle Network (NCN) during all phases of the Proposed Development	<p>The Inspectorate understands the view of the Applicant and in principle agrees that this matter is unlikely to result in significant effects however in the absence of the following information, the Inspectorate is not able to agree to this matter being scoped out at this stage.</p> <ul style="list-style-type: none"> <li>• Local Authority agreement of the usage of routes; and</li> <li>• Further design information to ensure that routes are not required to be permanently built upon;</li> <li>• Confirmation that routes can be diverted; and</li> <li>• Fenced if required for safety.</li> </ul> <p>The Inspectorate agrees however that providing no permanent changes are made to routes and buffers are secured through the dDCO, this matter can be scoped out.</p>

### 3.9 Traffic and Transport

(Scoping Report Section 15.0)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.9.1	Paragraph 15.3.18 and Table 15.3	Severance during all phases	The Inspectorate notes that during peak construction periods, traffic is likely to increase by less than 10% and less than 30% of HGV movements. Furthermore, with the implementation of a Construction Traffic Management Plan (CTMP) and a Travel Plan which should address any requirements of closing roads or lanes or implementing diversions, that significant effects are unlikely and as such, severance can be scoped out.
3.9.2	Paragraph 15.5.19 and Table 15.3	Impacts on driver and passenger delay during all phases	The Inspectorate agrees that the increase in traffic movements is below a level at which significant effects on driver delay would occur. However, further information would be required on routing and any measures being put in place which may alter the flow of traffic during the construction period specifically. This further information should be shared with the Local Highway Authority. Therefore, at present, this matter cannot be scoped out of the assessment.
3.9.3	Paragraph 15.5.20 and Table 15.3	Impacts on Non-motorised users (NMUs) during all phases	The Inspectorate agrees that the increase in traffic movements is below a level at which significant effects on NMUs would occur. Therefore, this matter can be scoped out of the assessment.
3.9.4	Paragraph 15.5.21 and Table 15.3	Impacts on Pedestrian and Cyclist Amenity/ Fear and intimidation during all phases.	The Applicant's attention is drawn to ID 3.8.4. The Inspectorate deems that at present, considering the information provided, that there is uncertainty on the potential impacts on PRoWS and the NCN. As such, this matter cannot at present be scoped out without further clarification and agreement from relevant consultation bodies.

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.9.5	Paragraph 15.5.25 and Table 15.3	Accidents and safety during all phases	The Inspectorate agrees that a 10% increase in traffic cannot be directly related to an increase in accidents or reduction in safety leading to significant effects. Measures relating to ensuring safety of users of the road and public footpath network should be secured through the oCEMP. As such, the matter can be scoped out.
3.9.6	Paragraph 15.5.31 and Table 15.3	Decommissioning effects	The Inspectorate agrees, that providing a commitment to producing an oDEMP is secured through the dDCO, that significant effects are unlikely and therefore this matter can be scoped out.
3.9.7	Paragraph 15.5.26 and Table 15.3	Hazardous Loads	The Inspectorate notes that the current road network currently accommodates vehicles carrying hazardous substances. Furthermore, that the Proposed Development would not require the delivery of hazardous loads. As such, significant effects are unlikely, as such, this matter can be scoped out.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.9.8	Paragraph 8.4.28	Cumulative effects for transport impacts	The Inspectorate notes references to access tracks being used simultaneously with the proposed Hynet development. The assessment should ensure that the EIA considers use by the Proposed Development cumulatively with the proposed Hynet development along with any other projects. Projects to be included should be discussed and agreed with the Local Planning Authority.



### 3.10 Air Quality

(Scoping Report Section 16.0)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	Paragraph 16.5.7 and Table 16.3	Dust (deposition dust and PM <sub>10</sub> / PM <sub>2.5</sub> ) and potential impacts on human and ecological receptors during all phases	The Inspectorate agrees that with the implementation of standard construction management processes, significant effects on air quality during construction operation and decommissioning are unlikely. The Inspectorate however notes that 'a narrow strip of the Mersey Estuary SPA, Ramsar and SSSI falls within the screening distance' and as such the ES should consider the potential for significant effects on this area. Providing that this information is included in the ES, the Inspectorate agrees that this matter can be scoped out.
3.10.2	Paragraph 16.5.11 and Table 16.3	On-road Vehicle Exhaust Emissions (NO <sub>x</sub> , NO <sub>2</sub> , PM <sub>10</sub> and PM <sub>2.5</sub> ) and potential impacts on human and ecological receptors during all phases	The Inspectorate agrees that due to the nature and location of the Proposed Development and the limited vehicle movements required during construction, operation, and decommissioning, that this matter can be scoped out.
3.10.3	Paragraph 16.5.13 and Table 16.3	Non-road mobile machinery (NRMM) and Plant Exhaust Emissions (NO <sub>x</sub> , NO <sub>2</sub> , PM <sub>10</sub> and PM <sub>2.5</sub> ) and potential impacts on human and ecological receptors during all phases	The Inspectorate agrees that the level of NRMM required, noting the nature and location of the development, significant air quality effects are unlikely. Therefore, with the presence of environmental management plans, the Inspectorate agrees to scoping this matter out.

### 3.11 OTHER ENVIRONMENTAL TOPICS

(Scoping Report Section 17.0)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.1	Section 17.2 and Appendix 17.1.	Glint and Glare	<p>The Scoping Report proposes to scope out a Glint and Glare ES Chapter. A preliminary assessment has been undertaken and the report presented in Appendix 17.1. The assessment concludes that significant effects are unlikely following mitigation in the form of planting within the site.</p> <p>The Inspectorate, notes the commitment to revisit this matter through the LVIA as the design evolves, and submit an updated glint and glare assessment as a technical appendix.</p> <p>This should assess a worst-case scenario; the Inspectorate notes the potential for the use of bi-facial panels. In the event that glint, and glare effects are identified, the glint and glare assessment should inform the relevant chapters in the ES, in particular the LVIA. Based on this information, the Inspectorate is content that a standalone ES chapter for Glint and Glare is not required.</p>
3.11.2	Section 17.3 and Appendix 17.2	Agricultural Land	<p>The Scoping Report proposes to scope out an Agricultural Land ES Chapter. An Agricultural Land Classification and Soil Resources survey has been undertaken at the Site and is provided at Appendix 17.2. The assessment concludes that significant effects on Best and Most Versatile (BMV) land are unlikely because the agricultural land quality across the Site is limited to Subgrade 3b and Grade 4. The Inspectorate, based on this information is content that a standalone ES chapter for Agricultural Land is not required.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.3	Section 17.4	Human Health	<p>The Scoping Report proposes to scope out a Human Health ES Chapter noting that matters relevant to human health will be assessed and presented in other chapters of the ES. The Inspectorate notes the presence of a National Grid 400 kV overhead line being present in the Proposed Development site. The ES should demonstrate that the presence of this line will not result in significant effects on human health of anyone using the site during operation, construction or decommissioning. Providing such a justification is present, the Inspectorate is content that a standalone ES chapter for Human Health is not required and agrees that this aspect can be scoped out.</p> <p>This is based on consideration that the effects of the Proposed Development which have the potential to affect human health would be adequately covered within relevant chapters of the ES such as Noise and Vibration; Landscape and Visual; Air Quality; Traffic and Transport; Socioeconomics and Flood risk, Drainage and Surface Water. The ES should ensure sufficient clarification and cross-referencing is present. Consideration should be given to direct and indirect impacts on human health receptors. The assessment should be informed by relevant guidance such as the Institute of Environmental Management and Assessment (IEMA) 2022 guidance 'Determining Significance for Human Health in Environmental Impact Assessment'.</p>
3.11.4	Section 17.5	Major Accidents or Disasters	<p>A standalone Major Accidents and Disasters Chapter is proposed to be scoped out of the ES, with the Scoping Report stating that consideration of risks (i.e. flooding, climate change, fire, road accidents, and glint and glare) will be included within other relevant aspect Chapters including: Flooding; Climate change; Fire (with an</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>Outline Battery Safety Management Plan would be appended to the ES); and Traffic and Transport.</p> <p>The Inspectorate is satisfied that the matters identified can be assessed in other ES Chapters, however it is unclear where an impact such as fire would be assessed. For the avoidance of doubt, the risk of fire associated with battery storage facilities should be assessed in the ES and relevant mitigation should be set out and secured in the dDCO.</p>
3.11.5	Section 17.6	Waste	<p>The Scoping Report proposes to scope out a Waste ES Chapter. The report concludes that significant effects as a result of waste are unlikely due to the recycling value of most the solar panel's component parts. The Inspectorate notes the commitment to revisit this matter through the ES chapter describing the Proposed Development which would include a Construction Site Waste Management Plan (CSWMP) and Decommissioning Resource Management Plan (DRMP).</p> <p>Having noted this, the Inspectorate considers that the ES should assess the likely significant effects from waste at decommissioning to the extent that it is possible at this time. The ES should include estimates, by type and quantity, of expected residues and emissions and quantities and types of waste produced during the construction and operation phases in line with Schedule 4 of the EIA Regulations.</p> <p>As such, the Inspectorate is not content to scope this aspect out.</p>

## APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

**TABLE A1: PRESCRIBED CONSULTATION BODIES<sup>1</sup>**

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Integrated Care Board	NHS Cheshire and Merseyside Integrated Care Board
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	Cheshire Fire and Rescue
The relevant police and crime commissioner	Cheshire Police and Crime Commissioner
The relevant parish council	Ince Parish Council
	Frodsham Town Council
The Environment Agency	The Environment Agency
The Maritime and Coastguard Agency	Maritime and Coastguard Agency
The Maritime and Coastguard Agency - Regional Office	The Maritime and Coastguard Agency - Liverpool Marine Office
The Marine Management Organisation	Marine Management Organisation (MMO)
The Civil Aviation Authority	Civil Aviation Authority
Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	Merseyside Passenger Transport Authority and Executive (Merseytravel)
The Relevant Highways Authority	Cheshire West and Chester Council (CWCC)

<sup>1</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
	Halton Borough Council
The relevant strategic highways company	National Highways
The Canal and River Trust	The Canal and River Trust
Trinity House	Trinity House
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	United Kingdom Health Security Agency

**TABLE A2: RELEVANT STATUTORY UNDERTAKERS<sup>2</sup>**

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	The Forestry Commission
The Office for Nuclear Regulation (the ONR)	The Office for Nuclear Regulation (the ONR)
The relevant NHS Trust	Northwest Ambulance Service NHS Trust
Railways	Network Rail Infrastructure Ltd
	National Highways Historical Railways Estate
Canal Or Inland Navigation Authorities	Association of Inland Navigation Authorities (AINA)
Dock and Harbour authority	Peel Ports
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group

<sup>2</sup> 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
Homes and Communities Agency	Homes England
The relevant water and sewage undertaker	United Utilities
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Last Mile Gas Ltd
The relevant electricity distributor with CPO Powers	Leap Gas Networks Limited
	Quadrant Pipelines Limited
	Squire Energy Limited
	National Gas Transmission plc
	Eclipse Power Network Limited
	Energy Assets Networks Limited

STATUTORY UNDERTAKER	ORGANISATION
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
	SP Manweb Plc
	Squire Energy Metering Ltd
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operation Limited



**TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))<sup>3</sup>**

<b>LOCAL AUTHORITY<sup>4</sup></b>
Warrington Borough Council
Wrexham County Borough Council
St Helens Council
Wirral Metropolitan Borough Council
Cheshire East Council
Cheshire West and Chester Council
Halton Borough Council
Knowsley Metropolitan Borough Council
Shropshire Council
Liverpool City Council
Flintshire County Council

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<sup>3</sup> Sections 43 and 42(B) of the PA2008

<sup>4</sup> As defined in Section 43(3) of the PA2008

**TABLE A4: NON-PRESCRIBED CONSULTATION BODIES**

<b>ORGANISATION</b>
Liverpool City Region Combined Authority
Royal National Lifeboat Institution

## **APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES**

<b>CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:</b>
Canal and River Trust
Cheshire West and Chester Council
Environment Agency
Knowsley Council
National Gas Transmission
National Grid Electricity Transmission
NATS Safeguarding
Natural England
Office for Nuclear Regulation
Shropshire Council
SP Energy Networks
UK Health Security Agency



**Canal &  
River Trust**

Making life better by water

Secretary of State  
The Planning Inspectorate  
Environmental Services  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Your Ref EN010153-000007

Our Ref

Tuesday 27<sup>th</sup> June 2023

BY EMAIL ONLY [frodshamsolarfarm@planninginspectorate.gov.uk](mailto:frodshamsolarfarm@planninginspectorate.gov.uk)

Dear Sir/Madam,

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11**

**Application by Frodsham Solar Limited (the Applicant) for an Order granting Development Consent for the Frodsham Solar project (the Proposed Development)**

Thank you for your consultation on the Environmental Impact Assessment Scoping Opinion.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation.

The proposed works are for a solar energy generating station and supporting infrastructure (including connection to the local electricity distribution network and private wire electricity connection(s)).

The proposal is sited within proximity to the Weaver Navigation, which runs to the north of the Proposed Development site. Please note, the Weaver Navigation runs parallel to the River Weaver at this point. The Trust is neither owner nor navigation authority for the River Weaver at this point. The Trust own the Weaver Navigation to the north of the site, its towpath on the north side of the Navigation, and the bank along the south of the Navigation which includes sections of PROW Footpath 13. Additionally, the Trust own and manage Sutton Swing bridge to the east of the site and the Daniel Adamson Mooring and associated moorings, located on north bank of the Weaver Navigation.

The Trust would wish to see any potential impacts on; our waterway users (e.g. boaters, towpath users and wildlife); infrastructure (the waterway, bridges, culverts, or cuttings etc); or the habitats that our waterway support; fully identified and addressed within any Environmental Statement and supporting application documents. It would be important to safeguard the environmental quality, structural integrity and navigational safety along the Weaver Navigation both during construction and operation of the development.

The sections below have been ordered as set out in the EIA scoping report.

### **Chapter 7 - Landscape and Visual Impact**

The Weaver Navigation is sited to the north of the proposed solar array area, and an associated cable wire connection(s) (design to be finalised) is proposed to cross the Weaver Navigation to its northern bank.

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The submitted Scoping Report outlines the provision to consider both landscape effects (change to physical environment) and visual effects (reflection of change as experience by people) informed by an appraisal of the background context. The Scoping Report recognises potential significant effects from the introduction of new solar panels and associated infrastructure, which would result in direct change to the physical landscape fabric of the site, and effects on visual amenity and views from the surrounding area.

There are potentially significant permanent visual effects to the area post completion which would affect the current landscape character of and experience of the Weaver Navigation, from the waterway and along the towpath and public footpath, which should be fully considered in any submitted Environmental Statement/visual assessment.

The towpath of the Weaver Navigation runs along its north boundary, and there is a PROW (FP13) which follows the south bank of the Navigation, in close proximity to the Proposed Development. We request that FP13 is recognised in Figure 1.5 which outlines the surrounding PROW network and is considered in any assessment.

The provisional list of viewpoints (in Fig. 7.3 and Table 7.3) should include a viewpoint(s) from the Weaver Navigation to consider any potential impact upon views and visual amenity enjoyed by walkers/cyclists along its towpath/public footpath and recreational users of the river. Boaters should be included as receptors that are likely to experience views of the proposal as they will experience transient views of the site at a slow pace like passing walkers.

The Weaver Navigation, its towpath and FP13, are recognised corridors for recreational outdoor provision and sustainable active travel for local communities, well frequented for their amenity value. The Weaver Navigation and its towpath/footpath, and its users (boaters, water and towpath/footpath users) should be recognised as potential receptors with high sensitivity within any LVIA/visual assessment, as both landscape receptor and visual receptors, and should be acknowledged as representative viewpoints, based on the value of the landscape character and amenity of Weaver Navigation to its users.

There is opportunity to mitigate the visual impact of the development from the waterway in terms of design, layout and screening to minimise any visual impact upon the waterway. The details of any necessary mitigation, during construction or future operation, should be fully considered.

It would be appropriate for any cable grid connection that would cross the Weaver Navigation to be located underground to minimise any visual impact upon the river corridor. Any above ground cable crossing(s) would require an assessment of the potential visual impacts of such infrastructure, and how any impact on landscape character would be mitigated against.

Chapter 7 states that a preliminary Glint and Glare Assessment has been conducted, which has identified aviation, residential properties and road users as receptors, and that screening would provide sufficient mitigation. An updated Glint and Glare Assessment will be prepared reflecting the final design.

The National Planning Practice Guidance (NPPG) on Renewable and Low Carbon Energy outlines that, with regard to large scale ground mounted solar farms, consideration should be given to the effect on landscape of glint and glare on neighbouring uses. There is no standardised methodology for assessing the impact of glint and glare.

The Glint and Glare Study makes no reference to the Weaver Navigation and does not appear to have considered potential impacts on users of the river and its pathways. As such, in the absence of standardised methodology for assessing the impact of glint and glare from solar photovoltaic panels upon surrounding receptors, and given the location of the Weaver Navigation in relation to the proposal, the Trust would request that appropriate consideration is given to the users of the river with regard to potential glint and glare.

## **Chapter 8 - Ecology and Nature**

The Scoping Report refers to the preparation of a Preliminary Ecological Appraisal and baseline ecological surveys, however these ecological assessments have not considered the potential impact of the two wire connection(s) proposed to cross to the northern bank of the Weaver Navigation, which may give rise to ecological impacts e.g: potential habitat loss. The scoping report acknowledges that 'connections' were not fully included, however proposed works within these areas will be subject to further surveys (8.4.18), which is welcomed. Any work/cable connection that would cross the corridor (over or under) would need to consider any potential impacts on habitats

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along the Weaver Navigation e.g. vibration, excavation, habitat loss, or sediment mobilisation. It is important that this green corridor is protected and not severed by the works. The Trust consider that an underground cable crossing across the Weaver Navigation would be less intrusive in ecological terms.

The value of the Weaver Navigation as an ecological corridor, and its water quality, should be assessed as a receptor. Its ecological habitat and connectivity, and water quality, along its corridor must be protected during and post construction works, with consideration being given to protecting wildlife from water and light pollution during construction and operation of the development, providing mitigation/enhancement where appropriate. Measures to safeguard the ecological value of the Weaver Navigation should be included in the Outline Construction Environmental Management Plan (OCEMP) to be prepared at a later stage.

## **Chapter 9 – Flood Risk, Drainage and Surface Water**

Any assessment of waterbodies in connection with the proposal should include the Weaver Navigation as an identified receptor, which does not appear to have been considered, as there is a possibility of impact during construction works.

The potential effects of the Proposed Development during the construction, operational and decommissioning phases will be considered and evaluated against the receptors described above as part of the EIA. The Trust agree with summary of assessment scope outlined at Table 9.6, subject to assessment of the Weaver Navigation being included.

The Scoping Report outlines that drainage will predominantly be via infiltration. The drainage methods of development can have significant impacts on waterways, and as such the Trust would seek to have drainage details clarified to ensure it is carried out in a safe and appropriate manner to safeguard the Weaver Navigation. The Trust is not a land drainage authority.

## **Chapter 10 – Ground conditions**

It is welcomed that this chapter will consider ground conditions, in relation to contamination and ground stability in connection with the proposal. The Study Area focuses on the Solar Development Array Area and the electrical connection routes, which should include the Weaver Navigation and the associated private cable crossing(s) proposed across the river to its northern bank.

The Scoping Report refers to how the Proposed Development could introduce new pathways for contamination migration, both during construction where contaminants can be mobilised and in the long-term during site operation, including controlled waters. The Trust support that any potential impact to controlled waters during construction is scoped in, which should include the Weaver Navigation, on the basis of the potential for mobilisation of contaminants through disturbance of made ground, contamination in the Inovyn Deposit ground and potential pollution pathways through hydraulic continuity.

The document also refers to further work being required to inform the foundation design of the solar array, which may provide pollution pathways, and that a Piling Risk Assessment will be required. Whilst only shallow foundations are proposed, there is potential for dewatering in the resulting trenches and from site activities and the disposal of pumped water and soil particles should be carefully considered. Rigorous measures should be put in place to prevent any influx of soils/silt/contaminated groundwater into the Weaver Navigation.

Significant quantities of surface water run-off may present a risk to adjacent surface water bodies and shallow groundwater is noted to be in hydraulic continuity with nearby surface waters. These should be assessed and if required, robust measures will be required to prevent the mobilisation of contamination into these waters.

Chapter 10 comments that significant depths of made ground and/or disposed dredgings are present, in varying quantities across the Proposed Development site, and the potential mobilisation of contamination within the ground in therefore a concern. There is limited data for the Inovyn Deposit ground and sampling and analysis should reflect the likely variability of materials within this contamination source.

Any contamination assessment should include the Weaver Navigation and its users, as a sensitive receptor and in any conceptual models with regard to potential contamination, and it should be protected from potential pollution from contaminated sources during the construction and operational phases.

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Any Outline Construction Environmental Management Plan (OCEMP) should include details of working practices or mitigation measures to reduce or eliminate dust generation, unintentional runoff from exposed soils, dust or excavation and specific measures required in relation to potentially contaminated ground.

Our records outline that there is a principal cutting identified along the north boundary of the Weaver Navigation for the duration of the north boundary of the site, and there is a non -principal embankment / retaining wall separating the Weaver Navigation from the River Weaver in the vicinity of the two proposed cable crossing(s).

This chapter within the EIA should also consider ground conditions in terms of the proposed works in close proximity to the waterway infrastructure which could potentially adversely affect the structural integrity of the waterway. It is important to ascertain that no construction work or development in connection with the proposal in close proximity to the Weaver Navigation would adversely affect the structural integrity of the Navigation, including any proposed cable connection under or over the Navigation. Excavation, and development in vicinity of a cutting and waterway has potential to undermine its stability. Depending on the proposed location and design of the cable crossing, the siting and installation of the cable under/over the waterway would need to be assessed and agreed with the Trust to ensure the works do not undermine its structural integrity. It is essential that the structural integrity of the waterway and its supporting infrastructure is not put at risk as part of any of the works, including excavation, earthmoving, drilling, boring, vibrations or the tracking of plant and machinery.

Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set out in paragraphs 174 and 183 of the National Planning Policy Framework (NPPF) and that the responsibility for securing a safe development in terms of land stability rests with the developer (para 184). This is the subject of more detailed discussion in the National Planning Practice Guidance (PPG) which highlights the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

The construction technique and method of works would also need to be agreed with the Trust and carried out in accordance with the Canal & River Trust Code of Practice. <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>. Part 2 of the Code of Practice refers to service crossings and it does not permit overhead utility crossings.

## **Chapter 11 – Cultural Heritage and Archaeology**

The Scoping Report refers to consideration of any potential impact of the Proposed Development on the settings of heritage assets up to 5km from the Site. Nearby Heritage Assets that should also be considered are the Boatman's Shelter (Grade ii listed) to the north of Sutton Swing bridge, Marshgate Farmhouse (Grade ii listed). In addition Sutton Swing Bridge is a non-designated heritage asset and Daniel Adamson Mooring supports the historic provisions of the Daniel Adamson Preservation Society which contribute to landscape character and cultural significance along the Weaver Navigation.

The EIA will need to include an assessment of the impact of the proposed works on the heritage designations and their setting(s). Any impacts would need to be mitigated accordingly to avoid harm to the significance of the assets.

## **Chapter 13 – Noise and vibration**

Potential noise and vibration impacts from construction activities should consider the Weaver Navigation and all its users as receptors.

The Weaver Navigation and its banks should be considered as receptors that are susceptible to vibration. Any works to install cables below/over the canal would need to be carefully managed to avoid any significant vibration that could adversely impact the stability of the waterway.

Any potential use of the access road along the south of the Weaver Navigation and the Sutton Swing bridge should consider any potential vibration, during construction and operational use of this route, to safeguard the

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stability of the access road and the bank of the Weaver Navigation (see also comments below in relation to Transport Impact).

The Weaver Navigation corridor contributes to the health and wellbeing of the nearby residents and recreational users. We consider that users of the Weaver Navigation (including boaters, moorings and towpath users) should be considered as receptors in terms of noise and vibration, during construction and future operation, and considered in any mitigation proposal.

#### **Chapter 14 - Socio economics, land use and tourism.**

The Weaver Navigation is a recognised corridor for recreational pursuits, contributing to local economy, tourism and health and well-being as an opportunity for outdoor activities and sustainable active travel. There is an angling agreement along the Weaver Navigation. Any potential impact upon these recreational functions and moorings (e.g. boaters, anglers) should be included in any assessment upon surrounding tourism and recreational amenity.

There is a commercial mooring agreement with the Daniel Adamson Preservation Society for The Danny (a steam powered passenger boat) at the mooring near Sutton Swing bridge. Any potential impact of the Proposed Development upon the above mooring should be considered. Any potential impact upon the recreational and tourist use of the Weaver Navigation, including moorings, should be considered, during construction and operation.

The Trust owns and is navigation authority for the Weaver Navigation. Any development should not compromise the safe operation or navigation of the Weaver Navigation or reduce or compromise its navigational envelope (e.g. as a result of an overhead crossing). The navigational safety and use of the Weaver Navigation should not be prejudiced by the proposal, at construction or operational stage.

#### **Chapter 15 – Transport Impact**

The Scoping report indicates that the main access and construction routes would not cross the Weaver Navigation, which is welcomed.

Sutton Swingbridge on the A56 is owned by the Trust and has height, width and weight restrictions which may affect the proposed construction traffic routes. The aforementioned access road is used by several organisations including the Trust (for access to Marsh Lock), where access is required permanently and access needs to be retained during construction and in the long term. The road is narrow and further restricted by the railway viaduct. The southern part of the access road is very close to the bank of the Weaver Navigation.

Any use of the access road along the south bank of the Weaver Navigation and swing bridge (via J12 of M56) during construction and operation, should give full consideration to impact on this infrastructure, including the impact of construction traffic on the route and on the stability of the river bank.

Any temporary stoppages or towpath closures required in connection with the works, including any underground cable crossing, should be considered well in advance of the works, and measures put in place to minimise any impact on the Navigation and users of the waterway.

#### **Chapter 16 – Air Quality**

The Scoping Report indicates that assessment of potential impact from construction dust has been scoped out on the basis that it can be mitigated by working practices. The required management and mitigation of dust would be incorporated into the OCEMP, which would be informed by a dust assessment and submitted with the DCO Application.

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Paragraph 16.5.3 states that the principal source of construction dust would be excavation for underground structures. Therefore construction dust likely to be generated from wire/cable crossings has the potential to impact the Weaver Navigation, and its users.

Any assessment of construction dust should consider the Weaver Navigation and its users (boaters and towpath/footpath users) as sensitive receptors to construction dust. Such users do not appear to have been considered at this stage. Any further 'dust assessment' and appropriate dust mitigation measures to be outlined in the OCEMP should fully consider any impact/mitigation required for the Weaver Navigation.

### Cumulative Impacts

With regard to the proposed HyNet North West Hydrogen Pipeline, the application site is being considered by HyNet as part of the Hydrogen pipeline proposal, with regard to above ground installations and associated works. This should be included in consideration of other major projects in the area and consideration of cumulative impacts.

### Other comments

The Trust owns the Weaver Navigation and the towpath in the vicinity of the Proposed Development and the two proposed cable crossing(s). We note that separate discussions would be needed to take place between the Trust and the applicant in terms of any formal agreements that may be required for crossing our land.

The Trust would be happy to discuss the protective provisions for the Canal & River Trust, as a statutory undertaker, to be included within the draft Order. Please note that the Canal & River Trust as statutory undertaker has specific duties to protect the waterways and it is likely that we will resist the use of compulsory powers which may affect our undertakings or to acquire rights over any of our land. Accordingly, to avoid unnecessary delay and the incurrence of excess costs, any acquisition of Trust land or rights should be arranged voluntarily.

We wish to advise that the applicant is likely to be expected to comply with the Trust's 'Code of Practice for Works affecting the Canal & River Trust' (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>) as the proposal includes works in close proximity to and crossing the Weaver Navigation.

The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team at [Enquiries.TPWNorth@canalrivertrust.org.uk](mailto:Enquiries.TPWNorth@canalrivertrust.org.uk) for more information upon the Code.

The above comments are given without prejudice to any further matters which may be raised by the Trust at a later stage as more details emerge.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

**Rebecca Wyllie BSOCS MA**  
Area Planner

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<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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## Canal & River Trust

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Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

**From:** [FRISTON, Paul](#)  
**To:** [Frodsham Solar Farm](#)  
**Subject:** EN010153-000007 - Frodsham Solar Limited - Scoping consultation  
**Date:** 28 June 2023 18:45:46  
**Attachments:** [EN010153-000007\\_CWCC\\_Cover\\_Letter\\_28\\_6\\_23\\_Frodsham\\_Solar\\_Scoping\\_Opinion\\_Response\\_\(23\\_01780\\_SCO\).pdf](#)  
[EN010153\\_Frodsham\\_Solar\\_CWCC\\_Response\\_to\\_Scoping\\_Report\\_\(May\\_23\)\\_\(28.06.23\)\\_\(23\\_01780\\_SCO\).pdf](#)

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Dear Todd Brumwell,

Further to your letter of 31 May 2023, please find attached Cheshire West and Chester Council's response to the Scoping consultation in respect of the application by Frodsham Solar Ltd in relation to the Frodsham Solar project.

Paul Friston  
Principal Planning Officer  
Cheshire West & Chester Council  
Mobile: [REDACTED]

The Portal Wellington Road Ellesmere Port CH65 0BA

\*\*\*\*\*

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\*\*\*\*\*

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## Development Management

Planning Service  
Cheshire West and Chester Council  
The Portal  
Wellington Road  
Ellesmere Port  
CH65 0BA

Tel: 07786 198 601

Our ref: 23/01780/SCO  
Your ref: EN010153-000007

Please ask for: Paul Friston

Email: [REDACTED]

Web: [cheshirewestandchester.gov.uk](http://cheshirewestandchester.gov.uk)

Date: 28 June 2023

Dear Todd,

## **The Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11**

### **Application by Frodsham Solar Limited (the Applicant) for an Order granting Development Consent for the Frodsham Solar project (the Proposed Development)**

Thank you for your letter of 31 May 2023 relating to the consultation on the Applicant's request for a Scoping Opinion from the Planning Inspectorate on behalf of the Secretary of State.

Having reviewed the 'Frodsham, Solar, Frodsham Marshes, Frodsham, Cheshire West and Chester Environmental Impact Assessment Scoping Report' (May 2023) (Ref SCP.1.1) ("SR"), I am writing on behalf of Cheshire West and Chester Borough Council ("CWCC") to provide the Council's response in relation to the proposed scope of the Environmental Statement ("ES") and the information it considers should be provided in the ES.

The response is provided in the attached document, which comprises two tables; CWCC1) the Council's main response to the EIA Scoping Report and CWCC2) a summary of the assessment scope – CWCC's response to items proposed to be Scoped Out of the ES, along with the following appendices.

Appendix CWCC SR.1 – Landscape Officer's comments  
Appendix CWCC SR.2 – Natural Environment Officer's comments  
Appendix CWCC SR.3 – CWCC Lead Local Flood Authority comments  
Appendix CWCC SR.4 - Natural England letter 16 May 2022



For ease, I have identified the key aspects where CWCC currently consider aspects proposed by the Applicant to be Scoped Out should be included in the ES where a likely significant effect may occur.

<b>SR Chapter</b>	<b>Topic</b>	<b>Comment</b>
Landscape & Visual Effects	Effects on National Character Areas	<b>Not Agreed</b> Scoping out of the assessment of National Character Areas requires more justification.
	Residential Visual Amenity	<b>Not Agreed</b> (for Operation) Further information / assessment is required.
Ecology & Nature Conservation	Impacts to common and widespread habitats of low sensitivity and/or conservation interest	<b>Not Agreed</b> The impact on Cell 2 and Cell 5 should not be scoped out as these form part of a habitat management plan for the Frodsham windfarm.
	Breeding Birds	<b>Not agreed</b> (ground nesting in particular) Operational impacts should be scoped back into the assessment.
	Wintering Birds	<b>Not agreed</b> , Operational impacts should be scoped back into the assessment.
	Bats (foraging & commuting)	<b>Not agreed</b> - Wider landscape solar panel effect – survey scope can't be assessed
	Water Vole	<b>Not Agreed</b> (for Water vole) Surveys not progressed, but known population
	Badger	<b>Not Agreed</b> Connections between setts – bait marking survey (impact of fencing site)
	Great Crested Newt / Other amphibians	<b>Not Agreed</b> (survey report not provided)
	Invertebrates	<b>Not Agreed</b> Not convinced over areas being targeted.
Socio-economics, Land Use and Tourism	Effects on existing businesses and organisations operating in the area	<b>Not Agreed</b> for construction and Operation. Further information needed and consideration of any representations from relevant businesses/ organisations.
Other Environmental Topics	Glint and Glare (residential)	<b>Not Agreed</b> (for Operation) Further information / assessment is required.

Please let me know if you require any further information.

Yours sincerely

Paul Friston  
Principal Planning Officer



## **CESHIRE WEST AND CHESTER COUNCIL**

The Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

**Cheshire West and Chester Council's Comments on the Environmental Impact Assessment Scoping Report (May 2023)  
(SCP.1.1) (First Issue)**

**Frodsham Solar Ltd**

**PINS Case Reference EN010153**

**Submitted on Wednesday 28 June 2023**

This document provides in table form Cheshire West and Chester Council's ("CWCC") response to the EIA Scoping Report ("SR"), in respect of Frodsham Solar Limited's ("the Applicant") application for development consent for the Frodsham Solar project ("the Proposed Development"). This response provides details of the information CWCC considers should be provided in the environmental statement as referred to in Regulation 10 (11) of the EIA Regulations 2017. CWCC's comments for PINS deadline of 28 June 2023 are entered below.

The response is provided in two tables: the first providing the detailed responses; and the second providing a summary of aspects proposed to be scoped out by the Applicant, and CWCC views on scoping out.

There are appendices, providing context and additional comment from internal consultees:

Appendix CWCC SR.1 – Landscape Officer's comments

Appendix CWCC SR.2 – Natural Environment Officer's comments

Appendix CWCC SR.3 – CWCC Lead Local Flood Authority comments

Appendix CWCC SR.4 - Natural England letter 16 May 2022

For ease of reference the following abbreviations are used for the Development Plan documents:

Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (adopted 2015) – LP1

Cheshire West and Chester Council, Local Plan (Part Two) Land Allocations and Detailed Policies (adopted 2019) – LP2.

**Table CWCC 1 – CWCC Response to EIA Scoping Report**

ID	SR Reference	Description	CWCC Response	
<b>1. Introduction</b>				
1.1.1	1.1.2	<p>Background</p> <p>The current design for the Proposed Development would enable the generation of approximately 150 megawatts (MW) of electricity, as well as the storage of approximately 50 - 100 MW of electricity in a BESS.</p>	<p>The ES needs to set parameters in terms of the scale of the development.</p>	
1.1.2	1.1.7	<p>The design of the Proposed Development will also include provision of mitigation areas and buffers to sensitive receptors such as watercourses, Public Rights of Way (PROW) and ecological receptors.</p>	<p>i) The ES needs to identify the parameters of mitigation areas and buffers, and include other constraints/consideration of cumulative development (e.g. the Hynet hydrogen pipeline proposals).</p> <p>ii) Clarification over potential off-site mitigation should be provided (e.g. enhancement of Cell 3 mitigation associated with the Frodsham windfarm).</p>	





ID	SR Reference	Description	CWCC Response	
1.1.3	1.2.	Legislative Context and Need for Environmental Impact Assessment	<p>The ES should make reference to Neighbourhood Plans including the draft Frodsham Neighbourhood Plan (FNP). A link to the FNP is provided. <a href="http://infrodsham.uk">Documents (infrodsham.uk)</a>. Reference to the FNP Scoping Report may assist in preparation of the ES.</p> <p>The ES should make reference to <a href="http://publishing.service.gov.uk">North West Inshore and North West Offshore Marine Plan (publishing.service.gov.uk)</a> and marine licensing.</p>	
1.1.4	1.3.3.	Table 1.1 Contents for the Scoping Report based on Advice Note 7	<p>More clarity is required on the content of the ES. Table 1.1. refers to Suggested Scoping Report Contents.</p> <p>More clarity should be provided in terms of the statement “<i>Any existing infrastructure which would be retained or upgraded for use as part of the proposed development and any existing infrastructure that would be removed</i>”; The figures referred to in the SR do not provide sufficient detail on this. Fig’s 1.1 to 1.3 do not clarify this e.g. detailing wind turbines, overhead power lines, pipelines, sub stations, pumping stations, telecommunications). It is clarified at 3.2.2. that there is no removal proposed, but a site constraints map to show infrastructure retained would assist.</p>	
<b>2. The Need for the Proposed Development</b>				
2.1.1	Chapter 2 General	The Need for the Proposed Development	In addition to national policy (2.2) the Need for the Proposed Development in the ES needs to include an assessment of the	

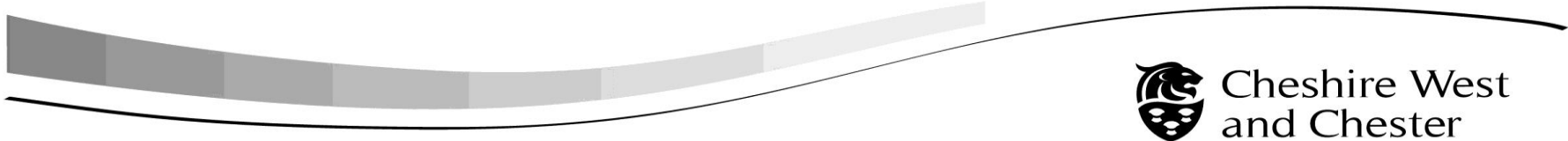
ID	SR Reference	Description	CWCC Response	
			significant effects in relation to local policy and CWCC's declaration of a Climate Change Emergency (2019).	
2.1.2	Chapter 2 General	The Need for the Proposed Development	The ES needs to include as part of the assessment of significant effects how the Proposed Development seeks to minimise adverse impacts and promote the efficiency of use of land and shared use of resources. For example, this could include an assessment in terms of the geographical extent of the Proposed Development making efficient use of land by virtue of integration / co-location with the existing Frodsham windfarm (as advocated in draft NPS-EN-3 (paragraph 3.10.2). Opportunities to co-locate / share infrastructure, such as the Battery Energy Storage System (BESS) would be another example, which does not appear to have been achieved to the same extent).	
2.1.3	2.2	National Energy Policy and Strategy	The ES needs to demonstrate that regard has been had to National Policy Statements (including the draft NPS) and include a summary assessment/justification for scoping out any aspect.	
<b>3. The Proposed Development</b>				
3.1.1.	3.1.2 & 3.1.7	Site and Surrounding Area - Private wire electrical connection and grid connection to SPEN Substation.	The parameters for the private wire electrical connections and connection to the SPEN substation and in particular the method of crossing the River Weaver / Weaver Navigation need to be clarified. Paragraph 3.2.8 of the SR refers to connections being potentially below ground or above ground.	

ID	SR Reference	Description	CWCC Response	
3.1.2.	3.1.9 (iii)	Site and Surrounding Area  Agricultural land (61ha)	Reference is made to the agricultural land to SW of the SADA being used for growing crops/silage and that it is not linked to activities of Frodsham Marsh Farm, but it does not say where it is linked to? Clarification needs to be provided.	
3.1.3.	3.1.17	Site and Surrounding Area  Local Wildlife Site	Reference is made to the Local Wildlife Site (LWS) designation. However more details need to be provided. For example, the extent of the LWS is not shown on Figure 1.3.	
3.1.4.	3.1.21	Site and Surrounding Area  Flood defences	There is reference to site benefiting from flood defences. More detail needs to be included, for example by reference to nature of defences (including pumping station operated by Environment Agency. This links with the assessment of significant effects, for example in terms of the potential implications of the pumping regime changing and/or failing).	
3.1.5.	3.2.7	DCO Site Boundary and the Rochdale Envelope	The ES needs to set out clearly the maximum parameters of the various elements of Proposed Development including identifying where these will be located (and parameters for where development will not be located (buffers)).	
3.1.6.	3.3.3	Description of Proposed Development  Construction compounds	Reference is made to one or more temporary construction compounds and temporary roadways. The ES needs to provide details/parameters of the number, location, duration of construction (and decommissioning) compounds etc. Compounds should be located close to existing accesses where possible to minimise the need for lengthy temporary construction accesses.	



ID	SR Reference	Description	CWCC Response	
3.1.7.	3.3.4	<p>Description of Proposed Development</p> <p>Enhancements</p> <p>In areas around the arrays, and on other land within the Site (or outside it if proven necessary), opportunities for landscaping, biodiversity enhancements, public access and habitat management will be explored.</p>	<p>Public access and habitat management may require a larger spatial strategy and may not be limited to the Order Limits. It should be clarified here that this would be decided after detailed Design &amp; Access Statement and HRA become available. The ES should clarify how any avoidance or mitigation measures proposed may be secured (and any residual effects) (as per Advice Note 7).</p>	
3.1.8.	3.3.6	<p>Description of Proposed Development</p> <p>Height parameters</p>	<p>The height parameters (for the Proposed Development as a whole, not just the solar PV panels) need to be provided in relation to existing/proposed levels above ordnance datum (AOD). This will assist in assessing the impact e.g. in relation to flood risk.</p>	
3.1.9.	3.3.15	<p>Electrical export / import connections</p>	<p>What is the impact of this proposal on local grid capacity? Was there already sufficient capacity within the grid network or will additional capacity be provided specifically for this scheme?</p>	
3.1.10.	3.3.15	<p>Electrical export / import connections</p>	<p>Parameters for the height of pylons need to be included in the ES.</p>	

ID	SR Reference	Description	CWCC Response	
3.1.11.	3.3.20	Energy Storage Facility	The purpose(s) of the BESS is set out in the alternative (i.e. using the term 'or'. This should be clarified, as it is anticipated that the BESS will be multi-functional. Indeed, exploring opportunities to link to Frodsham Windfarm would be expected as part of the ES.	
3.1.12.	3.4.2	Construction Programme	The ES needs to include a more detailed breakdown of the 15 month construction timetable; e.g. in terms of enabling works, construction and commissioning periods.	



ID	SR Reference	Description	CWCC Response	
<b>4. Alternatives Considered</b>				
4.1.1.	General	Alternatives considered	<p>Whilst a 'no development' alternative (paragraph 4.1.4) is understood to be dismissed as not providing additional electricity generation capacity, and the ES will consider alternatives such as solutions for the PV array layout, the ES should also be more explicit in the need to consider alternatives where there are specific legislative or policy requirements (as advised in NPS – EN1 paragraph 4.4.2), such as habitat regulations, flood risk.</p>	
4.1.2.	General	Alternatives considered	<p>The ES should examine the alternatives in relation to the options for varying the scale and layout of the development, whilst still meeting the objectives of the Proposed Development.</p> <p>With reference to scale, the draft NPS – EN1 chapter on landscape and visual (paragraph 5.10.25) should assist.</p>	
4.1.3.	General	Alternatives considered	<p>Given the potential impact on Designated Sites (Mersey Estuary RAMSAR, SPA, SSSI) and with particular reference to wintering and breeding birds consideration of alternatives is key to the principles of the mitigation hierarchy (paragraph 180 of the NPPF / draft NPS EN3 (paragraph 3.10.69) and 6.6.1 of the SR) in terms of avoiding significant harm (through locating on an alternative site with less harmful impacts), minimising, adequately mitigating, or a last resort compensating.</p> <p>This is also significant in terms of carrying out a sequential approach to site selection in terms of flood risk; there should be a sequential approach in terms of site selection and layout.</p>	



ID	SR Reference	Description	CWCC Response	
4.1.4.	General	Alternatives considered	<p>Consideration of alternatives may also be a factor in terms of assessing whether there are very special circumstances in relation to inappropriate development in the Green Belt.</p> <p>Utilisation of previously developed land is also preferential to development on greenfield land; noting the policy advice in NPS EN1 5.10.3 and the draft NPS EN1 (paragraph; 5.11.3).</p> <p>The ES should include an assessment of alternatives against the principles set out in paragraph 4.4.3 of NPS EN1 (and having regard to the draft NPS EN-1 (paragraphs 4.2.15 to 4.2.29).</p>	
4.1.5.	General	Alternatives considered	<p>Consideration of alternatives should also include consideration of maximising the opportunities for integration of infrastructure to achieve greater overall efficiency and avoid the need/demand for further, more piecemeal development. An example is the potential for linkage to windfarm infrastructure (especially shared use of the battery energy storage system).</p>	
4.1.6.	General	<p>Alternatives (potential for continued grazing / agricultural use)</p>	<p>The ES should include a detailed site-specific assessment of the ability and implications for continued grazing and/or alternative agricultural use in conjunction with the Proposed Development. Control of thistle growth on the former deposit grounds has been a particular issue in terms of the Cell 3 Frodsham Windfarm habitat management, and an assessment of options for managing sward growth with the proposed solar array should be included.</p> <p>The ES needs to include a soil resource and management plan.</p>	



ID	SR Reference	Description	CWCC Response	
<b>5. Consultation</b>				
5.1.1	General		<p>It is recommended that the following stakeholders be consulted:</p> <p>Marine Management Organisation (MMO). The MMO need to be consulted as the Order Limits fall within the Northwest Marine Plan area.</p> <p>Frodsham Neighbourhood Planning Group. The Frodsham Neighbourhood plan has now completed Reg 14 consultation stage and once 'made' this would form part of the Cheshire West and Chester Development Plan.</p>	
<b>6. EIA Assessment Methodology</b>				
6.1.1.	6.1.2		The ES structure needs to include relevant sections detailing the justification for those aspects that have been scoped out. This may be covered under the information proposed to be provided under 6.3.1 i). It is also liable to follow from the reasoned justification referred to in 6.9.5.	
6.1.2.	6.9.7		The scoping out of matters in Chapters 13 to 17 is agreed, with the exception of ii) socio-economics and v) a) Glint and Glare (where further information / comment is made further below and in Table CWCC 2) and subject to some comments on the other aspects as provided in Table CWCC2.	



ID	SR Reference	Description	CWCC Response	
<b>7. Landscape and Visual Effects</b>				
7.1.1.	General		Please refer to the comments from CWCC's Landscape Officer (20 June 2023) <b>appended (appendix CWCC SR.1).</b>	
7.1.2.	7.3.3 to 7.3.8  (Table 7.1)	National Planning Policy	Under NPS EN-1 Section 5.10 Land use including open space, green infrastructure and Green Belt is relevant. In particular the ES should address the Proposed Development's impact on openness, as the most important attribute of Green Belts (7.4.14 of the SR addresses this).	
7.1.3.	7.3.9  (Table 7.2)	Local Planning Policy	<p>The ES needs to include an assessment of the landscape effects having regard to the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. The ES assessment should take account the relevant Development Plan policies (especially DM52 Solar Energy in LP2 and the Landscape Sensity Study referred to in the policy.</p> <p>With regard to the value placed on the local landscape, the nature of the landform (paragraph. 7.2.3 of the SR) providing elevated views from Frodsham and Helsby Hill, and the significance in recreational terms, providing extensive views towards the estuary should be given appropriate weight (as acknowledged in 7.4.7). In addition to the landform preventing longer views from points further south, the landform heightens the significance of the views from the hills overlooking the Site.</p>	

ID	SR Reference	Description	CWCC Response	
7.1.4.	7.3.9  (Table 7.2)		<p>The ES needs to refer to the Green Belt sections of policy as well as countryside:</p> <p>LP1 Strategic Objective (S010): Protect the environmental quality and character of Cheshire West and Chester through maintaining the general extent and character of the North Cheshire Green Belt and Cheshire countryside.</p> <p>The Green Belt aspects under STRAT9 of LP1 need consideration.</p> <p>The SR does not address the Site's location within Green Belt and that solar farms are generally considered to be inappropriate development. While the DCO application is expected to address this with a statement addressing very special circumstances (VSC) impact on the Green Belt (in particular openness) should be included in the ES.</p>	
7.1.5.	7.4.5	<p>The Site and its surroundings</p> <p>PROW</p>	<p>The PROW network north of the M56 connects Ince to Frodsham. The ES needs to include an appraisal of the impact of the Proposed Development on connectivity in relation to the PROW network.</p> <p>There are a number of footpaths both within the site and that overlook the site. Views from within the Helsby and Frodsham Hills are located close to or within the Area of Special County Value (ASCV).</p>	



ID	SR Reference	Description	CWCC Response	
7.1.6.	7.4.6	The Site and its surroundings	With reference to nearest properties to the area, the ES should address the residential / gypsy caravan sites located at land off Brook Furlong Frodsham (Planning applications 22/02292/FUL and 22/03308/FUL).	
7.1.7.	7.4.8	The Site and its surroundings	The ES should balance the description of the surroundings with acknowledgement of the expansive areas of openness, and the role that the marshes have in terms of providing one of the few large expanses of open, relatively undeveloped areas along the Mersey Estuary.	
7.1.8.	7.4.9	Landscape Designations	Cheshire Sandstone Ridge is National Character Area 62 and is under consideration to become an Area of Outstanding Natural beauty (AONB). Due to the relative elevation of the Ridge, the development would be visible from it. This would potentially require addressing.	
7.1.9.	7.4.12	ASCV	<p>The ES should address that the two ASCV's include areas that show relatively high levels of theoretical visibility of the proposed development in terms of the Zone of Theoretical Visibility (ZTV).</p> <p>The Site is adjacent to Helsby &amp; Frodsham Hills ASCV and Weaver Valley ASCV. Views from higher ground should be considered, including views from footpaths, Helsby Hill, Frodsham Hill and Frodsham War memorial.</p> <p>Policy GBC 2 of LP2 applies.</p> <p>The ES should address the setting criteria provided in GBC 2: 4. preserve their special landscape character and scenic value;</p>	

ID	SR Reference	Description	CWCC Response	
			<p>5. enhance landscape quality, character and appearance wherever possible; and</p> <p>6. make suitable provision for improving public access to, and enjoyment of the landscape, where appropriate.</p>	
7.1.10.	7.4.18	National Character Areas	Assessment against the National Character Areas is proposed to be scoped out in favour of the local level information. This requires further justification. (see also Table 7.4).	
7.1.11.	7.4.19	Landscape Strategy	<p>The ES should consider the impacts of the Proposed Development in relation to the overall management strategy for the LCA 4a Frodsham, Helsby and Lordship Marshes (Landscape Strategy 2016).</p> <p>The overall management strategy for this landscape should be to enhance and restore the condition of habitats and features of the marshes whilst safeguarding its open character.</p>	
7.1.12.	7.4.19 And 7.5.1	Landscape Strategy & Operational Mitigation	The sense of naturalness of the marsh is diluted by man-made features and development. However, the open character means there is little opportunity for screening any large scale elements or for mitigating visual impact without the mitigation measures in themselves being highly visible; making it a visually sensitive landscape.	
7.1.13.	7.4.22 to 7.4.24	Landscape Sensitivity Study	The ES should provide confirmation as to whether the work and assessment of the Landscape Sensitivity Study (CWCC) (2016) is being adopted as a baseline for assessment, and that the ES will address the key landscape effects of solar PV development	

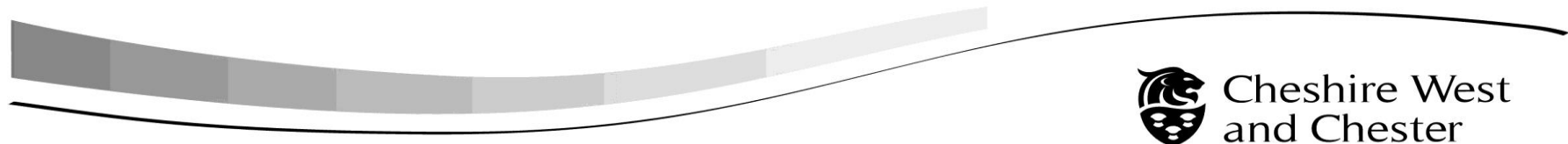
ID	SR Reference	Description	CWCC Response	
			<p>identified in the study (e.g. paragraph 5.6 of the Landscape Sensitivity Study).</p> <p>The size of the development is extremely large and likely to generate significant landscape and visual impacts. As noted in the CWCC Landscape Sensitivity Study, the site is considered highly sensitive to solar PV development.</p> <p>The mostly small scale, low density, dispersed settlement pattern is highly sensitive to solar PV development that would be out of scale and further increase the perception of human influence.</p> <p>See Landscape Officer's comments (<b>appended</b>) for Sensitivity Key Characteristics and Sensity Analysis.</p>	
7.1.14.	7.4.22 to 7.4.24	Landscape Sensitivity Study	<p>The ES should address that LCT 4 Drained Marsh is particularly sensitive to a medium, large or very large solar farm development that would be overly dominant within the relatively small LCAs within this LCT.</p> <p>In terms of LCT 4 there are sensitive views down from important viewpoints on the sandstone ridge. LCT 4's sensitivity to solar PV development is assessed as low to medium scenic quality with some distinctiveness, which reduces sensitivity, but the drained marsh is a less common landscape in CWCC the character of which could be adversely affected by solar PV development.</p>	



ID	SR Reference	Description	CWCC Response	
7.1.15.	7.4.28	Visual baseline	The ES should be accompanied by an arboricultural / hedgerow assessment (to assist with biodiversity as well as landscape assessment).	
7.1.16.	7.4.31	Viewpoints	With regard to the provisional list of viewpoints, it is requested that the Applicant liaise further with the Council's Landscape Officer to agree a final list of viewpoints and photomontages for the ES.	
7.1.17.	7.4.31	Viewpoints	Whilst a matter for Halton Borough Council, it is noted that no viewpoint is currently shown on the north side of the site from Runcorn. Figure 7.3 indicates areas of development with relatively high theoretical visibility (although it is likely that in practice the existing industrial complex at Rocksavage would screen out much of the views).	
7.1.18.	7.4.31	Viewpoints	Views from footpaths on Sandstone ridges close to Frodsham FP 23, 27, 40 and FP 43 should be including along with views from the Sandstone Trail.	
7.1.19.	7.4.32	Viewpoints/visualisations	The ES/LVIA should include both winter and summer views.	
7.1.20.	7.4.32	Viewpoints/visualisations	The ES/.LVIA should include some section views to demonstrate the levels of the site and surrounding landscape features.	
7.1.21.	7.4.32	Viewpoints/visualisations	The ES should include assessment of cumulative landscape and visual impacts.	
7.1.22.	7.4.32	Viewpoints/visualisations	Impacts on the PROW network and users should be scoped in; visuals from the restricted byways to include pedestrian users	

ID	SR Reference	Description	CWCC Response	
		(PROW)	and cyclists. Horseriders and carts also have a right to use the route, and it would be helpful to see those views i.e. at different heights.	
7.1.23.	7.4.32	Viewpoints/visualisations (PROW)	The ES/LIVA should consider/make visual representations to assist in assessing the impact for users of the PROW network (particularly within the SADA) to appreciate the impact for pedestrians moving through the areas of solar array.	
7.1.24.	7.5.6 to 7.5.12	Residential Visual Amenity Assessment	Given the findings of the Glint and Glare assessment (Paragraph. 17.2.7 of Appendix 17.1) that potential glint and glare effects could impact on residential amenity, further information/justification is needed to justify scoping out, although it is acknowledged that mitigation in the form of screening may justify scoping out. In relation to scoping out residential visual amenity further assessment / visualisations from relevant viewpoints (particularly Viewpoint 3 (Ship Street, Frodsham) are needed to justify this.	
7.1.25.	7.5.13	Construction mitigation	The ES is expected to incorporate provision for a Public Rights of Way Management Plan (for construction, operational and decommissioning phases).	
7.1.26.	7.5.1 (should be 7.5.14)	Operational mitigation	As above (7.4.19): The sense of naturalness of the marsh is diluted by man-made features and development. However, the open character means there is little opportunity for screening any large scale elements or for mitigating visual impact without the mitigation measures in themselves being highly visible; making it a visually sensitive landscape.	
7.1.27.	7.5.1	Operational mitigation	There is no detailed design layout included within the SR. The LVIA and Proposed Development layout should demonstrate	

ID	SR Reference	Description	CWCC Response	
	(should be 7.5.14)		<p>an iterative design process. The LVIA should assess the solar farm in operation and include proposed mitigation measures as part of the assessment.</p> <p>Any proposed development will need to demonstrate appropriate and considered mitigation to ensure that the mitigation in itself does not negatively impact on the features of the receiving landscape character area, which make it locally distinctive.</p>	
<b>7.1.28.</b>	7.5.1 (should be 7.5.14)	Operational mitigation	The Proposed Development should aim to minimise the use and height of security fencing. Where possible existing features, such as hedges or landscaping, should be utilised to assist in site security or screen security fencing.	
<b>7.1.29.</b>	7.5.1 (should be 7.5.14)	Operational mitigation	The ES should consider natural surveillance and public safety in regard to impacts on footpaths and the proposed buffer corridors as mitigation.	
<b>7.1.30.</b>	7.5.1 (should be 7.5.14)	Operational mitigation	The ES is expected to incorporate provision for a landscape management and maintenance plan as part of the mitigation.	
<b>7.1.31.</b>	7.5.4 (should be 7.5.17)	Decommissioning Mitigation	The ES should include provision for a decommissioning plan.	





ID	SR Reference	Description	CWCC Response	
<b>8. Ecology and Nature Conservation</b>				
8.1.1	General		Please refer to the comments from CWCC's Natural Environment Officer <b>appended (appendix CWCC SR.2).</b>	
8.1.2	General	Ecological Network	Although CWCC Policy DM44 is referenced in Table 7.2 of the chapter, there is no assessment proposed of the impact on the CWCC Ecological Network. The whole site sits within a Core Area of the Ecological Network and therefore certain policy requirements apply. An assessment should be carried out and impacts on habitat connectivity considered in particular.	
8.1.3	General	Designated Sites	The Site appears significant in terms of breeding birds, wintering and passage birds, associated with the Designated Sites and scoping out impacts on these aspects of the ES would not be considered appropriate, as losses/impacts would appear to be significant.	
8.1.4	General	<p>With relevance to 8.3.11, and 8.6.11 in particular:</p> <p>8.3.11</p> <p>“The Ecology and Nature Conservation chapter of the ES will take account of the above documents and corresponding local policies.”</p>	The Development Plan policies (being indirectly referred to in 8.3.11 of the SR) can be summarised to say that 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. This should be reflected in the assessment of the potential significance of impacts.	

ID	SR Reference	Description	CWCC Response	
		<p>8.6.11</p> <p>“The assessment within the ES chapter will assess in detail impacts upon important ecological features i.e., those that are considered important and potentially significantly affected by the Proposed Development.”</p>		
8.1.5	General	Habitat impacts	The SR discusses some impacts on protected species, but there is no analysis of habitat impacts. It is understood this is a scoping report, but impacts are used to decide whether or not to scope in certain elements, so this should be clarified.	
8.1.6	General	Peat	The presence of peat across Site has not been discussed in ecological terms and should be addressed in the ES.	
8.1.7	8.1.2	General Site Description	The SR states that the Site is 314ha whereas the Preliminary Ecological Appraisal report states in 1.2.1. the site is 285ha. This may be as a result of the PEA not including the access route but should be clarified.	

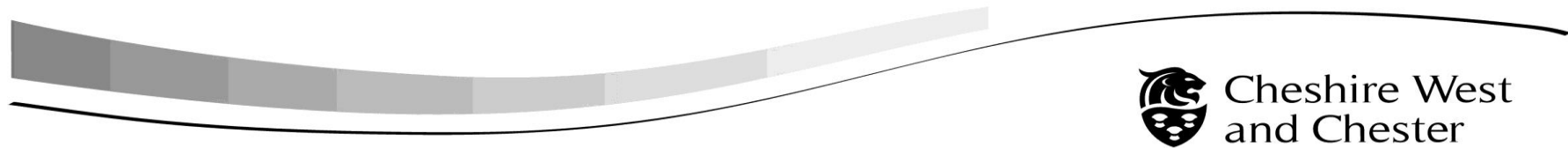


ID	SR Reference	Description	CWCC Response	
8.1.8	8.1.6	General Site Description	<p>The description ought to mention role of open grassland as Functionally Linked Land supporting Mersey Estuary Special Protection Area (as indicated in 8.1.7).</p> <p>In the Natural England document 'Functionally Linked Land supporting Special Protection Areas' Page 20 of Appendix 9 shows that part of the site has 'high potential' of being functionally linked land. This means that the land is considered to be critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which a Special Areas of Conservation (SAC)/ Special Protection Area (SPA)/ Ramsar site has been designated. These habitats are frequently used by SPA species and supports the functionality and integrity of the designated sites for these features.</p>	
8.1.9	8.2.3	Zones of influence	<p>It is not clear why these elements i) to viii), have been identified. The list is selective and does not appear to be comprehensive. Further justification/explanation of the Zone of influence for the Site should be included in the ES. For example there is no reference to invertebrates, water vole or bats, and it is not clear why/what basis the list has been compiled.</p>	
8.1.10	8.2.3 iii)	Zones of influence iii) habitats	<p>The area of habitats on and adjacent to the Site that have currently undergone survey is not clear.</p>	
8.1.11	8.2.3 iv)	Zones of influence iv breeding birds	<p>It is not clear why breeding birds have only been surveyed within the Solar Array Development Area and within the adjacent boundary habitats viewable from within the site and not further</p>	

ID	SR Reference	Description	CWCC Response	
			from site, such as for wintering/passage birds. In 8.4.6 it is noted that the site is within a Wetland Bird Survey area, and data from this, as well as CAWOS and Windfarm data will be used. It is noted that the breeding bird surveys were carried out in 2021 and will be updated in 2023.	
8.1.12	8.2.3.v)	Zones of influence v wintering birds	The wintering bird survey reports have not been provided. In section 8.2.3 v) the report states that the Solar Array Development Area and surrounding fields up to 600m from the Solar Array Development Area where access was possible, or where land could be viewed from publicly accessible locations have been surveyed, but it is not clear where this is. It is noted that updated wintering and non-breeding bird surveys will be carried out in 2023. Please see Windfarm section above.	
8.1.13	8.2.3 vi)	Zones of influence vi protected mammals	<p>Section 8.2.3 vi) states that protected mammals were only surveyed within the development area and not within 30m of the boundary, as a standard Badger survey should encompass. This should be clarified.</p> <p>In relation to Water voles, further water vole survey is recommended, as there is a known population on site. Only a summary of ditch potential is provided. Impacts on water vole should be not be scoped out without further justification.</p>	
8.1.14	8.2.3 vii and viii	Zones of influence vii and viii GCN and reptiles	It is stated ponds within 500m of site were subject to survey for GCN and Reptile surveys were carried out, however, the survey report has not been provided, so an assessment of coverage and scope of survey has not been possible.	



ID	SR Reference	Description	CWCC Response	
8.1.15	8.2.4	Zones of influence	In addition to results of surveys leading to adjustment of zones, the Applicant should have regard to consultee responses in particular Natural England, RSPB, Cheshire Wildlife Trust	
8.1.16	8.2.5	Study areas	it is stated that additional detailed surveys covering the connections and the access road are not proposed given the very limited nature of works and extensive existing data sets. It is not clear why these areas have not been surveyed as the rest of the site and this should be clarified.	
8.1.17	8.3.5	National Planning Policy	Government Circular 06/05 on Geodiversity and Biodiversity and its consideration of Badger foraging territories and road casualties ought to be included as a reference document.	
8.1.18	8.3.8	<p>National Planning Policy</p> <p>At 8.3.8 it is stated that NPS EN-5 sets out generic impacts concerning biodiversity, although these are more relevant to considerations for birds, their feeding and hunting grounds, migration corridors and breeding grounds, and potential implications on the</p>	The relevance of considerations for birds etc., is certainly the case on this site, and should be addressed in the ES.	



ID	SR Reference	Description	CWCC Response	
		above in light of a development proposal.		
8.1.19	8.3.10	Local Plan Policy	Reference should also be made to Policy ENV7 of LP1 and Policy DM 45 Trees, woodland and hedgerows under LP2.	
8.1.20	8.3.12	Other Guidance	With regard to the Designated Sites: Mersey Estuary RAMSAR, SPA, SSSI the entirety of the Site is classed as functionally linked land in Natural England's study "Identification of Functionally Linked Land supporting Special Protection Areas (SPAs) waterbirds in the North West of England" as referenced in 8.3.12 x). However, there is no further discussion in the SR of the relevance of this in relation to the Site / Proposed Development. The Preliminary Ecological Appraisal report in 3.3.18 does go on to say that some of the areas on site are functionally linked land, solely based on the project bird survey data gathered, however, this is only referred to for part of the site.	
8.1.21	8.4.9 and Appendix 8.1 (NE letter)	Wind Farm Monitoring Data	The ES should include relevant information from the windfarm including the Post Construction Ecological Monitoring Report Year Five 2021 (Frodsham Windfarm Ltd) (Oct 2022) (Atmos Consulting). Note: This is more recent than the report referred to in Natural England's letter of 24 March 2023 (DAS/412803) in response to Q4.	
8.1.22	8.4.11	Baseline Ecology Surveys - Badgers	Badger surveys are not listed in the survey list in 8.4.11 and it is not clear why this is. Clarification is required.	



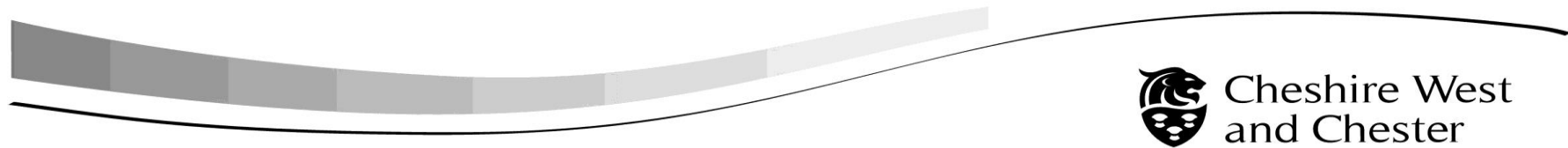
ID	SR Reference	Description	CWCC Response	
8.1.23	8.4.13	Baseline Ecology Surveys - Badgers  (cross reference to 4.5.22 of PEA (Appendix 8.2))	It is stated in section 4.5.22 of the Preliminary Ecological Appraisal report that there are two main active badger setts and an additional five outlier badger setts present on site. Connections between setts, foraging territories (both per sett and between family groups) have not been assessed, although in section 4.5.24 of the Preliminary Ecological Appraisal report, it states that bait-marking surveys may be needed. This should be carried out within the scope of the survey, with bait-marking surveys and mitigation formulated.	
8.1.24	8.4.11	Baseline Ecology Surveys - Water voles	It is noted that Water vole surveys are not proposed within the list of further surveys in 8.4.11 of the main chapter and with the known population on the wider site, it is not clear why this is.	
8.1.25	8.4.13 & 8.4.39 and 8.4.40	Baseline Ecology Surveys - Bats	A Bat activity survey was carried out in 2021 and it is not listed in 8.4.13 as being updated in 2023. This should be clarified. No consideration has been given to the landscape use of the site by Bats, and interaction with windfarm site in 8.4.39. This should be carried out. There is no explanation given as to why the site fits the "low foraging potential" category in 8.4.40 and so the survey scope cannot be assessed.	
8.1.26	8.4.16	Non-statutory designated sites; Local Wildlife Sites (LWS)	Frodsham Helsby Ince Local Wildlife Site (LWS): The ES should include a LWS Assessment to assess the site against current criteria, to determine its quality in relation to its current qualifying features and to identify any further unlisted LWS features present. A mitigation and compensation plan should be formulated from this information. It should be noted that one of the qualifying criteria are breeding, overwintering	

ID	SR Reference	Description	CWCC Response	
			and passage birds, some of which are associated with the Mersey Estuary.	
<b>8.1.27</b>	8.4.20	Further habitat surveys	The ES should include further habitat surveys to be carried out in 2023 to inform the BNG calculation, which will include access and connection areas not previously included.	
<b>8.1.28</b>	8.4.25	Breeding bird surveys	Barn owls were not referenced within the information relating to breeding bird surveys, although Barn Owls are understood to be breeding within the Windfarm area. The ES should address this.	
<b>8.1.29</b>	8.4.28	Breeding bird surveys	The SR states: <i>'it is therefore considered that existing data is extensive and adequate to inform impact assessment proportionate to the nature of effects on breeding birds along the Access Route'</i> . It is considered that there is a need for further survey work including the access road/route to the Site.	
<b>8.1.30</b>	8.4.29	Non-breeding Birds	Migration routes have not been considered in detail in 8.4.29 of the SR and this should be added into the survey and assessment scope.	
<b>8.1.31</b>	8.4.39 and 8.4.40	Bats	See comments at 8.4.13	
<b>8.1.32</b>	8.4.46	Water voles	Only a summary of ditch potential has been given in 8.4.46 and then the species has been scoped out of further assessment. This is not accepted, as although buffers are proposed from ditch features, the detail of ditch impact has not been determined.	



ID	SR Reference	Description	CWCC Response	
			Water voles should be scoped back into the assessment and surveys carried out to standard guidelines.	
8.1.33	8.4.64	Invertebrates:	It is noted that an area within the site has been identified for invertebrate value in 8.4.64 and invertebrate surveys will take place in 2023. There is no detailed information about the assessment that took place to rate different areas of site for invertebrates' value, so the scope of this cannot be assessed.	
8.1.34	8.4.66	Existing Impacts of Frodsham Windfarm	<p>In addition to Cells 2, 3 and 5. Cell 6 is subject to condition 33 of the windfarm consent. Cell 6 is the only remaining cell actively used for the deposit of arisings from the Manchester Ship Canal.</p> <p>(33) The objectives of the HCMP to be submitted for approval pursuant to Condition (32) shall be the creation and/or management of the ecological and wildlife habitats of the Site, including the adjoining land coloured green on Figure 13.2 entitled Proposed Mitigation Plan Cells 2, 3 and 5, and shall provide for:</p> <p>a) the continuing use of Cell 6 as a deposit ground for arisings from the Manchester Ship Canal for the duration of the life of the Development, or alternatively other methods for retaining Cell 6 as an attractive habitat for waterfowl;</p> <p>Retaining Cell 6 as a water body is central to the effective mitigation of the windfarm, as waterfowl are attractive to Cell 6,</p>	

ID	SR Reference	Description	CWCC Response	
			<p>passing over (&amp; sometimes using) the mitigation Cell 3 with its wetland scrapes, and thereby less attracted to the Cells with turbines.</p> <p>The ES should include an assessment of the impact of the Proposed Development on all the Mitigation Plan Cells, and consideration should be given to enhancement of the mitigation regime; especially in light of concerns identified via the Frodsham windfarm Habitat Creation and Management Group regarding the lack of effective control over Cell 6 provided by condition 33 in securing Cell 6 as a water body.</p>	
8.1.35	8.4.67	Existing impacts of Frodsham Windfarm	Having regard to the comments on functionally linked land in relation to 8.3.12.x), the comment at 8.4.67 that the turbines have been set back from functional parts of the Mersey Estuary SPA and Ramsar need qualification.	
8.1.36	8.4.68	Existing impacts of Frodsham Windfarm	8.4.67 states it is widely acknowledged that wind farms displace birds from using the immediately surrounding land, up to a typical maximum distance of 600m. In 8.4.68, the SR goes on to say that of the approximately 314 ha of the Site, 174 ha (55%) is located within 600m of operational wind turbines and it can therefore be reasonably assumed that the attractiveness of this area to non-breeding waterbirds is significantly reduced due to proximity to the wind turbines. This is not accepted, due to the lack of evidence and general assumption. Therefore, the survey scope should not be based on this assumption. It is noted Natural England in their DAS response also state that this is not	



ID	SR Reference	Description	CWCC Response	
			accepted and bird impacts will be judged on a case-by-case basis.	
8.1.37	8.4.68	Existing impacts of Frodsham Windfarm  (Appendix 8.2 - Preliminary Ecological Assessment)	The SR concentrates on the displacement effects of the wind turbines. It is considered reference to the significant population of wintering bird assemblage recorded deserves greater acknowledgement.  3.3.15 of the Preliminary Ecological Report noted that the wintering bird surveys recorded a total of 84 species, including 54 specially protected and/or notable species. A diverse waterbird assemblage recorded included all seven species for which the adjacent Mersey Estuary SPA/Ramsar site is designated, with significant proportions (i.e. >1%) of the SPA and Ramsar site populations recorded for six species; notably Black-tailed Godwit (29.7% of the SPA population) and Golden Plover (19.7% of the SPA population). Thirteen wintering bird species were potentially recorded in numbers of county importance. This is a significant population and again, with the development areas currently indicated, wintering birds will not be able to use the site as currently.	
8.1.38	8.4.68	Existing impacts of Frodsham Windfarm  (Appendix 8.2 - Preliminary Ecological Assessment)	The ES should also address the breeding bird survey position:  Section 3.3.16 of the Preliminary Ecological Appraisal report states that the breeding bird surveys identified that the site supports a regionally important population of breeding birds including 5 species receiving protection under the Wildlife and Countryside Act and a diverse assemblage of scarce species listed as either red or amber species of conservation concern	

ID	SR Reference	Description	CWCC Response	
			including species such as lapwing which have suffered a drastic decline in recent decades. The Frodsham section supported the greatest diversity of breeding birds, probably due to the greater habitat diversity, more scrub, and hedgerows than the Helsby section which is given over to intensive farming. However, lapwing, a bird that requires large open fields in which to breed, was present within the Helsby section and not the Frodsham section. This habitat will be lost to the solar farm development.	
8.1.39	8.4.68	Existing impacts of Frodsham Windfarm  (Appendix 8.2 - Preliminary Ecological Assessment)	The ES should also address the functionally linked land status of the Site:  3.3.18 of the Preliminary Ecological Appraisal report states that the area around the River Weaver, the flat fields adjacent to the Manchester Ship Canal and the mitigation area located between the two sections of wind turbines supports aggregations of wader and wildfowl species, many listed as interest features of the Mersey estuary. These areas therefore are functionally linked to the Mersey estuary as they provide a function (mainly high tide roosts) for these species. This usage was greatest in April as waders and wildfowl species prepare to head north for their breeding grounds and will likely increase again over the autumn and winter months as birds head south to overwinter.	
8.1.40	8.4.69	Displacement effects of wind turbines – Functionally Linked Land	The Site is functionally linked land in terms of wintering and passage birds, associated with the Designated Sites and there ES should address whether the Proposed Development would result in significant effect, and what mitigation measures are required/possible in line with the mitigation hierarchy.	



ID	SR Reference	Description	CWCC Response	
8.1.41	8.4.69	Displacement effects of wind turbines – Functionally Linked Land	Natural England advise that any assessment with regards to displacement of birds from wind turbines is undertaken on a case by case basis. It would need to be clear within any assessment that the proposed development doesn't add to any displacement effects and that the alternative habitat provided under the wind farm commitments is adequate for all the displaced birds, thereby maintaining the nearby SPA population. Data on the success of the wind farm mitigation would therefore need to be considered in order to agree with this statement.	
8.1.42	8.4.69	Displacement effects of wind turbines – Functionally Linked Land	As part of the cumulative assessment, the ES should consider the potential impact of Cell 6 not being used for dredging and (whether by design, a change to the management regime, or some other factor, such as the impacts of climate change) the impact of Cell 6 not continuing to form a water body attracting waterfowl.	
8.1.43	8.4.69	Displacement effects of wind turbines – Functionally Linked Land	In the approved Outline Habitat Creation Management Plan (20 August 2014) (8702 / Rev 6) (Atmos) (HCMP) for the windfarm (14/2525/DIS) it states (2.1.3) "It was highlighted within the SEI that the Manchester Ship Canal Company (MSCC) will continue to use Cell 6 as a deposit ground (thus retaining its attractiveness to waterfowl) for the duration of the 25 year life of the wind farm. Written confirmation has been obtained from MSCC that it is intended that deposition will continue in Cell 6 for the duration of the life of the wind farm... "Consideration needs to be given to the lifetime of the Proposed Development in the context that there is no commitment to continue to use Cell 6 as a deposit ground beyond the 25 year life of the wind farm.	

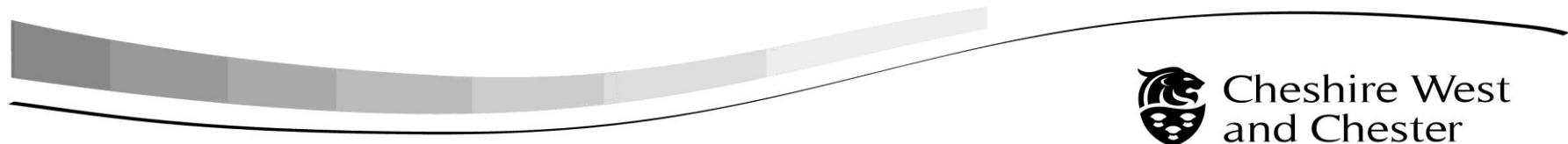


ID	SR Reference	Description	CWCC Response	
8.1.44	8.4.69	Displacement effects of wind turbines – Functionally Linked Land	<p>2.3.1 of the above HCMP states the aim of grassland management of Cells 2 ad 5: To maintain the fields, for the duration of the lifetime of the wind farm, in a condition that is favourable for wintering wader species, including golden plover, lapwing and curlew.</p> <p>The ES ought to address the impact of the solar farm in achieving this aim. Even though alternative grazing may retain the grass sward, it is not clear how attractiveness to waders will be achieved with solar panels on the Cells.</p> <p>Mitigation options for addressing the impact on achieving the aims of the HCMP ought to be examined as part of the ES.</p>	
8.1.45	8.5.3	Potential Effects and Mitigation - Operation	<p>Whilst it is proposed to scope out the operational phase effects of the solar farm, the impact on existing management of Cells 2 and 5 under the HCMP need to be addressed. It is not agreed that wintering and breeding birds be scoped out in the operational phase.</p>	
8.1.46	8.5.3 And 13.4.7	Potential Effects and Mitigation - Operation	<p>The ES should address operational noise impacts associated with the Proposed Development, especially the battery energy storage system (BESS). Under 13.4.7 of the SR, the LWS should be included as sensitive ecological receptor. Consideration of the noise impacts on Bats should also be addressed.</p>	
8.1.47	8.5.6	Decommissioning	<p>It is not stated that this is being scoped in or out. The ES should clarify as to whether it will be addressed as per construction.</p>	

ID	SR Reference	Description	CWCC Response	
8.1.48	8.5.7	Mitigation  Principles and Biodiversity Net Gain	Biodiversity Net Gain: General comments are made regarding how solar farms are advantageous for biodiversity. It is assumed this is meant in reference to habitats and BNG provision. It should be noted that this is not the case when ground-nesting or wintering/passage birds are present on site, such as on this site. Biodiversity Net Gain should be scoped in as an element of the proposal and the calculation provided with all supporting information (including condition assessments, mitigation hierarchy, outline 30-year management plan) It is not clear at which stages of the DCO process that BNG will be provided.	
8.1.49	8.5.10	Mitigation	Commitment to long term-management of the land for the duration of the project is stated. Consideration should be given to commitment post the duration of the project, to cover a minimum period post decommissioning. Achieving BNG may take time to reach target condition, and it is appropriate to consider the period of continuing maintenance at target condition for at least the period of the duration of the development. The ES should clarify whether BNG will be achieved at Year 1.	
8.1.50	8.5.15	Mitigation for the Frodsham Wind Farm	Recognition of the potential requirement for additional mitigation/compensatory measures is welcome and should be detailed in the ES.	
8.1.51	8.5.16	Enhancements	The management of thistle growth on Cell 3 of the Frodsham windfarm site has been well documented by the Frodsham Windfarm Habitat Creation and Management Group (HCMG), and measures to control thistle on Cells 2 and 5 ought to be considered in any proposed regime. Less intensive farming	



ID	SR Reference	Description	CWCC Response	
			practices, may not result in improved habitat conditions without appropriate measures. The ES should details if there are other BNG proposals for Cells 2 & 5.	
8.1.52	8.5.16	Enhancements	The ES should provide details of proposals for enhancing water bodies on the Site. For example, by re-profiling and or introduction of meandering to current straight stretches of ditches to improve water quality and drainage / flood risk resilience.	
8.1.53	8.6.16	Impacts during construction, operational and decommissioning phases.	Clarification is sought as to whether some impacts are being scoped out?	
8.1.54	8.7.2	Scoping out of common habitats (such as improved grazing pasture)	The impact on Cell 2 and Cell 5 should not be scoped out as these form part of a habitat management plan. Whilst the habitat may be identified as having a low value, the species they support are of high value and should not be scoped out.	
8.1.55	8.7.3	Scoping out of amphibians, reptiles and water voles	<p>As referred to above (8.2.3, 8.4.64) further survey work is needed, and without further justification impacts on amphibians, reptiles and water voles should not be scoped out of the ES.</p> <p>The EA comments (28 June 23) regarding modification of channels in terms of species and the Water Framework Directive are noted.</p>	





ID	SR Reference	Description	CWCC Response	
8.1.56	8.7.5 (Table 8.4)	Table 8.4 Summary of Assessment Scope	Given the PEA findings, and that bird populations will not be able to use the Site as currently, it is not considered as stated in Table 8.4 of the SR that Operation impacts on wintering birds should be scoped out (the text in part of the table (Summary of Rationale) does state they will be scoped in). Operational impacts should be scoped back into the assessment.	
8.1.57	8.7.5 (Table 8.4)	Table 8.4 Summary of Assessment Scope	It is not agreed as stated in Table 8.4 of the main chapter that Operation impacts on breeding birds are scoped out, as ground nesting birds will not be able to use the site as currently, due to their requirement of large open areas, as stated in 3.3.17 of the Preliminary Ecological Appraisal. Ground-nesting birds have not been considered in the scoping table 8.4 of the chapter and operational impacts should be scoped back in.	
<b>9. Flood Risk Drainage and Surface Water</b>				
9.1.1	General		Please refer to the comments from CWCC's Lead Local Flood Authority <b>appended (appendix CWCC SR.3)</b> .	
9.1.2	General		The Sequential Test and Exception Test need to be addressed via an accompanying Flood Risk Assessment, and the ES should demonstrate that a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk.	

ID	SR Reference	Description	CWCC Response	
9.1.3	9.2.1	Study Area	<p>Paragraph 9.2.1 states that a study area of 1km from the Site is proposed to identify water bodies and downstream receptors that could be affected by the Proposed Development.</p> <p>As per the governments flood risk mapping (<a href="https://check-long-term-flood-risk.service.gov.uk/map">https://check-long-term-flood-risk.service.gov.uk/map</a>), it appears the site has main rivers and a series of ordinary watercourses. Further investigation is required to determine their connectivity.</p>	
9.1.4	9.2.1	Study Area	<p>Whilst CWCC's LLFA recognises the nature of this application, CWCC Byelaw 10 which refers to the need for written approval from the LLFA for any development works within 8 metres of an ordinary watercourse is noted. This is to ensure appropriate maintenance access post development.</p> <p>Comments from the EA (letter of 28 June 2023 (Ref:XA/2023/100006/01-L01) are noted in relation to considering upstream receptors.</p>	
9.1.5	9.3.6	Local Planning Policy	<p>With regard to LP1 Policy ENV1: Flood Risk and Water Management, this states "Development proposals should comply with the Water Framework Directive by contributing to the North West River Basin Management Plan and Dee River Basin Management Plan objectives, unless it can be demonstrated that this would not be technically feasible.". No mention of these have been made in the SR and these should be addressed in the ES.</p>	

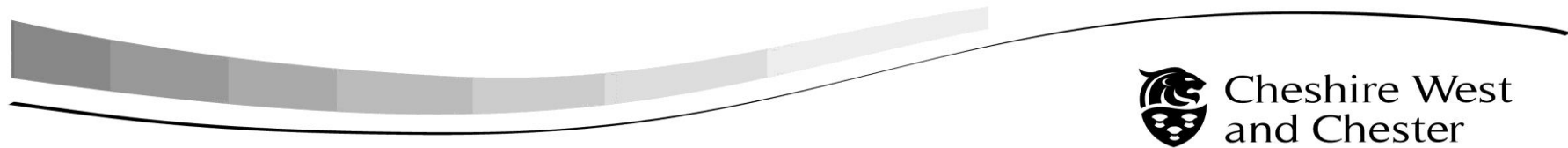
ID	SR Reference	Description	CWCC Response	
9.1.6	9.4.6 to 9.4.9	Hydrological features (flood defences/pumping stations)	The ES should consider the consequences of a breach of the flood defences e.g. in terms of a breach of structural integrity, or as a consequence of changes to the maintenance regime.	
9.1.7	9.4.8 and 9.4.9	Hydrological features (pumping stations)	The ES should address the impacts associated with a potential change in the management regime associated with the pumping stations which serve Frodsham Marshes and Ince Marsh. Changes to the pumping regime may be planned or not, e.g. in the case of maintenance or pump failure (as referred to at 9.4.14 of SR).	
9.1.8	9.4.12	Flood Risk (flood defences)	As referred to above the ES is expected to consider flood risk and the consequences of a breach in the flood defences.	
9.1.9	9.4.14	Flood Risk	The ES should address whether there would be an increase or decrease in reliance on pumping e.g. in terms of a change to the volume of water pumped as a result of the Proposed Development. Consideration should be given to the impact of climate change in terms of the volume/flow of water to be pumped during the lifetime of the Proposed Development.	
9.1.10	9.4.14	Flood Risk	Further consultation with CWCC's LLFA (Lead Local Flood Authority) is recommended in preparation of the ES.	
9.1.11	9.4.18	Sewer Flood Risk	Consideration should be given by the ES to third party connections to the overflow sewers. The design of the Proposed Development should avoid loss of waste storage volumes in the existing network	

ID	SR Reference	Description	CWCC Response	
9.1.12	9.5.1	Potential Effects and Mitigation	<p>There is little by way of detail for the Proposed Development in relation to the drainage strategy. CWCC LLFA highlight that consideration should be given to existing and proposed land profiles. Where land profiles are being altered, the applicant should assess whether any existing surface water flow routes need to be accommodated and retained. Any cable routing and potential associated impacts on watercourses and surface water flood routes should also be assessed.</p> <p>The ES should clarify whether/what raising the height of infrastructure referred to is in relation to existing levels in terms of the height parameters of the Proposed Development.</p>	
9.1.13	9.5.3	Potential Effects and Mitigation – Construction and Decommissioning	<p>The works cover an extensive area where it would not be unusual for any works to encounter uncharted drainage assets and natural surface water flow routes. The impact of the Proposed Development should assess any impact to the natural flow of surface water within the Site arising from the Proposed Development and any impact this could have on wider catchments.</p>	
9.1.14	9.5.3	Potential Effects and Mitigation – Construction and Decommissioning	<p>The location and confirmation of temporary compounds should be included in the ES. Any temporary impacts on surface water flow routes and ordinary watercourse should be adequately considered and mitigated.</p>	
9.1.15	9.5.3	Potential Effects and Mitigation – Construction and Decommissioning	<p>Any areas at risk of surface water flooding should be appropriately considered along with the wider impacts that this will have on flow paths for both during and post construction.</p>	



ID	SR Reference	Description	CWCC Response	
9.1.16	9.5.3	Potential Effects and Mitigation – Construction and Decommissioning	Any third party connections or overflows from public sewers to impacted watercourses should be adequately investigated and assessed. Where diversion works are necessary, the applicant will need to ensure that these connections are retained to ensure no loss of connectivity.	
9.1.17	9.5.6	Mitigation	CWCC LLFA support locating development at least 10m away from all watercourses, including drainage ditches. Where this is not practical, the ES is expected to address the potential impacts. CWCC LLFA recommend the Applicant carries out consultation on any works within this easement/distance. Further investigation may be needed to confirm whether some of the existing drainage infrastructure falls within the LLFA's remit under the Land Drainage Act 1991, or whether this would be classified as an Environment Agency (EA) asset.	
9.1.18	9.5.7	Design for critical infrastructure	Reference to 1% annual probability of flood event plus 30% for climate change is understood to be based on the DCO application proposing a temporary duration for the Proposed Development.	
9.1.19	9.6.2	Assessment Methodology  Site Specific Flood Risk Assessment (including	The proposed development is situated within Flood Zone 3, therefore a Flood Risk Assessment is required in accordance with NPS EN1 and the National Planning Policy Framework (NPPF).  The EIA confirms a site-specific Flood Risk Assessment and Drainage Strategy will be prepared which will inform the	

ID	SR Reference	Description	CWCC Response	
		Sequential and Exception Test)	<p>baseline assessment of flood risk associated with the Proposed Development.</p> <p>Comments from the EA (letter of 28 June 2023 (Ref:XA/2023/100006/01-L01) are noted in particular regarding the need for 600mm freeboard, compensation for any loss of flood plain, consideration of the effects of bunding, scope of the FRA, impact of culverting on flooding, interaction of various flooding mechanisms.</p>	
9.1.20	9.6.2	Site Specific FRA and drainage strategy	CWCC LLFA note that measures such as compensatory flood storage for works within Flood zone 3 will need to be assessed and confirmed, as changes to this measure may alter drainage design. Any impacts of access routes and haul roads on flood risk should also be assessed.	
9.1.21	9.6.2	Site Specific FRA and drainage strategy	<p>CWCC LLFA support and encourage SuDs on sites where it practicable. SuDS should be designed to control surface water as close to its source as possible. The use of SuDS should also help achieve the sustainability objectives of the NPPF. It is imperative that any future development integrates sustainable drainage features for flood risk, water quality and environmental benefits. The suitability of sustainable drainage systems should be assessed in accordance with paragraphs 051, 079 and 080 of the revised NPPF Planning Practice Guidance for Flood Risk and Coastal Change (<a href="https://www.gov.uk/guidance/flood-risk-and-coastal-change">https://www.gov.uk/guidance/flood-risk-and-coastal-change</a>).</p>	



ID	SR Reference	Description	CWCC Response	
			Sustainable drainage systems should be designed in line with national Non-Statutory Technical Standards for SuDS ( <a href="https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards">https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards</a> ) and local policies ENV1, DM40, DM41, DM42 and DM43 of the Core Strategy.	
9.1.22	9.6.4	SuDS	<p>CWCC have also produced the following documents:</p> <ol style="list-style-type: none"> <li>1) CWCC's Sustainable Drainage Systems (SuDS) Guidance – (volume 1) (v4) (June 2020) (JBA consulting)</li> <li>2) CWCC's Sustainable Drainage Systems (SuDS) Guidance - Council's Specific Information (volume 2) (v2) (June 2020) (JBA consulting).</li> </ol>	
9.1.23	9.6.4	SuDS	<p>Surface water attenuation requirements should be assessed that offer a reduction in surface water runoff rate in line with Policy DM 41 of LP2.</p> <p>CWCC LLFA confirm that all new connections to watercourses need to comply with reduction of flows to greenfield runoff rates. Surface water should be managed to ensure there is no increased surface water from the proposed development and runoff from extreme events should be retained within the site such that the adjacent third party land is not affected. Hydraulic calculations and drawings to support the design need to be provided along with an assessment of overland flow routes for extreme events that is diverted away from any key</p>	

ID	SR Reference	Description	CWCC Response	
			infrastructure, such as service kiosks and key infrastructure for the solar panels.	
9.1.24	9.6.4	SuDS	Maintenance of SuDS is essential for its proper operation. Therefore, a clear management and maintenance plan for the lifetime of the development is required as part of the submitted drainage strategy.	
<b>10. Ground conditions</b>				
10.1.1	10.2.4 / 10.4.2	Study Area / Current Condition and Land Use	The ES should identify and address known landfill sites in the area, including Manchester Ship Canal Company's Frodsham Marsh Tipping Lagoon, East Clifton Marsh and Kemira Growhow Landfill. Consultation with CWCC's Environmental Protection and the Environment Agency is recommended in preparing the ES. The EA has provided some additional information on landfill sites in their response to the SR. Consideration of Environmental Permitted sites is also referred to in the EA response (recommending consultation with the Permit Holders).	
10.1.2	10.3.9	Local Planning Policy	The ES should address Policy M 4 - Proposals for exploration, appraisal or production of hydrocarbons in LP2.	
10.1.3	10.4.1	Preliminary Baseline Conditions	It is important that the ES is accompanied relevant reports as part of the Phase 1 Preliminary Risk Assessment report and Stage 2 Supplementary investigation to be submitted as a	





ID	SR Reference	Description	CWCC Response	
			technical appendix to the Ground Conditions Chapter of the ES.	
10.1.4	10.4.5	Geology and Ground Conditions - Peat deposits	<p>Frodsham / Ince Marshes passes through an area containing important peat resources. The Site is identified as having deep peaty soils: area covered with a majority of peat greater than 40cm deep. It is understood that there are up to c 20m of post-glacial deposits in the area, made up of interleaved peat and estuarine alluvium. Borehole data on the BGS website may provide further detail.</p> <p>Natural England should be consulted in relation to the impact of the Proposed Development in relation to peat deposits. Natural England's Peat Concerns are documented in their response to the Cheshire West and Chester Local Plan Early Consultation response (16 May 2022) (NE ref: 357941). <b>Appended (Appendix CWCC SR.4 Natural England letter 16 May 2022).</b></p> <p>Consultation with Cheshire Wildlife Trust (CWT) is also recommended in preparing the ES, as CWT are undertaking a study in relation to peat deposits, and further information may be available from CWT. Findings in relation to peat should be cross referenced with other Chapters in the ES including biodiversity, cultural heritage, and climate change.</p>	
10.1.5	10.4.5	Geology and Ground Conditions – Mineral Safeguarding	Minerals impacts have not been fully considered within the SR and should be included in the ES. The site is not covered by Mineral Safeguarding Areas. Do initial ground investigations indicate the presence of sand or gravel in this area? Paragraph	

ID	SR Reference	Description	CWCC Response	
			10.4.5 suggests that there may be some areas of sand. Have the deposits made in the former Weaver Navigation Dredging Deposit Ground or any other parts of the site resulted in any localised sand reserves or areas of potential contamination? If there are significant areas of sand and gravel the potential for prior extraction should be considered.	
10.1.6	10.5.8	Potential Effects and Mitigation – Construction Human Health – Unexploded Ordnance (UXO)	As it is not possible to scope out potential likely significant effects on human health that may arise from construction or UXO during the construction phase this should be included in the ES.	
10.1.7	10.5.9	Potential Effects and Mitigation – Construction (Controlled Waters)	As it is not possible to scope out potential likely significant effects on controlled waters from the impacts of contamination being remobilised during construction this should be covered in the scope of the ES.	
10.1.8	10.5.14	Potential Effects and Mitigation – Construction (Ecosystems)	The ES should include an assessment of potential impacts on ecological receptors that may arise from contamination during the construction phase as indicated in the SR.	
10.1.9	Table 10.6	Summary of Assessment Scope	CWCC's Environmental Protection concur with the conclusions and the summary of Assessment Scope contained within Table 10.6. The proposed Phase 1 Preliminary Risk Assessment and Phase 2 Supplementary investigation will assess potential contamination at the site and will inform the Environmental Statement.	

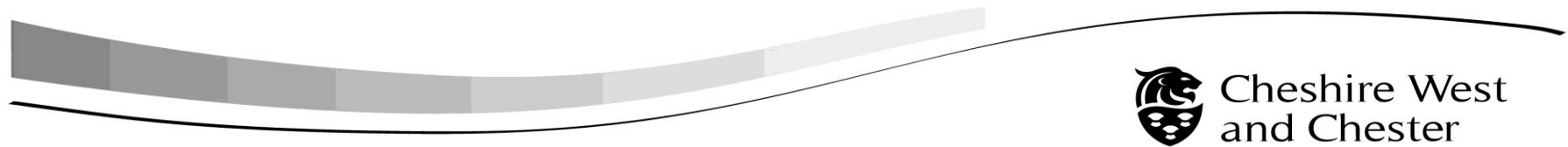
ID	SR Reference	Description	CWCC Response	
<b>11. Cultural Heritage and Archaeology</b>				
11.1.1	Section 11	Overview comments on Section 11 by Cheshire Archaeology Planning Advisory Service	<p>Cheshire Archaeology Planning Advisory Service (APAS):</p> <p>The request is supported by a Scoping Report which contains a Section (11, Pages 150-173) concerning cultural heritage issues, including archaeology. This Section is supported by an Appendix (11.1) which comprises a gazetteer of all currently-known Heritage Assets and Interventions (Events) within the proposed development area and its environs.</p> <p>Both Section 11 and the supporting appendix have been prepared by archaeological specialists at AOC Archaeology and provide information on the base line data concerning archaeology and the historic built environment, as it is understood at the present time. It is recognised, however, that further research will be required in order to understand the full extent of the cultural heritage resource in and around the site and the potential impact of the scheme.</p> <p>To this end, Section 11 of the report outlines a methodology to secure a full understanding of extent of historic deposits, remains, and structures that may be present within the study area and the effect of the development on these features. The results of this research will form a chapter in the proposed EIA and will be supported by a full cultural heritage study. The study will also contain recommendations to ensure that features of interest or significance are protected or, where this is not</p>	

ID	SR Reference	Description	CWCC Response	
			<p>possible or justified, subjected to an appropriate degree of investigation, recording, and reporting.</p> <p>It is advised that this represents an appropriate strategy in relation to archaeological matters.</p> <p>APAS's comments are restricted to archaeological matters.</p>	
11.1.2	11.3.8	Local Planning Policy	<p>The following policies from LP2 should be added to the list of policies under 11.3.8.</p> <p>Policy DM 46 – Development in conservation areas</p> <p>Policy DM48 – Non-designated heritage assets (<i>typo in SR referred to DM4</i>)</p> <p>Policy DM52 Solar Energy</p>	
11.1.3	11.4.5	Preliminary Baseline Conditions (Peat Deposits)	<p>Reference is made to peat deposits in the response above under Section 10 Ground Conditions. The ES should cross reference the issues in relation to peat with the other topics referred to in the SR response.</p>	
11.1.4	11.4.13	Preliminary Baseline Conditions (Conservation Areas)	<p>Conservation Areas (and their setting in particular) may be impacted by the Proposed Development. The relevant Conservation Area Appraisals should be considered when assessing the impacts on the significance of these heritage assets. For CWCC's administrative area these include:</p> <p>The Frodsham (Town) Conservation Area,</p>	

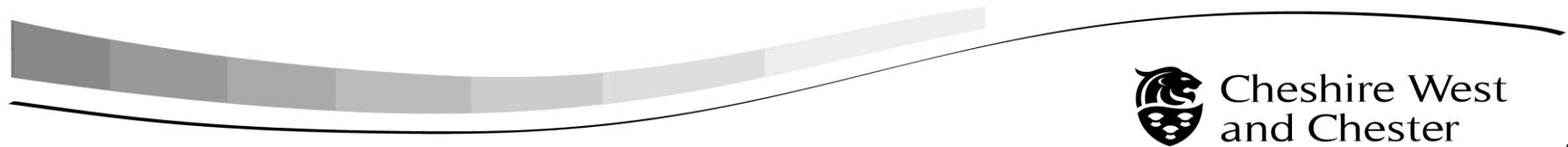
ID	SR Reference	Description	CWCC Response	
			Overton, St Lawrence (Frodsham) Conservation Area Overton, Five Crosses (Frodsham) Conservation Area Castle Park (Frodsham) Conservation Area Ince Conservation Area	
11.1.5			The Conservation Area Appraisals can be viewed at: <a href="https://www.cheshirewestandchester.gov.uk/residents/planning-and-building-control/total-environment/conservation-areas-and-conservation-area-appraisals">https://www.cheshirewestandchester.gov.uk/residents/planning-and-building-control/total-environment/conservation-areas-and-conservation-area-appraisals</a>	
11.1.6	11.4.21	Preliminary Baseline Conditions (Conservation Areas)	Overton, Five Crosses (Frodsham) Conservation Area should be added to the designated heritage assets between 1km and 3 km from the Site.	
11.1.7	11.5.5 and 11.5.6	Potential Effects and Mitigation (Operation)	Clarification should be provided as to the scoping out of further assessment of those assets within the ZTV but identified as not having key views. It is not clear whether such assets would be considered in the ES Chapter (as it is indicated in 11.5.6 that all heritage assets in the ZTV would be included in the ES Chapter). It is recommended that scoping out be confirmed following further consultation with CWCC's Conservation and Design section over whether the Proposed Development would appear in key views.	



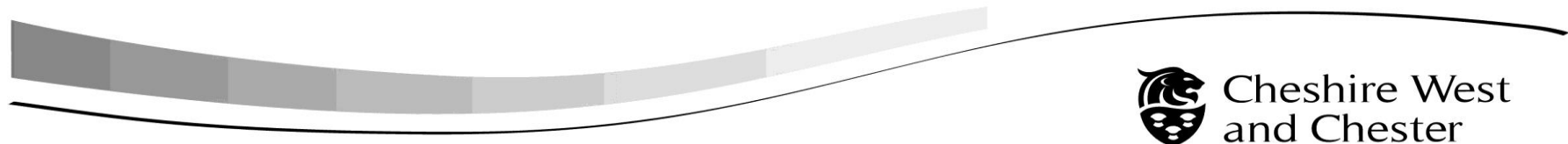
ID	SR Reference	Description	CWCC Response	
11.1.8	Table 11.5	Summary of assessment scope	With regard to setting impacts on designated heritage assets within the defined study areas, the impact on the setting of heritage assets within the 5km study zone is to be included within the application, with the key area being Frodsham Conservation Area to the south of the site. The setting of Helsby Hill should also be considered despite being outside the 5km boundary this is still a key view point within the area and the impacts on such views should be assessed.	



ID	SR Reference	Description	CWCC Response	
<b>12. Climate Change</b>				
12.1.1	General		CWCC declared a Climate Emergency in 2019. Response to this existential threat included the ability of the borough to contribute significantly with solar by 2030 to 400MW capacity. The Proposed Development is a key project in potentially delivering on the borough's contribution.	
12.1.2	12.3.2	National Planning Policy	Draft NPS EN -3 provides guidance at 3.4.10. Solar photovoltaic (PV) sites may also be proposed in low lying exposed sites. For these proposals, applicants should consider, in particular, how plant will be resilient to: increased risk of flooding; and impact of higher temperatures.	



ID	SR Reference	Description	CWCC Response	
12.1.3	12.3.4	Local Planning Policy (LP1)	<p>The following LP1 policies should be added to the list:</p> <p>STRAT 10 Transport and Accessibility</p> <p>STRAT 11 Infrastructure</p> <p>ENV 1 Flood risk and water management</p> <p>ENV3 Green Infrastructure</p> <p>ENV4 Biodiversity and geodiversity</p> <p>ENV 7 Alternative energy supplies</p> <p>ENV 8 Managing waste</p>	





ID	SR Reference	Description	CWCC Response	
12.1.4	12.3.5	Local Planning Policy (LP2)	<p>The following LP2 policies should be added to DM4 with regard to consideration of climate change:</p> <p>DM 40 Development and flood risk;</p> <p>DM 31 - Air quality</p> <p>DM 40 - Development and flood risk</p> <p>DM 51 - Wind energy</p> <p>DM 52 - Solar energy</p> <p>DM 53 - Energy generation, storage and district heat networks</p>	
12.1.5	12.5.7	<p>Potential Effects and Mitigation</p> <p>(GHC Emissions)</p> <p>(Construction) (iv) (Loss of peat)</p>	<p>The document addresses and scopes in the loss of peat for further enquiry. Natural England's comments should be sought in this regard.</p> <p>Additional measures should be considered to prevent impacts on peat / greenhouse gas emissions. For example, trenchless or shallow cable routing or re-routing to avoid peat areas.</p> <p>Having regard to draft NPS EN3 (3.10.147), to ensure the development will result in minimal disruption to the ecology, or release of CO2 and that the carbon balance savings of the scheme are maximised, the solar farm layout and construction methods need to be designed to minimise soil disturbance during construction and maintenance of roads, tracks, and other infrastructure.</p>	



ID	SR Reference	Description	CWCC Response	
12.1.6	Table 12.3	Increased frequency and magnitude of wind and storms	Storm damage needs to consider potential for damage from outside risks falling or causing damage to the project inside the Site.	
<b>13.Noise and vibration</b>				
13.1.1	13.3.1	Planning Policy Context  Local Policy	<p>The following LP1 policies should be referenced in relation to noise:</p> <p>SOC 5 – Health and well-being</p> <p>ENV7 Alternative energy supplies.</p> <p>The following LP2 policies should be referenced in relation to noise:</p> <p>DM2 – Impact on residential amenity</p> <p>DM 4 - Sustainable construction</p> <p>DM29 – Health impacts of new development</p> <p>DM30 – Noise.</p>	
13.1.2	13.4.4 – 13.4.6	Residential Receptors	Further consultation with CWCC’s Environmental Protection is recommended to ensure appropriate consideration is given in the ES to the residential / gypsy caravan sites located at land off	

ID	SR Reference	Description	CWCC Response	
			Brook Furlong Frodsham (Planning applications 22/02292/FUL and 22/03308/FUL).	
13.1.3	13.5.6	Potential Effects and Mitigation – Construction	It is noted that the ecology chapter of the ES will consider the potential effects of the construction in more detail. It is recommended that Natural England be consulted in relation to assessment and preparation of the ES in terms of construction impacts on the Designated Sites.	
13.1.4	13.6	Conclusions – construction noise and vibration, operational noise and demolition noise and vibration may be scoped out.	<p>With respect to human health impacts CWCC’s Environmental Protection agree with the SR conclusion on noise. A noise and vibration assessment has been undertaken to establish appropriate background levels and the information submitted is considered appropriate and sufficient to justify this conclusion. The conclusion confirms suitable mitigation measures and management measures are to be secured through the subsequent CEMP, CTMP and DEMP that are likely to form requirements attached to the DCO</p> <p>Environmental Protection consider that in addition there will be a need to condition plant noise levels to ensure they do not exceed 5dB below background at noise sensitive receptors.</p>	
<b>14. Socio-economics, Land Use and Tourism</b>				
14.1.1	14.3.9	Local Plan Policy	The SR references LP1 and LP2 in relation to Local Plan Policy, and the following policies should be considered in particular:	



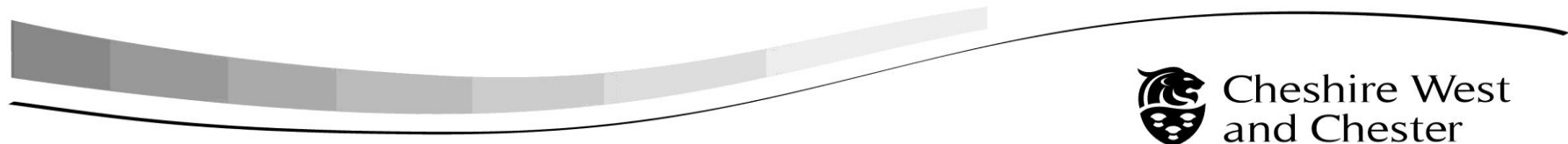
ID	SR Reference	Description	CWCC Response	
			<p>LP1 Policy STRAT 1 (Sustainable Development). The Local Plan seeks to enable development that improves and meets the economic, social and environmental objectives of the borough in line with the presumption in favour of sustainable development.</p> <p>It should also consider policies ENV 7 of LP1 (as this refers to alternative energy supplies and considers impacts on residential amenity, noise, air, water, highways and health) and SOC 5 (as this relates to health and wellbeing).</p> <p>LP1 Policy ECON 3 Visitor economy does not directly safeguard visitor economy facilities but provides guidelines for such developments.</p> <p>This section covers the impact of the development on the PROWs that cross the site and recognises them as valuable local community resource.</p> <p>In terms of LP2 the following policies should be considered:</p> <p>DM 11 - Safeguarded areas around aerodromes</p> <p>DM 37 - Recreational routeways</p> <p>DM 38 – Waterways and mooring facilities</p>	
14.1.2	14.4.6	Workplace Population	The regional study area is referenced, but a more localised / focused element to the socio - economic impacts should be included.	



ID	SR Reference	Description	CWCC Response	
14.1.3	14.5.3	Potential Effects and Mitigation  (Construction Phase)	Consideration should be given to local procurement and employment and training opportunities, particularly during construction (as referenced in 14.5.5 with a local Construction Employment and Skills Plan). The regional study area is referred to, but consideration should be given to including focused / targeted initiatives in relation to the immediate surrounding settlements in terms of enhancing employment and training opportunities.	
14.1.4	14.5.13 to 14.5.17	Effects on recreational use of PROW and NCN:  Minimising impacts on PROW – outline Public Rights of Way Management Plan (PROWMP)	The PROWMP should include provision for a condition survey pre-construction, and pre-laying of cables, and measures to mitigate and as a minimum to reinstate the PROW / surfacing following construction. Similar arrangements should be secured for decommissioning.	
14.1.5	14.5.13 to 14.5.17	Minimising impact	The access route is a PROW and NCN5; condition of route established post wind farm; this should be included as part of an assessment of the impact from construction traffic/	
14.1.6	14.5.17	Scoping out the temporary construction impacts on the PROW on the basis of minimal temporary closures	Subject to PROWMP the temporary impact on the recreational use of the PROW and NCN could be scoped out during construction as proposed to issue a PROW management. However, other aspects of the impacts on the PROW network (e.g. in terms of the related landscape and visual impacts) should be addressed in the ES.	

ID	SR Reference	Description	CWCC Response	
14.1.7	14.4.27	Operational effects on the recreational use of the PROW and NCN	As indicated in the landscape and visual amenity section, impacts on the PROW in terms of the user experience could be significant, despite no permanent changes to the routes being proposed. It is considered that further justification is needed to scope out the effects on recreational use. It is recognised that enhancements to the PROW network are being considered, and this needs clarification/securing as part of the DCO process.	
<b>15. Traffic and Transport</b>				
15.1.1	15.1	Introduction / Overview	CWCC's Highway Officer comments that the chapter on Traffic and Transportation has a very simplistic approach and sets out that only a Transport Statement would be submitted with the application. This is not considered appropriate/sufficient. Given the scale of the construction traffic and the overlap it will have with other schemes coming forward in that area in that time frame, such as the Hynet Carbon Dioxide and Hydrogen pipeline schemes, build out and occupation of the units at Protos, expansion at Encirc, to name just a few, there is likely to be significant cumulative impact that will need to be assessed as part of this proposal. A more detailed Transport Assessment, including junction modelling, is expected to assess the traffic and transport impacts.	
15.1.2	15.2.1	Study Area	This section looks at the Study Area and proposes that the construction traffic will approach the site from either Jct 14 of the M56 or Jct 10 of the M53. Clarification is needed on how this	

ID	SR Reference	Description	CWCC Response	
			would be controlled? This does not seem to recognise that traffic may come from other non-motorway routes to those junctions.	
15.1.3	15.2.2	Impact from construction activities	CWCC's Highway Officer queries the comment at 15.2.2 that the impact from construction activities will be largely experienced on the local unclassified roads between the A5117 and the site. Detailed modelling would be expected to justify / confirm this.	
15.1.4	15.3.6	"None of the policies within Part Two of the Local Plan are considered relevant to the Proposed Development."	<p>Policy T 5 - Parking and access of LP2 is relevant to the Proposed Development: In order to ensure that appropriate provision is made for access and parking, development proposals will be supported which meet the requirements of LP 1 Policy <a href="#">STRAT 10</a> and especially which:</p> <ul style="list-style-type: none"> <li>• make safe provision for access to and from the site for all users of the development, including the provision of access to adopted highways, visibility splays and accompanying signage where necessary;</li> <li>• allow for safe movement within the site, having regard to the requirements of the emergency services and service providers, including sufficient manoeuvring and standing space for the appropriate number and size of vehicles likely to serve the development at any one time;</li> </ul> <p>will not create any unacceptable impacts on amenity or road safety that cannot be satisfactorily mitigated by routeing controls or other highways improvements.</p>	



ID	SR Reference	Description	CWCC Response	
15.1.5	15.4.4	Baseline conditions (Local Highway Network)  (West of Pool Lane)	CWCC's Highway Officer notes that this section of the SR states that the junction of the A5117 with Thornton Green Lane is signalised. This is incorrect. It is a priority junction with a right turn lane.	
15.1.6	15.5.10	Potential Effects and Mitigation  (Junction capacity)	It sets out the nearby junctions are 'likely' to have sufficient capacity. This will need to be fully tested and take on board all of the committed developments, or other developments that may have been decided upon by the time of this applications or are live application that need to be factored in.	
15.1.7	15.5.30	Operational Effects and Mitigation	<p>CWCC's Highway Officer comments on the point regarding operational daily traffic being scoped out of the ES. Whilst it is very likely to be the case that operation daily levels of traffic will be minimal, details would still be expected to give a rounded full view of the proposals. It must also be taken into account that the Protos site has a cap on levels of HGV movement and that any HGV movement attached to this project either through the construction stage or the subsequent operational stage would be expected to demonstrate that it falls below that capped overall level as it would be using the same road network. A means of securing this would be expected.</p> <p>Having regard to draft NPS EN-3 (3.10.132) this may be a case where cumulative effects on the local road network are predicted from cumulative developments, it may be appropriate for applicants for various projects to work together to ensure that the number of abnormal loads and deliveries are minimised, and the timings of deliveries are managed and coordinated to ensure that</p>	





ID	SR Reference	Description	CWCC Response	
			disruption to residents and other highway users is reasonably minimised.	
15.1.8	15.5.35	Summary	The Applicant refers to the Transport Statement proving various information including on abnormal loads. The impacts of abnormal traffic movements relating to the Proposed Development and considered cumulatively with other projects ought to be considered in the ES.	
15.1.9	15.6.1	Assumptions, Limitations and Uncertainties  (Baseline traffic data)	Data assumptions. The baseline traffic data that has been used so far is from 2018 and therefore considered too out of date for use as a realistic base line. Newer base line data will be required.	
<b>16. Air Quality</b>				
16.1.1	16.5.7	Construction Phase Dust	Subject to confirmation/consultation with Natural England regarding impact on Designated Sites, scoping out of construction phase dust from the ES appears appropriate.	
<b>17. Other Environmental Topics</b>				
17.1.1	17.2.6	Glint and Glare (road users)	Further information is needed in relation to the Glint and Glare Study to justify the extent of proposed screening as mitigation. Additional screening to that shown on Fig 2 expected to be required.	



ID	SR Reference	Description	CWCC Response	
17.1.2	17.2.7	Glint and Glare (residential)	<p>There is an apparent inconsistency between the LVIA and the Glint and Glare study in terms of the conclusion on residential amenity. In relation to the Glint and Glare study the SR (paragraph 17.2.7) concludes:</p> <p>“Of these 24, all located in one area to the south of the M56 (shown on Figure 3 of Appendix 17.1), were deemed to potentially experience glint and glare effects which could impact residential amenity”.</p> <p>Whereas the LVIA does not consider residential visual amenity is impacted (7.5.6). It is acknowledged that these studies cover different aspects, but the impact on residents’ amenity is common to both and needs consideration.</p>	
17.1.3	17.5.12	Major accidents and disasters	<p>Risk of fire for BESS, should include emergency planning and consultation with the Cheshire Fire &amp; Rescue Service.</p> <p>Comments from the EA (letter of 28 June 2023 (Ref:XA/2023/100006/01-L01) regarding concerns over potential use of water from nearby watercourses are noted.</p>	
17.1.4	17.5	General	Risk of ice throw or other wind turbine failure damaging the solar farm.	
17.1.5	17.5	General	Consideration of the risks associated with nearby COMAH sites is needed.	



ID	SR Reference	Description	CWCC Response	
<b>18. Structure of the Environmental Statement</b>				
18.1.1	General		The ES structure should include a reasoned summary/conclusion to the aspects scoped in and scoped out of the ES.	
18.1.2			The figures listed in the contents page should be provided with page numbers provided, so they can be found easily.	

Table CWCC2 below extracts the information from the SR in relation to aspects proposed to be scoped out of the ES, with the CWCC column providing a summary of whether CWCC consider the aspect should be scoped out or not.

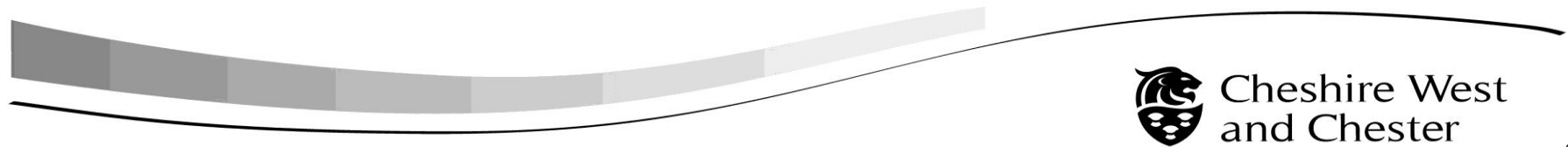
**Table CWCC 2 – Summary of Assessment Scope – CWCC Response to summary of items proposed to be Scoped Out**

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
Landscape & Visual Effects						
7.4	Effects on statutory landscape designations	Scoped Out	Scoped Out	Scoped Out	There are no statutory landscape designations within the proposed Study Area	Agreed (subject to the LVIA / ES addressing that the Cheshire Sandstone Ridge is under consideration as an AONB)
7.4	Effects on National Character Areas	Scoped Out	Scoped Out	Scoped Out	These are very broad-based character areas, which add context to the more detailed LCAs identified at a district level. An assessment of effects upon them is not necessary – the District LCAs	<b><u>Not Agreed</u></b>  Scoping out of the assessment of National Character Areas requires more justification.

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					provide a baseline that is more appropriate to the extent of change that is likely to occur	
7.4	Night-time Landscape and Visual Effect	Scoped Out	Scoped Out	Scoped Out	The Site would not be routinely lit during operation with lighting restricted to periods of maintenance or emergencies, where used it would be limited to low level security lighting. There would be some lighting required during construction/ decommissioning normal working hours but this would be managed in accordance with best practice via measures to be set out in the OCEMP. The surrounding area is relatively well	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					lit, and the lighting proposed would not result in any significant change	
7.4	Residential Visual Amenity	Scoped Out	Scoped Out	Scoped Out	The Proposed Development would comprise structures that are relatively low height, and which are not located in close proximity to residential properties. The nearest properties are separated from the Site by the M56. Views of solar panels and associated infrastructure would not result in visual change that would materially affect residential amenity	Agreed for construction and decommissioning.  <b><u>Not Agreed</u></b> (for Operation)  Further information / assessment is required.  There is an apparent inconsistency between the LVIA and the Glint and Glare study in terms of the conclusion on residential amenity. In relation to the Glint and Glare study the SR

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary Rationale	of	CWCC response
							(paragraph 17.2.7) concludes  “Of these 24, all located in one area to the south of the M56 (shown on Figure 3 of Appendix 17.1), were deemed to potentially experience glint and glare effects which could impact residential amenity”.
Ecology & Nature Conservation							
8.4	Statutory Designated Sites (without mobile qualifying criteria) located	Scoped Out	Scoped Out	Scoped Out	Scoped-out due to lack of clear pathway for effects due to separation distance between		Agreed



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
	greater than 2 km from the Site				Site and designation boundary.	
8.4	Impacts to Priority Habitats or otherwise of biodiversity importance/value		Scoped Out		Operational impacts on habitats not considered likely to occur as activity will be limited to maintenance visits only.	Provisionally Agreed (Subject to confirmation that habitats can persist without impact within the solar farm array (e.g. impact of shading))
8.4	Impacts to common and widespread habitats of low sensitivity and/or conservation interest	Scoped Out	Scoped Out	Scoped Out	Scoped-out due to low sensitivity of these predominantly farmland habitats (arable and improved pasture), which are abundant in the wider area and across the County, and support limited biodiversity. Embedded design to further protect habitats through implementation of buffers. Wildlife corridors will be	<b><u>Not Agreed</u></b>  The impact on Cell 2 and Cell 5 should not be scoped out as these form part of a habitat management plan for the Frodsham windfarm. Whilst the habitat may be identified as having a low value, the species they





SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					maintained through embedded design and the application includes a commitment to BNG, which will evidently lead to habitat improvements.	support are of high value and should not be scoped out.
8.4	Breeding Birds		Scoped Out		Any potential for operational impacts is limited to disturbance through maintenance visits, which is considered likely to be no more than existing farming and wind farm management activities. Operational impacts are therefore scoped-out.	<b>Not agreed</b> (ground nesting in particular) Operational impacts should be scoped back into the assessment.
8.4	Wintering Birds		Scoped Out		The potential for operational impacts is limited to disturbance through maintenance visits,	<b>Not agreed,</b> Operational impacts should be scoped back



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					which is considered likely to be no more than existing farming and wind farm management. Operational impacts are therefore scoped-out.	into the assessment.
8.4	Bats (foraging & commuting)		Scoped Out		Operational impacts avoided through embedded design (lighting plan) and are therefore scoped-out.	<b>Not agreed</b> - Wider landscape solar panel effect – survey scope can't be assessed
8.4	Water vole and otter	Scoped Out	Scoped Out	Scoped Out	Scoped-out as impacts will be avoided through embedded design (water course and ditch buffers). To be reviewed on design completion and will be scoped-in if infrastructure and construction areas are located at least 10m from ditches and waterbodies.	<b>Not Agreed</b> (for Water vole)  Surveys not progressed, but known population  <b>Agreed</b> (for Otter)

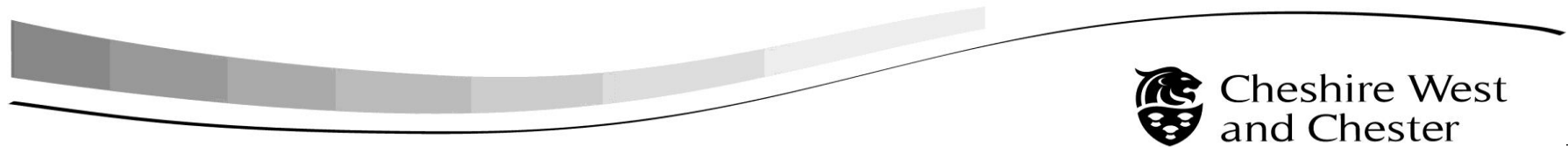


SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					Both species are likely to benefit from habitat improvements under BNG and removal of agricultural chemicals from Site environment (improved water quality). Operational impacts are therefore scoped-out.	
8.4	Reptiles	Scoped Out	Scoped Out	Scoped Out	No evidence of presence during 2022 surveys and therefore scoped-out. Precautionary avoidance measures will be included in the OCEMP.	Agreed
8.4	Badger		Scoped Out		The potential for operational impacts is limited to disturbance through maintenance visits, which is considered likely to be no more	<b>Not Agreed</b> Connections between setts – bait marking survey (impact of fencing site)



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					than existing farming and wind farm management. Operational impacts are therefore scoped-out.	
8.4	Great Crested Newt	Scoped Out	Scoped Out	Scoped Out	No evidence of presence during 2022 surveys and therefore scoped-out. Precautionary avoidance measures will be included in the OCEMP.	<b>Not Agreed</b> (survey report not provided)
8.4	Other amphibians	Scoped Out	Scoped Out	Scoped Out	Scoped-out with the provision of precautionary avoidance measures included in the OCEMP.	<b>Not Agreed</b> (survey report not provided)
8.4	Other mammals	Scoped Out	Scoped Out	Scoped Out	Scoped-out with the provision of precautionary avoidance measures included in the OCEMP.	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
8.4	Invertebrates	<i>(Scoped out in part)</i>	Scoped Out	Scoped Out	Scoped-in for targeted areas only, subject to completion of surveys of the INEOS Inovyn Deposit Ground. Across the remainder of the Site areas of higher habitat suitability for terrestrial invertebrates are avoided through embedded mitigation (project design). Also the provision of BNG and cessation of the use of agricultural chemicals will lead to a clear benefit to invertebrate populations across the majority of the Site.	<b><u>Not Agreed</u></b>  Not convinced over areas being targeted.



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
Flood Risk, Drainage and Surface Water						
9.6	Water pollution from increased siltation		Scoped Out		There is potential during construction for groundworks to give rise to a source of sediments which could, if uncontrolled, pollute surface water features. During operation this is unlikely as there would be no exposed soils.	Agreed
Ground Conditions						
10.6	Human Health (potential for exposure to contamination through dermal, ingestion and inhalation pathways)		Scoped Out	Scoped Out	Potential sources of contamination have been identified on The Site associated with dredgings which require further assessment to establish pollutant receptor linkages	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					and identify any necessary remedial measures. Risks significantly reduced during operation and decommissioning phases, such that significant effects are unlikely.	
10.6	Human Health (UXO)		Scoped Out	Scoped Out	Potential for the presence of UXO which could be encountered during construction works in shallow / deep soils. Recommended mitigation measures to be employed during site investigation, and construction works where open intrusive works or piled foundations are required.	Agreed



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
10.6	Controlled Waters (potential for remobilisation of contaminants)		Scoped Out	Scoped Out	Potential sources of contamination have been identified which could remobilise into controlled waters although this is largely dependent on construction methods which are yet to be finalised. Operation of the development is unlikely to give rise to risks on controlled waters as potential for contamination is very low due to the nature of solar operations. Risk of mobilising contaminants during decommissioning is low.	Agreed
10.6	Ecological Receptors (SSSI / SPA)		Scoped Out	Scoped Out	Potential sources of contamination have been identified which could remobilise into	Provisionally Agreed (subject to consideration of any comments)



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					controlled waters although this is largely dependent on construction methods which are yet to be finalised. Operation of the development is unlikely to give rise to risks on controlled waters as potential for contamination is very low due to the nature of solar operations. Risk of mobilising contaminants during decommissioning is low.	from Natural England)
10.6	Property (potential instability / aggressive conditions to subsurface structures)		Scoped Out	Scoped Out	Low bearing capacity and high compressible soils have been identified on the Site associated with dredgings, cell bunds and natural Glaciofluvial deposits which	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					require further investigations to establish any required remedial works and inform construction design proposals. Once constructed risks to property is very low.	
10.6	Livestock (potential for exposure if deeper dredging soils introduced to surface soils)		Scoped Out	Scoped Out	Potential for deeper dredging soils to be introduced to surface soils depending on construction works. If arisings exceed threshold levels they would be removed from the Site to enable grazing to continue during operation and following decommissioning.	Agreed
Cultural Heritage & Archaeology						

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
11.5	Direct Impacts		Scoped Out	Scoped Out	During the operational phase there will be no ground disturbance which could directly impact assets. Below ground disturbance during decommissioning would be limited and any disturbance is likely to be in areas of ground which were already affected during construction works.	Agreed
11.5	Direct Impacts along the Access Road	Scoped Out	Scoped Out	Scoped Out	The Access Road follows an existing routeway which is considered likely to have disturbed or truncated any archaeological remains within its footprint and no further significant effects on buried	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary Rationale of	CWCC response
					remains are anticipated.	
11.5	Settings Impacts on designated heritage assets within the defined study areas			Scoped Out	The impact of the Proposed Development on the settings of heritage assets will be considered up to 5km from the Site.	Agreed. <b>Note:</b> The setting of Helsby Hill should be considered despite being outside the 5km boundary this is still a key view point within the area and the impacts on such views should be assessed.
Climate Change (resilience)						
12.3	Increase in winter precipitation	Scoped Out		Scoped Out	It is not expected for the climate to change significantly within the shorter timescales of construction and decommissioning,	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary Rationale of	CWCC response
					so this has been scoped out. Mitigation for any risks of flooding at the time of construction or decommissioning would be included within a CEMP or DEMP for the full range of expected conditions.	
12.3	Decrease in summer precipitation	Scoped Out		Scoped Out	It is not expected for the climate to change significantly before or within the expected timescales of construction, which are much shorter than the development lifetime so this has been scoped out. Mitigation for any risks of dust impacts at the time of construction would be included within in a CEMP. Similarly,	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					the timescales for decommissioning will be short, and the climate is not expected to change significantly within a short timescale, so this has been scoped out. Mitigation for demolition dust impacts will be assessed in relation to the climate at the time and included within a DEMP.	
12.3	Changes in water availability	Scoped Out	Scoped Out	Scoped Out	This could affect mobilisation of pollutants resulting in more acidic soils which can deteriorate construction materials. The materials chosen will be appropriate for the existing ground conditions and would be able to	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					withstand any anticipated changes in water availability. Operationally, the Proposed Development does not have a significant water demand with water usage being purely for cleaning purposes when needed.	
12.3	Increased frequency and magnitude of wind and storms	Scoped Out		Scoped Out	It is not expected for the climate to change significantly before or within the expected timescales of construction, which are much shorter than the development lifetime so this has been scoped out. Mitigation for any risks of wind and storms at the time of construction would be included within in	Agreed

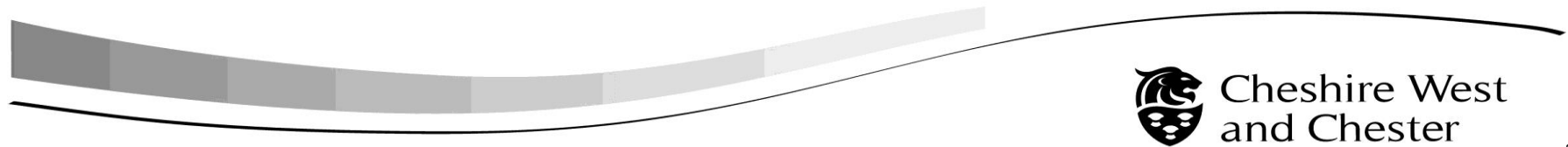
SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					a CEMP. Similarly, the timescales for decommissioning will be short, and the climate is not expected to change significantly within a short timescale, so this has been scoped out. Mitigation for any risks of wind and storms will be assessed in relation to the climate at the time and included within a DEMP.	
12.3	Increase in summer temperatures	Scoped Out		Scoped Out	It is not expected for the climate to change significantly before or within the expected timescales of construction, which are much shorter than the development lifetime so this has been scoped out. Mitigation for any	Agreed



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					risks of high temperatures at the time of construction would be included within in a CEMP. Similarly, the timescales for decommissioning will be short, and the climate is not expected to change significantly within a short timescale, so this has been scoped out. Mitigation for any risks of high temperatures will be assessed in relation to the climate at the time and included within a DEMP.	
12.3	Changes in cloud cover	Scoped Out		Scoped Out	It is not expected for changes in cloud cover to have any negative impact on construction or decommissioning. Furthermore, it is not	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					expected for the climate to change significantly within the shorter timescales of construction and decommissioning, so this has been scoped out	
12.3	Sea level rise	Scoped Out		Scoped Out	It is not expected for the climate to change significantly before or within the expected timescales of construction, which are much shorter than the development lifetime so this has been scoped out. Mitigation for any risks of coastal flooding at the time of construction would be included within in a CEMP. Similarly, the timescales for decommissioning	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					will be short, and the climate is not expected to change significantly within a short timescale, so this has been scoped out. Mitigation for any risks of coastal flooding will be assessed in relation to the climate at the time and included within a DEMP.	
12.3	Changes to snow and ice	Scoped Out	Scoped Out	Scoped Out	The UKCP18 predictions anticipate less snow and ice than the current baseline and as such the risk from snow and ice is not anticipated to increase due to climate change.	Agreed
Climate Change						



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
(Green House Gas) (GHG)						
12.3	Travel of construction workers	Scoped Out			The workers would be travelling to this or an alternative site. The location workers would travel from is unknown. The emissions from workers travel are expected to be negligible in context of the other sources of emissions during construction and the overall GHG emission savings associated with the Proposed Development.	Agreed
12.3	Energy consumption from the provision of clean water and treatment of wastewater		Scoped Out		These operational emissions are expected to be negligible in context to the overall GHG emissions.	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
12.3	Travel for workers			Scoped Out	The workers would be travelling to this or an alternative site. The location workers would travel from is unknown. These emissions are expected to be negligible in context of the other sources of emissions during the decommissioning phase and the overall GHG emission savings associated with the Proposed Development.	Agreed
Noise & Vibration						
13.1	Noise and vibration associated with plant and machinery	Scoped Out	Scoped Out	Scoped Out	Noise during the construction phase would not be significant as has been demonstrated in the NIA. Noise impacts would be	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					<p>controlled through the measures, commitments and management secured through the CEMP. Effects from decommissioning phase would be controlled in a similar way to construction via a detailed DEMP. Noise and vibration levels of plant and machinery during the operational period are well below representative background sound levels at NSR during daytime and night-time periods due to the influence of the local road network and separation distance. As such the impacts are not significant. A noise assessment has been provided which</p>	

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					assesses the Proposed Development against the relevant British Standards in relation to construction noise and industrial noise sources. The assessment has shown that there would be no significant noise impacts.	
13.1	Impacts associated with Proposed Development traffic Movement	Scoped Out	Scoped Out	Scoped Out	The noise generated from road traffic noise has been calculated based on the predicted traffic flows. This has shown that there would be no significant noise impacts.	Agreed
Socio-economics,						

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
Land Use and Tourism						
14.2	Employment and GVA (direct and indirect) and skills and training	Scoped Out	Scoped Out	Scoped Out	Due to the likely scale of employment and GVA effects this is predicted to be negligible in the context of baseline regional and national study area levels of employment and GVA.	Agreed
14.2	Workplace population	Scoped Out	Scoped Out	Scoped Out	This is most relevant for the construction phase. However even during the construction phase much of the construction workforce is likely to be sourced from within an hour of the site due to the proximity to a number of large population centres. In addition, the scale	Agreed



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					of employment effects relative to the baseline for this regional study area is likely to be negligible. Since the effect on workplace population is likely to be negligible, there is likely to be little or no effect on demand for social and community infrastructure.	
14.2	Economic effects on volume and value of tourism	Scoped Out	Scoped Out	Scoped Out	The industrial characteristics of the site area and characteristics of the visitor offer nearby and evidence of potential impacts on tourism from infrastructure development imply that the site would have a negligible impact on the	Agreed  <b>Note:</b> Whilst scoping out of the ES appears justified, consultation with the Frodsham Neighbourhood Plan Committee is recommended as to the future of Frodsham Marshes as a wildlife habitat, a



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					volume and value of tourism.	key environmental impact area and a place that has great potential for tourism and the growth of investment in Frodsham.
14.2	Economic effects related to disruption to PROW or NCN and recreational users	Scoped Out	Scoped Out	Scoped Out	Providing appropriate mitigation is implemented during the construction phase the effects on recreation are predicted to be negligible. The site will use existing PROW for access but beyond this there is unlikely to be any significant disruptive effect on use of the PROW or NCN .	Agreed <b>Note:</b> Whilst economic effects scoped out, other environmental impacts (including the recreational experience of users) on PROW needs consideration in the ES.



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
14.2	Effects on existing businesses and organisations operating in the area	Scoped Out	Scoped Out	Scoped Out	Activities of businesses and organisations operating in the area are carried out outside the Order Limits of the Proposed Development, with the exception of the Frodsham and District Wildfowlers. Temporary impacts are likely to be minimal and mitigated during the construction process, and operation of the solar PV facility is not expected to affect activities, with the exception of the Frodsham and District Wildfowlers who are involved in the Proposed Development and	<p>Agreed for decommissioning.</p> <p><b>Not Agreed</b> for construction and Operation</p> <p>Further information needed and consideration of any representations from relevant businesses/ organisations.</p> <p>Further information on the impacts associated with displacement of Frodsham and District Wildfowlers is needed.</p> <p>Further information on potential impacts</p>

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary Rationale	of	CWCC response
					would continue to operate the club.		<p>on the operational and other requirements for Frodsham Windfarm need to be addressed.</p> <p>In particular, how the Proposed Development would facilitate operational maintenance requirements of the wind turbines; and works in connection with re-powering or decommissioning of the windfarm.</p>
Traffic & Transport							
15.3	Severance	Scoped Out	Scoped Out	Scoped Out	The change in traffic flows is expected to be within daily variation (less than 10% increase in		Agreed



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					daily flows, less than 30% increase in HGVs). A CTMP will ensure access is appropriately managed to minimise the impact on severance.	
15.3	Drive & Pedestrian Delay	Scoped Out	Scoped Out	Scoped Out	The Proposed Development is not expected to generate significant amounts of increased traffic that would cause delay during the weekday highway peak hours and flows fall below the established IEMA guidance thresholds at which potential significant effects could occur.	Agreed
15.3	Pedestrian and Cyclist Amenity / Fear and Intimidation	Scoped Out	Scoped Out	Scoped Out	The Proposed Development is not expected to generate significant amounts of	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					increased traffic that would impact on pedestrian and cyclist amenity on the local highway network. Further consideration of the effects of the Proposed Development on the PRow network is provided within the Socio-economic and land use chapter, which concludes it is unlikely there would be any significant effects. The flows fall below the established IEMA guidance thresholds at which potential significant effects could occur.	
15.3	Accidents and Safety	Scoped Out	Scoped Out	Scoped Out	The Proposed Development is not expected to generate significant amounts of	Agreed

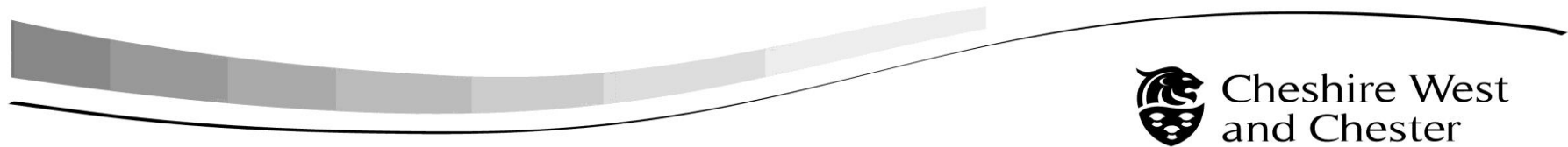
SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					increased traffic that would result in a significant increased risk to public safety.	
15.3	Hazardous Loads	Scoped Out	Scoped Out	Scoped Out	Analysis of the local highway network within the study area indicates there are no particular features, such as significant drops immediately beyond the carriageway, which would suggest that the transfer of materials poses a particular risk beyond that which would be expected on the general highway network. Measures employed to ensure safe vehicular transport of components such as panels and batteries will be set out within the CEMP / CTMP. It should	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					also be noted that the local highway network is regularly used by vehicles carrying hazardous substances associated with Stanlow oil refinery and other nearby industrial businesses.	
Air Quality						
16.3	Dust (deposition dust and PM10 / PM2.5) and potential impacts on human and ecological receptors	Scoped Out	n/a	Scoped Out	Construction (and decommissioning) dust can be readily mitigated using standard industry techniques and is not likely to potentially result in significant effects. The required management and mitigation of dust would be incorporated into the OCEMP which would be informed	Agreed



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					by a dust assessment and submitted with the DCO Application.	
16.3	On-road Vehicle Exhaust Emissions (NOx, NO2, PM10 and PM2.5) and potential impacts on human and ecological receptors	Scoped Out	Scoped Out	Scoped Out	On-road construction (and decommissioning) phase vehicle movements are anticipated to be well below relevant IAQM screening thresholds that indicate the need for an air quality assessment. Access is to be taken from the west and on-road movements would be distant from any AQMAs or identified areas of potential poor air quality.	Agreed
16.3	On-road Vehicle Exhaust Emissions (NOx, NO2, PM10 and	Scoped Out	Scoped Out	Scoped Out	Small amount of NRMM and plant associated with the Proposed	Agreed

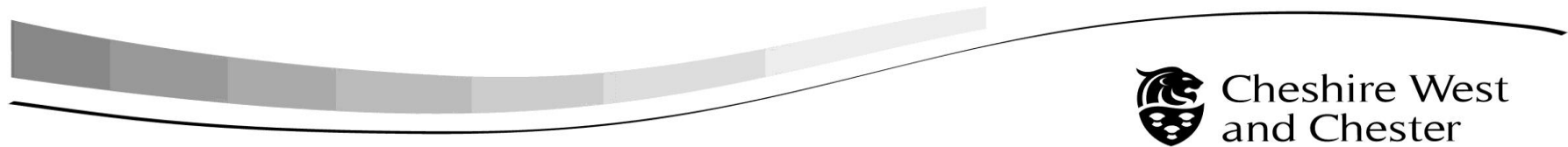
SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
	PM2.5) and potential impacts on human and ecological receptors				Development. Any potential emissions would not be of a level that may result in significant effects in relation to local air quality. The required management and mitigation of dust would be incorporated into the OCEMP which would be informed by a dust assessment and submitted with the DCO Application.	
Other Environmental Topics						
(For these other topics there is no summary table in the SR so reference is to paragraphs in						



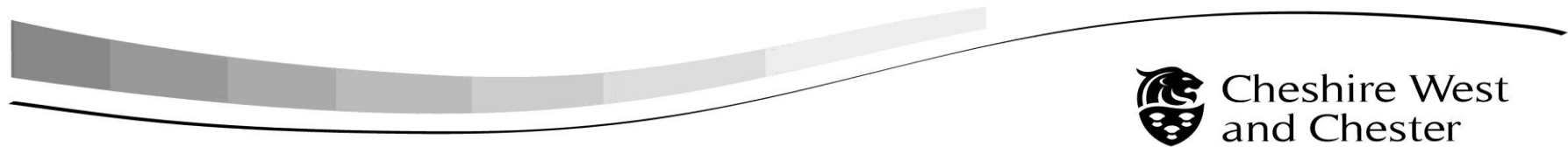
SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
the SR Chapter)						
17.2	Glint & Glare					
17.2.5	Glint & Glare (aviation)	Scoped Out	Scoped Out	Scoped Out	The assessment has concluded that Frodsham Solar would not result in any significant effects on Liverpool John Lennon Airport in relation to users of the Air Traffic Control (ATC) Tower, aircraft on runway approaches or aircraft on visual circuits of the airport.	Provisionally agreed  (Subject to consideration of any comments from aviation consultees)
17.2.6	Glint & Glare (road users)	Scoped Out	Scoped Out	Scoped Out	It is proposed that a 10m wide tree buffer would be provided in the locations identified within the assessment to mitigate the effects identified (refer to the pink lines shown	Provisionally Agreed in principle.  Subject to further information in Glint and Glare Study to justify extend of

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					on Figure 2 of Appendix 17.1 for sections of proposed screening).	proposed screening as mitigation. Additional screening to that shown on Fig 2 expected to be required.
17.2.7 17.2.10	– Glint & Glare (residential)	Scoped Out	Scoped Out	Scoped Out	143 residential dwellings within 1 km of the Site were assessed to understand the potential for glint and glare impacts on residential receptors. Of these 24, all located in one area to the south of the M56 (shown on Figure 3 of Appendix 17.1), were deemed to potentially experience glint and glare effects which could impact residential amenity.	Agreed for construction and decommissioning.  <b>Not Agreed</b> (for Operation)  Further information / assessment is required.  There is no objection to the Glint & Glare aspects being dealt with in the Landscape and Visual Amenity Chapter of the ES with a technical

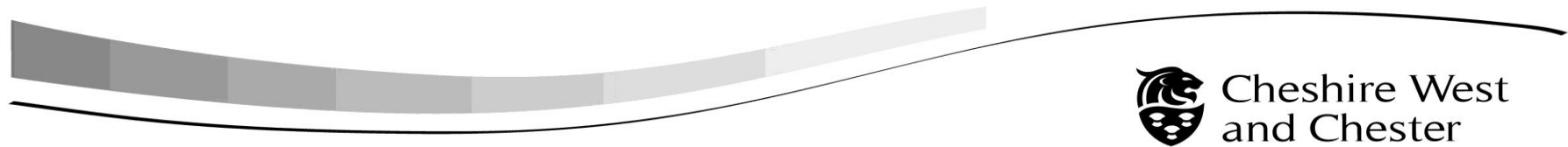
SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					<p>Following the preliminary glint and glare assessment a site visit was undertaken to the residential receptor locations that would potentially experience a moderate impact. This identified that there is existing vegetation which would screen properties from views of the solar array, namely vegetation along Ship Street, Hawthorn Road and trees within the land between the receptors and the M56.</p> <p>Figure 3 of Appendix 17.1 illustrates the location of potential receptors affected and locations where</p>	<p>appendix, as opposed to a separate Glint and Glare chapter.</p>



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					<p>mitigation planting could be provided. With the provision of mitigation there would be no locations which would experience significant or unacceptable Glint and Glare impacts.</p> <p>It is proposed that as the design of the Proposed Development evolves further Glint and Glare modelling will be undertaken to ensure that the mitigation proposed effectively addresses any risk and accounts for the parameters of the design as it stands at DCO application. The results Glint and Glare modelling will be included as a Technical Appendix</p>	



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					to the ES and would be considered in the LVIA as described in Chapter 7.0. It is considered that this will negate the need for a specific glint and glare chapter in the ES.	
17.3	Agricultural Land	Scoped Out	Scoped Out	Scoped Out	On the basis of the survey the Proposed Development would avoid impacts on BMV land and as such there would not be any significant effects on agricultural land. Impacts relating to agricultural businesses are considered in Chapter 14.0. It is therefore proposed to scope this matter out of the ES.	Agreed. <b>Note:</b> Environmental impacts in relation to peat requires further information.



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
17.4	Human Health	Scoped Out	Scoped Out	Scoped Out	Table 7.1 considers range of Health Effects of the Proposed Development (traffic, air dust and odour, hazardous waste and substances, noise, exposure to radiation, increase in pests). 17.4.4 to 17.4.6 refer to other matters (ground contamination, pressure on local services.	Provisionally Agreed.  Subject to further liaison with CWCC Public Health to confirm conclusions on 'Exposure to Radiation'.
17.5	Major Accidents or Disasters	Scoped Out	Scoped Out	Scoped Out	17.5.1 to 17.7.7 deal with risks of major accidents or disasters whether natural or due to human intervention. (Reference made to flood risk and glint/glare referred to earlier).	Agreed



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
17.5.8	Major Accidents or Disasters  (Risk from proximity to utilities (pipelines))	Scoped Out	Scoped Out	Scoped Out	The Site is crossed by a number of utilities, including a hydrocarbon pipeline. The design of the Proposed Development will take into account the easement and separation distances required by the owners and operators of the various utilities. These buffers are, in part, designed to safeguard the utilities from damage or disruption. Where it is necessary to cross utilities, particularly during the construction phase, it will be necessary to agree safe working practices with the utility operators prior to undertaking works. All works	Provisionally agreed.  Subject to consideration of any representations from HSE or relevant operators.

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					would be undertaken in accordance with the Health and Safety at Work Act 1974, Safety at Work Regulations 1999, CDM Regulations 2015 and the Pipelines Safety Regulations 1996. On the basis of the proposed approach to the design and the mitigation that would be implemented during construction there would not be a significant likelihood of damage to the utilities at the Site.	
17.5.11 17.5. 12	– Major Accidents or Disasters  (Risk of fire)	Scoped Out	Scoped Out	Scoped Out	The solar PV panels would be inert and would not lead to any major emission, fire, or explosion. Other electrical infrastructure, in the	Agreed

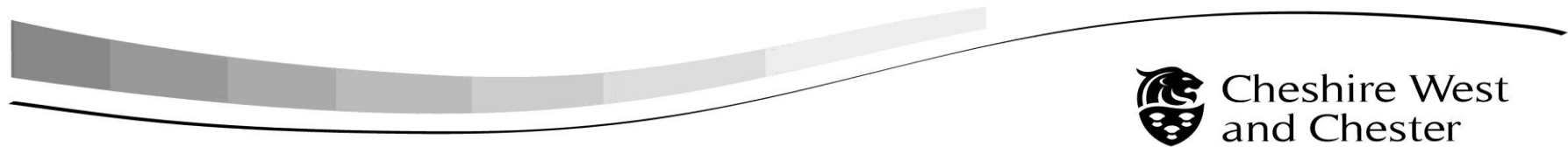
SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					<p>form of inverters, transformers and cabling, would be subject to regular routine maintenance and inspection such that it will not pose a significant risk to creating an accident.</p> <p>The Proposed Development includes a BESS. The battery units have the potential to generate heat and therefore there is a risk of a fire developing if the operator does not adopt sufficient management and control measures. The BESS would include cooling systems which are designed to regulate temperatures to within safe conditions to</p>	



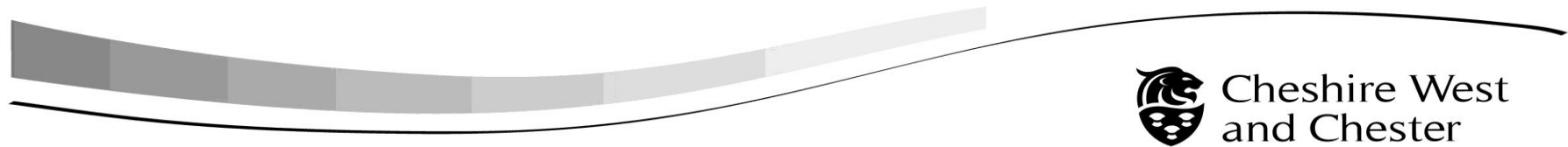
SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					<p>minimise the risk of fire. The units would also contain fire detection and suppression systems.</p> <p>An Outline Battery Safety Management Plan (OBSMP) will be prepared and submitted with the DCO Application. The OBSMP will detail the regulatory guidance reviewed to ensure that all safety concerns around the BESS element of the Proposed Development are addressed so far as is reasonably practicable such that likely significant effects would not arise.</p>	

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					Based upon the above, we concluded that the Proposed Development would not give rise to significant adverse effects on the environment deriving from vulnerability of the development to risks of major accidents and / or disasters and propose that it is scoped out.	
17.6	Waste	Scoped Out	Scoped Out	Scoped Out	Through the implementation of a Construction Site Waste Management Plan (CSWMP) and the Decommissioning Resource Management Plan (DRMP), it is not anticipated that the Proposed Development would	Agreed

SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary of Rationale	CWCC response
					<p>result in any significant environmental effects associated with waste. The approach to waste management and the principles of the CSWMP and DRMP would be described in the Chapter 2.0 of the ES, the Proposed Development. However, on the basis that there are unlikely to be significant environmental effects associated with the production of waste it is proposed to scope out a detailed waste assessment from the ES.</p>	



SR Table Ref	Topic	Construction	Operation	Decommissioning	Summary Rationale of	CWCC response
	Other Environmental Matters  (Not included in SR)					
	Risk of ice-throw				Consideration of the risk of ice-throw (or other impacts from turbine/blade failures) in relation to the Solar Farm is needed.	
	Risk from COMAH sites				Consideration of the risks associated with nearby COMAH sites is needed.	



## Appendices

### Appendix CWCC SR.1 – Landscape Officer’s comments

**23/01780/SCO Scoping opinion request** – Land North of Frodsham Cheshire  
Solar photovoltaic (PV) development including Battery Energy Storage System (BESS)  
and associated works

**Comments:** (Landscape Officer)

**Date:** 20/06/2023

#### **23/01780/SCO Scoping Request– Solar Farm Land North of Frodsham Cheshire - Landscape Response**

Thank you for sending the above-named Scoping report to Landscape for comment. Further to the presentation from (Axis) on 12th June 2023, I provide the following Landscape comments.

The development of 315 ha, located on open countryside includes for 3.5m height solar panels over a 40 year lifespan. The application site comprises of four parcels of land of varying landscape type within the (LCA 4a) landscape character area; Area A; open dredging ground deposit under grazing which includes the existing wind turbines, Area B; Managed Frodsham Wildflowers, Area C; agricultural use with small field boundary and Area D; the second Lagoon dredging from Weaver Navigation, including willow scrub.

The Site is located almost entirely within Landscape Character Area LCA 4a: Frodsham, Helsby and Lordship Marshes. The western end of the Access Road extends into LCA 9a: Dunham to Tarvin Plain.

#### **LCA 4a: Frodsham, Helsby and Lordship Marshes** (Landscape Strategy 2016)

- A flat, low lying and open landscape which provides clear views to and from the adjacent Frodsham Sandstone Ridge and Helsby Hill. This is an important roosting sites for wildfowl and waders at high tide from the Mersey Estuary SSSI - the whole area provides a wintering ground for waders and raptors and extensive habitat for breeding birds and is designated as a Local Wildlife Site
- The flat landform and long views contribute to the perception of a large scale, exposed landscape with important views to and from the Frodsham Sandstone Ridge and Helsby Hill;
- The sense of naturalness of the marsh is diluted by man-made features and development. However, the open character means there is little opportunity for screening any large scale elements or for mitigating visual impact without the mitigation measures in themselves being highly visible - making it a visually sensitive landscape.



- There are relatively few sensitive visual receptors in the area, limited to a few residential properties and users of the PRow network, but in adjacent areas overlooking the marsh there are views from Frodsham and Helsby as well as visitors to the viewpoints at the top of Helsby Hill and the War Memorial above Frodsham.

The **overall management strategy** for this landscape should be to enhance and restore the condition of habitats and features of the marshes whilst safeguarding its open character.

#### Landscape Management Guidelines:

- Retain the open character of the marsh by restricting planting to low growing scrubby species typically found in the local landscape, taking into account the importance of the area for ground nesting birds and wintering/passage birds. Woodland planting /screening using tall or ornamental species is not appropriate in the open marsh.
- Seek to restore thorn hedgerows that are falling into decline.
- Maintain and ecologically enhance the ditch system and riparian habitats and land supporting breeding, over wintering and passage birds. Seek opportunities to re-create habitats such as species rich grassland and reed beds.
- Increase the biodiversity of intensively managed grassland and arable land – create and link buffer strips along linear features such as hedgerows and ditches to create a continuous network of wildlife corridors.

#### Built Development Guidelines:

- Conserve the remaining open, undeveloped areas of the marsh.
- Consider using native scrubby vegetation to screen views of traffic on the north side of the M56 motorway (taller species may be appropriate on the southern side of the motorway adjacent to the Helsby to Frodsham Undulating Enclosed Farmland).
- Consider views to and from the Frodsham Sandstone Ridge and Helsby Hill when planning any change.

#### CWCAC Landscape Sensitivity to Solar PV Study

The size of the development is extremely large and likely to generate significant landscape and visual impacts. As noted in the CWAC Landscape Sensitivity Study, the site is considered highly sensitive to solar PV development.

#### Sensitivity Key Characteristics

- The open, exposed landscape of the drained marsh is highly sensitive to solar PV development in principle;
- However, the simple uniformity of landform and land cover, and its medium to large scale pattern with only occasional landscape features means there is some potential for solar PV development.
- The influence of built development within adjacent landscapes reduces the perception of naturalness and reduces sensitivity;
- The mostly small scale, low density, dispersed settlement pattern is highly sensitive to solar PV development that would be out of scale and further increase the perception of human influence.

- Skylines are not prominent, with generally only locally significant views, limited intervisibility and visual receptors reducing sensitivity. However there are sensitive views down to LCA 4a: *Frodsham, Helsby and Lordship Marshes* from important viewpoints on the sandstone ridge.
- Low to medium scenic quality with some distinctiveness reduces sensitivity, but the drained marsh is a less common landscape in CWaC the character of which could be adversely affected by solar PV development.

#### Sensitivity Analysis

- LCT 4 is particularly sensitive to a medium, large or very large solar farm that would be overly dominant within the relatively small LCAs within this LCT;
- A medium, large or very large solar farm could potentially fit into the largest LCA 4a: *Frodsham, Helsby and Lordship Marshes* but being south-facing it would impact on important viewpoints from *Frodsham Sandstone Ridge* and *Helsby Hill* northwards over the Mersey estuary.
- The greatest potential for solar PV development within LCT 4 is for a very small solar farm, and potentially a solar array at the smaller end of the 'small solar farm' category, where sensitive views are limited and where there is some existing field pattern that could be retained, such as in LCA 4d: *Burton & Shotwick Drained Marsh*;
- Any small scale solar PV development in LCA 4d should consider mitigation opportunities to restore hedgerows in accordance with the landscape management strategy in the 2016 Landscape Strategy, and to help screen the development if its essentially open character is also conserved;
- Even a small scale solar PV development would be contrary to the landscape management strategy in the 2016 Landscape Strategy which is to conserve the open, undeveloped character of the drained marshland within LCAs 4a, 4b & 4c.

#### Area of Special County Value (ASCV)

Although the site is not located within the ASCV, it is positioned adjacent to *Helsby & Frodsham Hills ASCV* and *Weaver Valley ASCV*. Views from higher ground should be considered, including views from footpaths, *Helsby Hill*, *Frodsham Hill* and *Frodsham War memorial*.

#### The Scoping Report

The submitted Scoping report includes for a Methodology for a Landscape and Visual Impact Assessment (LVIA) to support any future planning application. The Scoping Report (Chapter 7) provides Baseline information for the LVIA including the Landscape Character Area, the Zone of Theoretical Visibility, and a list of proposed viewpoints. The LVIA Methodology is included in Appendices 7.1.

Please ask the applicants Landscape Consultant to contact me directly to discuss and agree the final viewpoints. I will also identify and confirm the key viewpoints which will require photomontages. Please also provide some section views to demonstrate the levels of the site and surrounding landscape features. Please include both Winter and Summer images.

### Layout and Mitigation

There is no detailed design layout included within the Scoping Report. The LVIA and proposed development layout should demonstrate an iterative design process. The LVIA should assess the solar farm in operation and include proposed mitigation measures as part of the assessment.

Any proposed development will need to demonstrate appropriate and considered mitigation to ensure that the mitigation in itself does not negatively impact on the features of the receiving landscape character area, which make it locally distinctive.

The application should also include a decommission plan.

Effects –Landscape and Visual. Please also address potential cumulative impacts

PROW - There are a number of footpaths both within the site and that overlook the site. Views from within the Helsby and Frodsham Hills are located close to or within the Area of Special County Value (ASCV).

In the presentation, buffer corridors are proposed at 10m from footpaths and 6m from hedgerows. Please consider natural surveillance and public safety in regard to impacts on footpaths. PROW officer to provide comment.

Any future Planning application should include the following supporting information:

- Viewpoints and supporting Map. Submission of photographic image viewpoints for agreement - please ask the landscape consultant to contact me directly to agree the viewpoints in advance of developing the LVIA. Please also include views from footpaths on Sandstone ridges close to Frodsham FP 23, 27, 40 and FP 43. Include views from the Sandstone Trail. Please include both winter and summer views.
- Zone of Theoretical Visibility (ZTV) Mapping (Submitted within the Scoping Report)
- A selection of proposed viewpoints for a photomontage. To be agreed with Landscape consultant.
- Sections Drawings - to include ground levels
- Detailed Landscape Layout Plan. To include for existing and proposed features.
- Proposed Landscape Strategy and Landscape Mitigation design rationale
- Information on Public Footpaths
- Information on proposed Buffer areas
- Boundary Treatment and Access information
- Glint and Glare / reflection study. This should be incorporated into the LVIA.
- Management and maintenance Plan
- Decommissioning Plan

The following relevant CWAC Local Plan policies apply:

#### Policy

- STRAT 9 Green Belt and Open Countryside
- ENV 2 Landscape
- Landscape Character –Refer to Landscape Strategy 2016

- Landscape Sensitivity Study & Guidance on Wind and Solar Voltaic Developments 2016 (see attached)  
[cheshirewestandchester.gov.uk/asset-library/final-march-2016-cwacsensitivitystudy.pdf](http://cheshirewestandchester.gov.uk/asset-library/final-march-2016-cwacsensitivitystudy.pdf)

- CWAC Landscape Strategy 2016  
<https://www.cheshirewestandchester.gov.uk/residents/planning-and-building-control/total-environment/local-landscape-character-assessment-landscape-strategy-2016>

Area of Special Country Value (Views overlooking the site)

[cheshirewestandchester.gov.uk/asset-library/local-landscape-designations-areas-of-special-county-value-june-2017.pdf](http://cheshirewestandchester.gov.uk/asset-library/local-landscape-designations-areas-of-special-county-value-june-2017.pdf)

Public Rights of Way -there are PROW that both pass through the site and close to the site.

<https://maps.cheshirewestandchester.gov.uk/cwac/webmapping>

Please get in touch if you have any queries with regards to the comments above.

Landscape Officer

## Appendix CWCC SR.2 – Natural Environment Officer’s comments

Comments were submitted at 15/06/2023 11:42 AM on behalf of Biodiversity Team.

### Application Summary

Reference: 23/01780/SCO

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Address: Land North of Frodsham Cheshire

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Proposal: Solar photovoltaic (PV) development including Battery Energy Storage System (BESS) and associated works

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Thank you for consulting Biodiversity on this application. The application proposes a solar farm over 314ha of land adjacent to the Mersey Estuary RAMSAR, Special Conservation Area and Site of Special Scientific Interest, with a small area of the SSSI included within the Order Limits. The site is also within the Frodsham Helsby and Ince Local Wildlife Site. The Frodsham Solar Environmental Impact Assessment Scoping Report and associated appendices have been assessed and the following comments apply for biodiversity matters. Note that comments on specific survey scope are made, as well as the Scoping in or out of biodiversity elements.

#### General:

In section 8.2.5, it is stated that additional detailed surveys covering the connections and the access road are not proposed given the very limited nature of works and extensive existing data sets. It is not clear why these areas have not been surveyed as the rest of the site and this should be clarified.

In 8.1.2 of the main report, it states that site is 314ha whereas the Preliminary Ecological Appraisal report states in 1.1.2 the site is 285ha. This should be clarified.

In 8.3.8 it is stated that NPS EN-5 sets out generic impacts concerning biodiversity, although these are more relevant to considerations for birds, their feeding and hunting grounds, migration corridors and breeding grounds, and potential implications on the above in light of a development proposal. This is certainly the case on this site.

In Table 7.2, ENV4 is not listed and should be included.

#### Windfarm:

The existing Windfarm is referenced. In the main report, 8.4.67 states it is widely acknowledged that wind farms displace birds from using the immediately surrounding land,

up to a typical maximum distance of 600m. In 8.4.68, the report goes on to say that of the approximately 314 ha of the site, 174 ha (55%) is located within 600m of operational wind turbines and it can therefore be reasonably assumed that the attractiveness of this area to nonbreeding waterbirds is significantly reduced due to proximity to the wind turbines. This is not accepted, due to the lack of evidence and general assumption and therefore survey scope should not be based on this assumption. It is noted Natural England in their DAS response also state that this is not accepted and bird impacts will be judged on a case-by-case basis.

Designated Sites:

Mersey Estuary RAMSAR, SPA, SSSI

The entirety of the site is classed as functionally linked land in Natural England's study "Identification of Functionally Linked Land supporting Special Protection Areas (SPAs) waterbirds in the North West of England". Although this document is referenced in 8.3.12 x) of the main report, there is no further discussion of it in relation to the site. The Preliminary Ecological Appraisal report in 3.3.18 does go on to say that some of the areas on site are functionally linked land, solely based on the project bird survey data gathered, however, this is only referred to for part of the site.

In 8.3.14 of the main report, it is noted that Natural England have been engaged in discussion through their Discretionary Advice Service, which is welcomed.

3.3.15 of the Preliminary Ecological Report noted that the wintering bird surveys recorded a total of 84 species, including 54 specially protected and/or notable species. A diverse waterbird assemblage recorded included all seven species for which the adjacent Mersey Estuary SPA/Ramsar site is designated, with significant proportions (i.e. >1%) of the SPA and Ramsar site populations recorded for six species; notably Black-tailed Godwit (29.7% of the SPA population) and Golden Plover (19.7% of the SPA population). Thirteen wintering bird species were potentially recorded in numbers of county importance. This is a significant population and again, with the development areas currently indicated, wintering birds will not be able to use the site as currently.

3.3.18 of the Preliminary Ecological Appraisal report states that the area around the River Weaver, the flat fields adjacent to the Manchester Ship Canal and the mitigation area located between the two sections of wind turbines supports aggregations of wader and wildfowl species, many listed as interest features of the Mersey estuary. These areas therefore are functionally linked to the Mersey estuary as they provide a function (mainly high tide roosts) for these species. This usage was greatest in April as waders and wildfowl species prepare to head north for their breeding grounds and will likely increase again over the autumn and winter months as birds head south to overwinter.

On that basis, it is not agreed as stated in Table 8.4 of the main chapter that Operation impacts on wintering birds are scoped out (although the text in part of the table does state they will be scoped in), as they will not be able to use the site as currently. Operational impacts should be scoped back into the assessment.

Migration routes have not been considered in detail in 8.4.29 of the report and this should be added into the survey and assessment scope.

The site is indicatively significant in terms of wintering and passage birds, associated with the designated site and there are concerns with the area of development extent shown on indicative plans, that losses will be significant.

#### Frodsham Helsby Ince Local Wildlife Site:

A LWS Assessment should be carried out, to assess the site against current criteria, to determine its quality in relation to its current qualifying features and to identify any further unlisted LWS features are present. A mitigation and compensation plan should be formulated from this information. It should be noted that one of the qualifying criteria are breeding, overwintering and passage birds, some of which are associated with the Mersey Estuary. Please see bird sections below, where there are significant concerns.

It is noted that Cheshire Wildlife Trust (a designating partner for the LWS network in CWAC) are to be consulted, which is welcomed.

#### Ecological Network:

Although CWAC Policy DM44 is referenced in Table 7.2 of the chapter, there is no assessment proposed of the impact on the CWAC Ecological Network. The whole site sits within a Core Area of the Ecological Network and therefore certain policy requirements apply. An assessment should be carried out.

#### Biodiversity Net Gain:

General comments are made regarding how solar farms are advantageous for biodiversity. It is assumed this is meant in reference to habitats and BNG provision. It should be noted that this is not the case when ground-nesting or wintering/passage birds are present on site, such as on this site. Biodiversity Net Gain should be scoped in as an element of the proposal and the calculation provided with all supporting information (including condition assessments, mitigation hierarchy, outline 30-year management plan) It is not clear at which stages of the DCO process that BNG will be provided.

#### Habitats:

The document discusses some impacts on protected species, but there is no analysis of habitat impacts within the report. It is understood this is a scoping report, but impacts are used to decide whether or not to scope in certain elements, so this should be clarified.

The presence of peat across the entirety of the site has not been discussed in ecological terms and should be included as an element of the scope of the report.

8.2.3 iii) The area of habitats on and adjacent to the site that have currently undergone survey is not clear.

It is noted in 8.4.20 that further habitat surveys will be carried out in 2023 to inform the BNG calculation, which will include access and connection areas not previously included.

#### Badgers:

Section 8.2.3 v) states that protected mammals were only surveyed within the development area and not within 30m of the boundary, as a standard Badger survey should encompass. This should be clarified.

Badger surveys are not listed in the survey list in 8.4.11 and it is not clear why this is. Clarification is required.

Government Circular 06/05 on Geodiversity and Biodiversity and its consideration of Badger foraging territories and road casualties has not been included as a reference document in section 7.3 of the main report.

It is stated in section 4.5.22 of the Preliminary Ecological Appraisal report that there are two main active badger setts and an additional five outlier badger setts present on site. Connections between setts, foraging territories (both per sett and between family groups) have not been assessed, although in section 4.5.24 of the Preliminary Ecological Appraisal report, it states that bait-marking surveys may be needed. This should be carried out within the scope of the survey, with bait-marking surveys and mitigation formulated.

#### Great Crested Newts and Reptiles:

It is stated ponds within 500m of site were subject to survey for GCN and Reptile surveys were carried out, however, the survey report has not been provided, so an assessment of coverage and scope of survey has not been possible.

#### Breeding birds:

8.2.3 iv) It is not clear why breeding birds have only been surveyed within the Solar Array Development Area and within the adjacent boundary habitats viewable from within the site and not further from site, such as for wintering/passage birds. In 8.4.6 it is noted that the site is within a Wetland Bird Survey area, and data from this, as well as CAWOS and Windfarm data will be used. It is noted that the breeding bird surveys were carried out in 2021 and will be updated in 2023.

8.4.25 of the chapter noted 37 priority species of birds were recorded on site, including Schedule 1 Hobby, Peregrine falcon, Cettis warbler and Marsh harrier. Only Cettis warbler was recorded as breeding on site. Barn owls were not referenced within the information, which are understood to be breeding within the Windfarm area.

Section 3.3.16 of the Preliminary Ecological Appraisal report states that the breeding bird surveys identified that the site supports a regionally important population of breeding birds including 5 species receiving protection under the Wildlife and Countryside Act and a diverse assemblage of scarce species listed as either red or amber species of conservation concern including species such as lapwing which have suffered a drastic decline in recent decades. The Frodsham section supported the greatest diversity of breeding birds, probably due to the greater habitat diversity, more scrub, and hedgerows than the Helsby section



which is given over to intensive farming. However, lapwing, a bird that requires large open fields in which to breed, was present within the Helsby section and not the Frodsham section. This habitat will be lost to the solar farm development.

Due to the above, it is not agreed as stated in Table 8.4 of the main chapter that Operation impacts on breeding birds are scoped out, as ground nesting birds will not be able to use the site as currently, due to their requirement of large open areas, as stated in 3.3.17 of the Preliminary Ecological Appraisal. Ground-nesting birds have not been considered in the scoping table 8.4 of the chapter and operational impacts should be scoped back in.

The site is indicatively significant in terms of breeding birds and there are concerns with the area of development extent shown on indicative plans, that losses will be significant.

Wintering birds:

The wintering bird survey reports have not been provided. In section 8.2.3 v) the report states that the Solar Array Development Area and surrounding fields up to 600m from the Solar Array Development Area where access was possible, or where land could be viewed from publicly accessible locations have been surveyed, but it is not clear where this is. It is noted that updated wintering and non-breeding bird surveys will be carried out in 2023. Please see Windfarm section above.

3.3.15 of the Preliminary Ecological Report noted that the wintering bird surveys recorded a total of 84 species, including 54 specially protected and/or notable species. A diverse waterbird assemblage recorded included all seven species for which the adjacent Mersey Estuary SPA/Ramsar site is designated, with significant proportions (i.e. >1%) of the SPA and Ramsar site populations recorded for six species; notably Black-tailed Godwit (29.7% of the SPA population) and Golden Plover (19.7% of the SPA population). Thirteen wintering bird species were potentially recorded in numbers of county importance. This is a significant population and again, with the development areas currently indicated, wintering birds will not be able to use the site as currently.

3.3.18 of the Preliminary Ecological Appraisal report states that the area around the River Weaver, the flat fields adjacent to the Manchester Ship Canal and the mitigation area located between the two sections of wind turbines supports aggregations of wader and wildfowl species, many listed as interest features of the Mersey estuary. These areas therefore are functionally linked to the Mersey estuary as they provide a function (mainly high tide roosts) for these species. This usage was greatest in April as waders and wildfowl species prepare to head north for their breeding grounds and will likely increase again over the autumn and winter months as birds head south to overwinter.

On that basis, it is not agreed as stated in Table 8.4 of the main chapter that Operation impacts on wintering birds are scoped out (although the text in part of the table does state they will be scoped in), as they will not be able to use the site as currently. Operational impacts should be scoped back into the assessment.

Migration routes have not been considered in detail in 8.4.29 of the report and this should be added into the survey and assessment scope.

The site is indicatively significant in terms of wintering and passage birds, associated with the designated site and there are concerns with the area of development extent shown on indicative plans, that losses will be significant.

#### Bats:

The Bat activity survey was carried out in 2021 and it is not listed in 8.4.13 as being updated in 2023. This should be clarified. No consideration has been given to the landscape use of the site Bats, and interaction with windfarm site in 8.4.39. This should be carried out. There is no explanation given as to why the site fits the “low foraging potential” category in 8.4.40 and so the survey scope cannot be assessed.

#### Water voles:

It is noted that Water vole surveys are not proposed within the list of further surveys in 8.4.11 of the main chapter and with the known population on the wider site, it is not clear why this is. Only a summary of ditch potential has been given in 8.4.46 and then the species has been scoped out of further assessment. This is not accepted, as although buffers are proposed from ditch features, the detail of ditch impact has not been determined. Water voles should be scoped back into the assessment and surveys carried out to standard guidelines.

#### Invertebrates:

It is noted that an area within the site has been identified for invertebrate value in 8.4.64 and invertebrate surveys will take place in 2023. There is no detailed information about the assessment that took place to rate different areas of site for invertebrates value, so the scope of this cannot be assessed.

Natural Environment Officer

Total Environment Team

## Appendix CWCC SR.3 – CWCC Lead Local Flood Authority comments

Thank you for consulting Cheshire West and Chester Council's Lead Local Flood Authority (LLFA) on the above application. We have reviewed the Environmental Impact Assessment Scoping Report (Document Reference Number: SCP.1.1, dated May 2023) and would have the following comments:

**Figure 1.1** shows the site location. As per the governments flood risk mapping (<https://check-long-term-flood-risk.service.gov.uk/map>), it appears the site has a series of ordinary watercourses. Further investigation would be required to determine their connectivity. **Point 9.2.1** states that a study area of 1km from the Site is proposed to identify water bodies and downstream receptors that could be affected by the Proposed Development. Whilst CWAC LLFA recognises the nature of this application, we would highlight CWAC Byelaw 10 which refers to the need for written approval from the LLFA for any development works within 8 metres of an ordinary watercourse. This is to ensure appropriate maintenance access post development. We would support the comments of point **9.5.6**, which states that 'where possible all development would be located at least 10m away from all watercourses, including drainage ditches. Where this is not possible the impacts which could arise will be assessed'. CWAC LLFA would advise that the applicant contacts us if there is a need to develop within this easement. We would also highlight that confirmation may be needed to conclude whether some of the existing drainage infrastructure falls within the LLFA's remit under the Land Drainage Act 1991, or whether this would be classified as an Environment Agency asset.

It is noted that the works cover an extensive area where it would not be unusual for any works to encounter unchartered drainage assets and natural surface water flow routes. The impact of the works should assess any impact to the natural flow of surface water within the proposed area of works and any impact this could have on wider catchments. Any areas at risk of surface water flooding should be appropriately considered along with the wider impacts that this will have on flow paths for both during and post construction. Any third party connections or overflows from public sewers to impacted watercourses should be adequately investigated and assessed. Where diversion works are necessary, the applicant will need to ensure that these connections are retained to ensure no loss of connectivity.

In addition, the location and confirmation of any temporary compounds to be erected shall be confirmed. Any temporary impacts on surface water flow routes and ordinary watercourse should be adequately considered and mitigated.

The proposed development is situated within Flood Zone 3, therefore a Flood Risk Assessment is required in accordance with National Planning Policy Framework (NPPF). The EIA confirms a site-specific Flood Risk Assessment and Drainage Strategy will be prepared which will inform the baseline assessment of flood risk associated with the Proposed Development. As highlighted by point **9.6.4**, the applicant is engaging with the Environment Agency to discuss any necessary mitigatory design measures. This will need to be agreed prior to a drainage design being submitted to the LLFA, as under the Flood and Water Management Act 2010 the EA are the statutory regulator for river and tidal flooding. Measures such as compensatory flood storage for works within Flood zone 3 will

need to be assessed and confirmed, as changes to this measure may alter drainage design. Any impacts of access routes and haul roads on flood risk should also be assessed.

CWAC LLFA would highlight that consideration should be given to existing and proposed land profiles. Where land profiles are being altered, the applicant should assess whether any existing surface water flow routes need to be accommodated and retained. Any cable routing and potential associated impacts on watercourses and surface water flood routes should also be assessed.

As previously mentioned, point **9.6.2** confirms a drainage strategy will accompany the application. The LLFA wishes to state the following guidance with regards to our requirements for the new developments. LLFA would actively support and encourage SuDs on sites where it practicable. SuDS should be designed to control surface water as close to its source as possible. The use of SuDS should also help achieve the sustainability objectives of the NPPF. It is imperative that any future development integrates sustainable drainage features for flood risk, water quality and environmental benefits. The suitability of sustainable drainage systems should be assessed in accordance with paragraphs 051, 079 and 080 of the revised NPPF Planning Practice Guidance for Flood Risk and Coastal Change (<https://www.gov.uk/guidance/flood-risk-and-coastal-change> ). Sustainable drainage systems should be designed in line with national Non-Statutory Technical Standards for SuDS (<https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards> ) and local policies ENV1, DM40, DM41, DM42 and DM43 of the Core Strategy.

Surface water attenuation requirements should be assessed that offer a reduction in surface water runoff rate in line with the Policy DM 41. Please note that all new connections to watercourses shall comply with reduction of flows to greenfield runoff rates. Surface water should be managed to ensure there is no increased surface water from the proposed development and runoff from extreme events should be retained within the site such that the adjacent third party land is not affected. Hydraulic calculations and drawings to support the design need to be provided along with an assessment of overland flow routes for extreme events that is diverted away from any key infrastructure, such as service kiosks and key infrastructure for the solar panels.

Maintenance of SuDS is essential for its proper operation. Therefore, a clear management and maintenance plan for the lifetime of the development is required as part of the submitted drainage strategy.

# Appendix CWCC SR.4 - Natural England letter 16 May 2022

Date: 16 May 2022  
Our ref: 357941  
Your ref: planning policy



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

[planningpolicy@cheshirewestandchester.gov.uk](mailto:planningpolicy@cheshirewestandchester.gov.uk)

**BY EMAIL ONLY**

Dear Mr Charnley,

## **Cheshire West and Chester Local Plan Early Conversation**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Following on from our response to your Local Plan Early Conversation consultation in September 2021, Natural England have been involved in a lot of discussions relating to the issue of development on peat. We are writing to you now to request that you consider this matter when reviewing your thematic policies and recommending site allocations in future reiterations of your Local Plan.

### **Natural England Peat Concerns**

Following the publication of the England Peat Action Plan, Natural England wish to highlight our concerns in relation to development on peat and the implications in respect of both carbon emissions and the loss of wider environmental benefits.

#### *From England Peat Action Plan*

*We want our peatland to meet the needs of wildlife, people, and the planet. All uses of peatland should keep the peat wet and in the ground. We will work to ensure all our peatlands, not just deep or protected peat, are responsibly managed, or, in good hydrological condition or under restoration management.*

England's peatlands are our largest terrestrial carbon store and are vital for capturing and storing carbon. They provide a range of other valuable benefits including biodiversity rich ecosystems, improved water quality and natural flood management, the protection of historic environment features and connect people with nature.

Following the publication of the England Peat Action Plan and the Greater Manchester (GM) Peat Pilot, Natural England has a better understanding of the impact of carbon loss from damaged and unmanaged peat as well as the opportunity costs of not restoring peat as functioning ecosystem. The GM Peat Pilot showed the carbon storage within lowland peat within GM to be between 1,500 – 2,000 tonnes per hectare CO<sub>2</sub>-e for 50cm depth of peat. Based on nationally accepted GHG emission estimates, when comparing the estimated CO<sub>2</sub>-e loss from development on degraded lowland peatland against the 7-year offset potential of restoring to near-natural bog, a development would need to restore 19 times the area of the development footprint for each metre of peat depth affected, in order to achieve the stated aim of Net Zero by 2028.


Natural England has been working with partners to develop restoration methods which effectively restore even the most damaged and dry peat. We can restore the peat so it is able to hold water

and sequester carbon if it remains in-situ and undeveloped.

In summary, we do not support the principle of developing on peat for the reasons stated above and we advise that the Local Plan considers the importance of peat to the delivery of the Local Nature Recovery Strategy, ambitions around Net Zero and the Climate Emergency declared by Cheshire West and Chester Council.

For any queries relating to the specific advice in this letter please send your correspondence to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk) marked for my attention.

Yours sincerely

  
Lead Adviser Sustainable Development

Todd Brumwell  
Planning Inspectorate  
Room 4/04 Kite Wing  
Temple Quay House (2 The Square)  
Temple Quay  
Bristol  
Avon  
BS1 6PN

**Our ref:** XA/2023/100006/01-L01  
**Your ref:** EN010153-000007  
**Date:** 28 June 2023

Dear Todd Brumwell

**EIA scoping opinion: application by Frodsham Solar Limited (the applicant) for an order granting development consent for the Frodsham Solar Project**

**Frodsham Marshes, Frodsham, Cheshire West and Chester**

Thank you for consulting the Environment Agency on the Environmental Impact Assessment (EIA) Scoping Opinion for the proposed development. We have reviewed the 'Environmental Impact Assessment Scoping Report' by Peel Cubico Renewables (dated 26 May 2023, reference SCP1.1). We were consulted by the Planning Inspectorate on 31 May 2023.

For the topics within our remit, we broadly agree with the topics that have been scoped in and scoped out of the EIA, and wish to make the following comments.

**Flood risk**

We have reviewed Section 9.0 Flood Risk, Drainage and Surface Water.

The site lies within Flood Zone 1 and Flood Zone 3 as defined by the Flood Map for Planning, flooding from a combination of fluvial and tidal sources. It is defended from the adjacent River Weaver (Main River) and Manchester Ship Canal by a combination of Environment Agency maintained flood defence assets and third-party defences (see [flood defences](#)). An Environment Agency pumping station on site discharges excess surface water into the River Weaver at times of high rainfall.

We welcome confirmation in paragraph 9.5.7 that all development will be kept flood free, based on the 100 year plus 30% climate change flood level. However, it should be noted we also require a 600mm freeboard. Detailed designs will be required showing the height at which the panels will be mounted. Any loss of flood plain storage at this location will need to be compensated for, in-order to ensure flood risk to third parties is not increased as a result of the proposals. We note it is proposed that flood risk will be mitigated by '*siting infrastructure so they fall outside flood zones, raising height of infrastructure out of the flood zone or providing bunding*'. The effects of any bunded areas on floodplain capacity would also need to be considered

and compensated for.

We are pleased to see that section 9.6.2 confirms that the Flood Risk Assessment (FRA) will include consideration of the Sequential and Exception Tests. The sequential test should consider alternative development sites in addition to locating the development in the areas of the site at lowest risk.

We welcome reference to Policy DM40 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (adopted on 18 July 2019). We emphasize that this policy should be considered in its entirety, as well as policy ENV 1 of the local plan (part 1).

An FRA should take into consideration the Manchester Ship Canal, and Ince and Frodsham Modelling held by the Environment Agency. We recommend requesting product information 4,5,6,7 and 8 for all the models and hazard outputs - this can be requested via [inforequests.gmmc@environment-agency.gov.uk](mailto:inforequests.gmmc@environment-agency.gov.uk).

We note from paragraph 9.5.7 that flood mitigation measures will be designed against the undefended scenario. We recommend both the undefended and defended scenarios will need to be considered within the FRA, likewise tidal and fluvial sources. The FRA should also include some assessment of the likelihood and consequences of a storm surge, breach or overtopping of the defences, and mitigate against this accordingly. An assessment of the structural integrity of the defences should be provided, and consideration of ongoing maintenance requirements for the operational lifetime of the development.

We note that section 9.2.1 mentions that only downstream receptors will be included in the study area. We believe that consideration of upstream receptors should also be included where appropriate.

We note that section 9.4.1 mentions LIDAR data is used to determine topography for the site. Consideration should be given to a site specific topographic survey, to inform the detail of the FRA.

Section 3.4.3 states that culverting may be required as part of the development. Any proposed culverting, or alterations to statutory main rivers within the development site, will need to take into account the affect on flooding, as well as the ecological impact.

Vehicle and plant access must be preserved for our pumping station (reference 682500) the watercourses and embankments at all times. It must be ensured that the defences will not be compromised during construction or operation of the solar farm. The construction and operation of the scheme must not increase the volume or rate of flow of water to the pumping station.

During construction care must be taken to prevent debris and silt from entering the watercourse, as this is harmful to the habitat and could damage the pumps. We maintain the pumping station for land drainage, and we will not be increasing the pumping capacity. If the applicant would like to increase the rate of pumping we would consider handing over the pumping station ownership and maintenance to



them.

Land drainage in this area also relies on the Peel Ports owned siphon that takes water from Hoolpool Gutter under the Manchester Ship Canal to the Mersey, we strongly advise you consult with Peel Ports on this proposal. This land does flood in high rainfall even with the siphon and pumping station operating at capacity.

We are aware there are multiple sources of flooding affecting this site. The Lead Local Flood Authority (LLFA) should advise on surface water flooding matters, however, consideration should be given to the interaction of various flood mechanisms.

### Flood defences

Any temporary or permanent structures should be suitably set back from the flood defences, to avoid comprising their structural integrity. Access to the flood defences should be preserved for maintenance and inspection.

The applicant should consider the effects of vibration on the structural integrity of the flood defences on site. This includes construction works, plant, machinery or traffic within proximity to the defences. It should be scoped in for the construction, operation and decommissioning phases of the project.

### **Water environment**

#### Fisheries, biodiversity and geomorphology

We find the scoping report acceptable in principle in relation to water-based ecology. However, we wish to mention the following aspects relating to protected species and the Water Framework Directive (WFD).

We note that water vole, great crested newt and WFD (biological and hydromorphological) impact assessments have all been scoped out of the EIA (table 8.4) based on embedded mitigation, which includes undeveloped buffer zones with all watercourses. If there's a requirement to conduct any activities that would physically modify the channel within 10 metres of a waterbody, such as widening access crossings over watercourses, then assessments of the effects on these species and WFD (ecological elements: biological, water quality and hydromorphological) must be scoped in and appropriate avoidance, mitigation, compensation and enhancements proposed.

Temporary impacts to the watercourse should be assessed in the Construction Environment Management Plan (CEMP), any temporary impacts greater than two years should also be assessed within the WFD assessment.

Please refer to the following guidance:

[Water Framework Directive assessment for a flood risk activity - GOV.UK](https://www.gov.uk/guidance/water-framework-directive-assessment-for-a-flood-risk-activity)  
([www.gov.uk](https://www.gov.uk))

[England | Catchment Data Explorer](#)

Advice Note Eighteen: The Water Framework Directive | National Infrastructure Planning (planninginspectorate.gov.uk)

Please also be aware that the proposed development site at Frodsham Marshes has been identified as highly significant 'Functionally Linked Land' (FLL) for waders and wildfowl associated with the Mersey Estuary Special Protection Area (Natural England, 2021). Natural England should lead on matters in relation to this and its implications on the Habitats Regulations.

Dewatering activities

Due to the construction work being carried out it would also be pertinent for the applicant to consider any de-watering activities that may take place.

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) to locally lower water levels near the excavation. This activity was previously exempt from requiring an abstraction license. Since 01 January 2018, most cases of new planned dewatering operations above 20 cubic meters a day will require a water abstraction license from us, prior to the commencement of dewatering activities at the site. A regulatory position statement may be available/suffice. The applicant should consider if the time of year they are carrying out any works and weather this will require any dewatering activity.

We are pleased to see that impacts on water quality as a result of accidents are scoped in. Chapter 9.5 mentions chemical, and fuel spillages/leaks and how the Outline Construction Environment Management Plan (OCEMP) will detail mitigation measures should this occur.

We would expect the OCEMP to recognize and provide more detail on:

- works to access tracks, roads, and the construction of infrastructure and cabling.
- the need to manage any silt/soil movement so that it does not contaminate the River Weaver, River Mersey and the Manchester Ship Canal.
- mitigation measures to ensure any runoff is clean and uncontaminated, particularly for when it rains and the ingress of any runoff.

An environmental permit may be required if dewatering activities are proposed by the development. Please see **Environmental permits**.

Active discharge consents

There is a permitted discharge (reference 016891685) that discharges sewage from a substation located on 'Weaver Island' into the River Weaver. The applicant should be mindful that access to this site should be maintained. They should also be mindful of any works that would impact the discharge from this site and seek approval before doing so.

It's advisable that the land is tested for any contaminants as, should any works unearth any leachable contaminants, this would have an impact on the runoff from the site. Any runoff should be clean and uncontaminated.

The scoping report also mentions that excess energy will be stored in batteries.

Should this aspect of the installation require a fire prevention plan, then the applicant should consider where any fire water would be contained and disposed of as the chemicals within the batteries could cause environmental harm. We'd expect further information detailing how these fires would be put out. We would have major concerns if water is to be used from nearby watercourses.

An environmental permit may be required if discharges are proposed by the development, or if it affects existing active permits. Please see **Environmental permits**.

### **Controlled Waters**

We have reviewed Chapter 9: Flood Risk, Drainage and Surface Water, and Chapter 10: Ground Conditions.

Due to the large scale of the proposed scheme, the site is underlain by several geological formations. The site is largely underlain but Tidal Flat deposits beneath which lie the Helsby Sandstone Formation, Wilmslow Sandstone Formation and the Chester Formation. The superficial deposits are classified as a Secondary undifferentiated aquifer and the sandstones are Principal aquifers. The Tarporley Siltstone is also present in the easternmost part of the site. This is classified as a Secondary B aquifer.

We are satisfied with the topics that have been scoped out of requiring further assessment. We provide further comments on each of the sections listed above, including some general informatives about the scheme.

Chapter 3 provides detail about the construction of the scheme. Section 3.1.12 states that several utilities pass beneath the site, including 'private pipelines associated with nearby petrochemical plants'. Extreme care should be taken during construction to ensure that these pipelines are not disturbed or damaged as this could lead to pollution of the underlying aquifers. This should be included in the Construction Environment Management Plan (CEMP).

We are aware that the Hynet Hydrogen pipeline DCO will also cross the site, and how these two schemes interact should be taken into account.

Cables for the new scheme will be laid in trenches, typically up to 1.2m in width and 1.2m in depth. Where the placement of these cables takes place in land affected by contamination the management of the waste material will need to be carefully managed.

Section 3.3.16 states that horizontal directional drilling may be used to navigate beneath the River Weaver. This work could involve the use of drilling muds, and their use may require assessment to ensure they do not pose a risk to controlled waters. The proposed use of directional drilling techniques should therefore be included in the CEMP.

Chapter 9 relates to the potential effects of the proposed scheme on the water environment. From a controlled waters protection perspective, we are pleased to see that potential impacts on water quality from the development will be scoped into the EIA. Drainage from the proposed development and how it may interact with the waste in the historic landfills should be included in the EIA.

Section 9.4.22 lists the receptors which could be potentially susceptible to environmental effects from flooding and drainage during the construction, operational and decommissioning phases of the development. Although groundwater is included, no reference is made to any abstractions, either permitted or private water supplies. These should be considered in the Environmental Impact Assessment.

Based on the information submitted, and provided the above comments are taken into account, we are satisfied with what has been scoped in and out in terms of groundwater protection. The proposed assessment methodology is acceptable.

The proposed scheme will cross several areas of previously developed land, including historic landfills (see historic landfill sites) which were used for the deposit of dredging from the Manchester Ship Canal and the Weaver Navigation. Hydrocarbon pipelines also run above and beneath the site.

Groundwater is known to be shallow at the site and is therefore vulnerable to contamination and will likely be in continuity with surface water receptors. Section 10.4.10 states that the glacial till that lies above the Principal aquifers associated with the sandstones will, “*act as a barrier, significantly restricting the transmissivity of groundwater within made ground and the superficial aquifer into the bedrock aquifer.*” The till should not be relied upon to provide protection from pollution to the underlying aquifers, and appropriate pollution prevention measures will need to be incorporated into the construction phase of the development.

Due to the presence of historic landfills which potentially contain contamination, a Phase I Preliminary Risk Assessment and Phase II Supplementary Site Investigation are proposed to inform the EIA (section 10.7.1). We welcome this approach. The Scoping Report states that the assessments will follow the guidance set out in Land Contamination Risk Management.

Although the foundation solutions for the proposed development are yet to be confirmed, there is an indication that piled foundations may be used (section 10.5.11). We are pleased to see that the report suggests that a Piling Risk Assessment will be required to inform the suitability of any proposed pile design.

Based on the information submitted we are satisfied with what has been scoped in and out of the ground conditions chapter. The proposed assessment methodology is acceptable.

#### Historic landfill sites

One historic landfill lies beneath the proposed development and 3 further historic landfills are within close proximity. We only hold limited details about these landfills but have provided it for information:

- Frodsham Marsh Tipping Lagoon – beneath the site, centred on SJ 5028 9189 -Operated by the Manchester Ship Canal Company Ltd. The licence was issued in Sept 1982 and surrendered in December 1983. Wastes deposited included inert waste and liquid sludge.
- Kemira Growhow Landfill site – adjacent to the site, centred on SJ 4783 7669

- The license was issued in January 1988 and surrendered in October 2012.

### **EPR Regulated Sites**

The scoping report makes reference to two areas which have active Environment Permits (under the Environmental Permitting Regulations England and Wales 2016):

- a) Frodsham Marsh Lagoon, Environmental Permit number EPR/KP3591CN, Permit Holder – Inovyn ChlorVinyls Limited;
- b) Frodsham Marsh Lagoons, Environmental Permit number EPR/XP3196CU, Permit Holder – The Manchester Ship Canal Company.

Permit a) authorises the deposit of material from dredging operations. Whilst the Scoping Report makes reference to this site as a former deposit ground, there is no mention of the active Environmental Permit at this site.

The INEOS Inovyn Deposit Ground, also known as Frodsham Marsh Lagoon, is a landfill site that lies within the proposed development boundary. Sufficient discussion around the potential land contamination implications of this landfill has been provided in the scoping report and will be assessed further in the EIA. However, we are aware that the site has at least 3 groundwater monitoring boreholes which are sampled quarterly for groundwater quality purposes as part of the permit requirements. These boreholes should not be disturbed or destroyed by any development of the site.

The Permit Holder is required to maintain compliance with the permit whilst it remains in place. This includes maintaining access to the site, maintaining monitoring infrastructure, carrying out required monitoring (there are 12 boreholes located around the perimeter of the site which require monitoring) and maintaining containment infrastructure.

We recommend early discussions with the Permit Holder to ensure that the development proposals will not compromise their ability to comply with the permit's technical requirements. If the Permit Holder is no longer intending to use the dredging lagoon, surrendering their permit may be desirable. Should this be the intended, discussions should be opened with the Environment Agency at the earliest opportunity to ascertain what would be required and the timescales involved. Additional monitoring may be required prior to surrender and as such twin tracking of any permit surrender and the DCO is advisable to ensure the implications for both the planning and permitting regime are fully considered. Future use of the land must not have a negative effect on the environment or prevent the Permit Holder being able to surrender the permit.

The Environment Agency must be consulted prior to any site investigation or construction works within the boundaries of the permitted site, to ensure pollution control measures are maintained.

Permit b) authorises the deposit of waste arising from dredging operations in the lagoon and treatment, by dewatering, of the waste in the lagoons. The proposed access road is adjacent to the north-west of this permitted site and the southern boundary is adjacent to the north-east of the permitted site. Whilst the Scoping Report makes reference to the site (it refers to it as a 'former Manchester Ship Canal

Dredging Deposit Ground'), there is no mention of the active Environmental Permit at this operational site.

The Permit Holder is required to maintain compliance with the permit. This includes maintaining access to the site, maintaining monitoring infrastructure, carrying out required monitoring (there are 4 boreholes located around the perimeter of the site which require monitoring) and maintaining containment infrastructure. As above, we recommend early discussions with the Permit Holder, to ensure the DCO proposals would not compromise the ongoing operation of the permit. Confirmation is required as to whether there will be any impact on the permitted site from the development, or any variations to the permit required. Should this be the case, twin tracking of the two applications is strongly recommended.

### **Waste**

We are pleased to see that the Scoping Report refers to the Construction Code of Practice and CL:AIRE Code of Practice in relation to excavated material and soil arisings. Re-use of soils may be able to be undertaken in accordance with the Contaminated Land: Applications in Real Environments (CL:AIRE) Definition of Waste: Code of Practice (DoWCoP).

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation, and/or land development works, are waste.

Developers should ensure that all contaminated materials are adequately characterized both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- Website at <https://www.gov.uk/government/organisations/environment-agency> for further guidance

We are pleased to see that a Construction Site Waste Management Plan and a Decommissioning Resource Management Plan will be produced and wastes will be managed in accordance with the Duty of Care Code of Practice and waste hierarchy.

Any waste soil arisings will need to be properly classified, in accordance with Waste Classification Technical Guidance - WM3, and sent to an appropriately permitted facility. If any waste materials are to be imported for use in construction, an environmental permit may be required.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

### **Control of Major Accident Hazards**

As part of the COMAH Competent Authority (CA), we would like to make the applicant aware of the following:

The Runcorn Chemical Complex, comprising several Upper Tier COMAH establishments, is located within 1 kilometre of the proposed development, and within the Health and Safety Executive's (HSE) consultation distance of a major hazard site (and/or major accident hazard pipelines).

The upper-tier COMAH establishments are regulated by the COMAH CA. The CA comprises the Health and Safety Executive (HSE) and the relevant environmental regulator, the Environment Agency (EA) in England, acting jointly.

It is understood that a separate consultation with HSE is necessitated, to consider the risks and likely effects on safety grounds that arise from the possible consequences of a major accident at one or more of the major hazard sites.

### **Environmental permits**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

If the applicant is intending to disapply legislation, we advise them to consult with us at the earliest opportunity to discuss if this would be acceptable.

If dewatering is required, it may require an environmental permit if it doesn't meet the criteria for exemption in *The Water Abstraction and Impounding (Exemptions) Regulations 2017 Section 5: Small scale dewatering in the course of building or engineering works*.

Temporary dewatering from excavations to surface water: RPS 261 - GOV.UK (www.gov.uk)

If a full abstraction licence is required it should be made aware that that some aquifer units may be closed for new consumptive abstractions in this area. More information can be found here,

Weaver and Dane abstraction licensing strategy - GOV.UK (www.gov.uk)

Please note that the typical timescale to process a licence application is 9-12 months. The applicant may wish to consider whether a scheme-wide dewatering application rather than individual applications would be beneficial. We suggest talking to our National Permitting Service early in the project planning.

The applicant may also need to consider discharge of groundwater, especially if it is contaminated. More information can be found here,

Discharges to surface water and groundwater: environmental permits - GOV.UK (www.gov.uk)

The use of drilling muds for the directional drilling may require a groundwater activity permit unless the 'de minimis' exemption applies. Early discussion about this is also recommended.

#### Further Advice

The Environment Agency would welcome the opportunity to further engage and advise further on the matters outlined above, in order to provide you with confidence and clarity in relation to our position on the DCO proposals prior to formal submission and outside the statutory engagement process.

This would fall within the scope of our Cost Recoverable Planning Advice service, and as such would be subject to a fee of £100 per staff hour of time. We will contact your further in relation to this, but in the meantime should you wish to gain our views on any draft assessments or proposals please contact us at [NITeam@environment-agency.gov.uk](mailto:NITeam@environment-agency.gov.uk) for a quote.

Yours sincerely

**Mr Morgan Haringman**



**Planning Specialist**

Direct e-mail [NIteam@environment-agency.gov.uk](mailto:NIteam@environment-agency.gov.uk)

**From:** [Sheridan, Jo \(Planning & Regeneration\)](#)  
**To:** [Frodsham Solar Farm](#)  
**Subject:** 23/01150/NEI  
**Date:** 14 June 2023 09:50:52  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)

---

Good morning,

Knowsley Council do not wish to make any comments on the request for a Scoping Opinion.

Kind regards.

**Jo Sheridan**  
**Principal Planner**  
**Planning**

Telephone: [REDACTED]  
Mobile: [REDACTED]

Knowsley Council, Nutgrove Building - Second Floor, Westmorland Road, Huyton, Knowsley, L36 9GD



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**From:** [Webb, Jackie \(National Gas\)](#)  
**To:** [Frodsham Solar Farm](#)  
**Subject:** FW: [EXTERNAL] National Gas Transmission Enquiry Response - Job No. GW2\_29683401  
**Date:** 05 June 2023 14:47:33  
**Attachments:** [image001.png](#)  
[National Gas Transmission 29683401.pdf](#)  
[Obiection - National Gas Transmission 29683401.pdf](#)

---

Good afternoon,

Please find attached a Holding Objection. Please contact Phil Booth to discuss -

[REDACTED]

**Jackie Webb**

**Asset Protection, National Gas Transmission**

+44 (0) [REDACTED]

+44 (0) [REDACTED]

[REDACTED]



National Gas Transmission, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA  
[nationalgas.com](#) | [Twitter](#) | [LinkedIn](#)

**Please consider the environment before printing this email.**

---

**From:** AssetProtection-NGT@safedigs.co.uk <AssetProtection-NGT@safedigs.co.uk>  
**Sent:** 01 June 2023 15:20  
**To:** Webb, Jackie (National Gas) [REDACTED] >  
**Cc:** .Box.Assetprotection (National Gas) <box.assetprotection@nationalgas.com>  
**Subject:** [EXTERNAL] National Gas Transmission Enquiry Response - Job No. GW2\_29683401

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01/06/2023

**PLEASE DO NOT REPLY TO THIS EMAIL.** Please contact [Box.AssetProtection@NationalGas.com](mailto:Box.AssetProtection@NationalGas.com) with any details of the work or any queries that you may have.

**Please do not commence with any works until you have received authorisation and guidance from National Gas Transmission.**

LSBUD ref: 29683401  
Start Date : 22/06/2023

Your ref: EN010153 - Frodsham Solar

Dear Sir/Madam,

Thank you for your enquiry which was received on 01/06/2023 14:18.

Please refer to the attached High Risk response documentation for National Gas Transmission's response.

Gas Asset:

GAS\_PIPE\_FEEDER(000000970708)

**If you need to contact the National Gas Transmission Asset Protection Team regarding your enquiry, please use the following details:**

Email : [Box.AssetProtection@NationalGas.com](mailto:Box.AssetProtection@NationalGas.com)

Address : National Grid House  
Warwick Technology Park  
Gallows Hill  
Warwick  
CV34 6DA

Telephone : 0800 970 7000 (available 8am - 4pm Mon - Fri)

**National Gas Transmission Emergency Number:  
0800 111 999\***

\* Available 24 hours, 7 days/week. Calls may be recorded and monitored.

**LSBUD:**

If you have an enquiry relating to the use of the LSBUD website please contact:

Telephone: [REDACTED]

Email: [enquiries@LSBUD.co.uk](mailto:enquiries@LSBUD.co.uk)

Website: [REDACTED]

Regards,

National Gas Transmission Asset Protection Team



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You may report the matter by contacting us via our [National Gas Transmission Contacts](#)

Page.

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For the registered information on National Gas Transmission please use the attached link:



Jackie Webb  
National Gas Transmission  
National Grid House Gallows Hill, Warwick Technology Park, Warwick,  
Warwick, Warwickshire, cv346da

Asset Protection  
National Gas Transmission  
National Grid  
Warwick  
Direct Tel: [REDACTED]  
Email: [REDACTED]

**Planning Work?**  
**Please enquire with us at**  
[www.lsbud.co.uk](http://www.lsbud.co.uk)

**National Gas Emergency Number:**  
**0800 111 999\***

\*Available 24 hours, 7 days/week.  
Calls may be recorded and monitored.  
[www.nationalgas.com](http://www.nationalgas.com)

Date : 6/5/2023  
Our Reference: GW2\_29683401  
Your Reference: EN010153 - Frodsham Solar

Dear Jackie Webb/National Gas Transmission

**Ref: Site Address Not Provided**

National Gas Transmission exercises its right to place a Holding Objection to the above proposal which will cross our High-Pressure Gas Pipeline – Feeder 4/

Holding Objection:

National Gas Transmission operates a high-pressure gas pipeline that runs through the land parcels proposed for development.

FEEDER PIPELINE - FM4 - Helsby to Weston Point

The pipeline has a 6m easement in operation (3m either side of pipe). With an additional 3m access strip on either side of the easement. No development, construction or landscaping is permitted within the easement without formal written approval from National Grid.

There are specific criteria that must be adhered to for developing solar farms in close proximity to National Grid gas pipelines. Solar Farms can be built adjacent to pipelines but never within the easement.

Utility crossings over National Grid gas pipelines are restricted and will require 'Deeds of Consent/ Indemnity'.

Any piling within 15m of the pipeline will need a vibration assessment.

The developer is to engage with National Grid for further guidance in the early stages of design to ensure that electrical interference, security, future access, and construction methods can be mutually agreed prior to undertaking any works on site.

Our engineer would like to arrange a meeting, in order for you to discuss the proposal in more detail.

- We would draw your attention to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advice for Developments near Hazardous Installations) guidance published by the HSE, which may affect this development.
- To visit the Land Use Planning site, please use the link below:  
<https://www.hse.gov.uk/landuseplanning/methodology.htm>
- No buildings should encroach within the Easement strip of the pipeline
- No demolition shall be allowed within 150 metres of a pipeline without an assessment of the vibration levels at the pipeline. Expert advice may need to be sought which can be arranged through National Gas Transmission.
- National Gas Transmission has a Deed of Easement for each pipeline which prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent / temporary buildings, or structures. If necessary National grid will take action to legally enforce the terms of the easement.
- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Gas Transmission's specification for Safe Working in the Vicinity of National Gas Transmission High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22. You should already have received a link to download a copy of T/SP/SSW22, from our Plant protection Team, which is also available to download from our website.
- To view the SSW22 Document, please use the link below:  
<https://www.nationalgrid.com/uk/gas-transmission/document/113921/download>
- A National Gas Transmission representative will be monitoring the works to comply with SSW22.
- To download a copy of the HSE Guidance HS(G)47, please use the following link:  
<http://www.hse.gov.uk/pubns/books/hsg47.htm>
- National Gas Transmission will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Gas Transmission representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Gas Transmission High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Gas Transmission representative. A safe working method must be agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Gas Transmission representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NGT supervision and guidance.

### **Pipeline Crossings**

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at locations agreed with a National Gas Transmission engineer.
- All crossing points will be fenced on both sides with a post and wire fence and with the fence returned along the easement for a distance of 6 metres.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. No protective measures including the installation of concrete slab protection shall be installed over or near to the National Gas Transmission pipeline without the prior permission of National Gas Transmission. National Gas Transmission will need to agree the material, the dimensions and method of installation of the proposed protective measure. The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Gas Transmission.
- Please be aware that written permission from National Gas Transmission is required before any works commence within the National Gas Transmission easement strip.
- A National Gas Transmission representative shall monitor any works within close proximity to the pipeline to comply with National Gas Transmission specification T/SP/SSW22.
- A Deed of Indemnity is required for any crossing of the easement including cables

### **Cables Crossing**

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Gas Transmission representative shall supervise any cable crossing of a pipeline.
- An impact protection slab should be laid between the cable and pipeline if the cable crossing is above the pipeline.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service must cross below the pipeline with a clearance distance of 0.6 metres.

### **All work should be carried out in accordance with British Standards policy**

- BS EN 13509:2003 - Cathodic protection measurement techniques
- BS EN 12954:2001 - Cathodic protection of buried or immersed metallic structures – General principles and application for pipelines
- BS 7361 Part 1 - Cathodic Protection Code of Practice for land and marine applications.

I have enclosed a location map to show the location of National Gas Transmission high-pressure gas pipeline(s) within the vicinity of your proposal.

Yours sincerely

Asset Protection Assistant



Our Ref: 29683401      EN010153 - Frodsham Solar

Thursday, 01 June 2023

Jackie Webb  
National Grid House Gallows Hill, Warwick Technology Park, Warwick  
Warwick  
Warwickshire  
cv246da

**National Gas Emergency Number:  
0800 111 999\***

\*Available 24 hours, 7 days/week.  
Calls may be recorded and monitored.  
[www.nationalgas.com](http://www.nationalgas.com)

Asset Protection  
National Gas Transmission  
National Grid House  
Warwick  
CV34 6DA  
Email: [box.assetprotection@nationalgas.com](mailto:box.assetprotection@nationalgas.com)  
Tel: 0800 970 7000

### **National Gas Transmission – High Risk Response Letter**

Dear Sir/ Madam,

An assessment has been carried out with respect to National Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to be within the High Risk zone from National Gas Transmission plc's apparatus and you **MUST NOT PROCEED** without further assessment from Asset Protection.

Before you go ahead with these works, you are required to send your plans and a description for to us to review them at [box.assetprotection@nationalgas.com](mailto:box.assetprotection@nationalgas.com). We will contact you within 28 days of receipt.

It is **YOUR** responsibility to take into account whether you are required to or would benefit from referring to the HSE Land Use Planning App (LUP), available from HSE's website. (Please note for some works this is a requirement for them to take place) More information on the LUP is available at <https://www.hse.gov.uk/landuseplanning/>

Please note this response and any attached map(s) are valid for 28 days.

Yours sincerely

**Asset Protection Team**

## Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near National Gas Transmission plc's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to National Gas Transmission plc (NGT)

This assessment does **NOT** include:

- National Gas Transmission's legal interest (easements or wayleaves) in the land which restricts activity in proximity to National Gas Transmission's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Asset Protection.
- Recently installed apparatus.
- Apparatus owned by other organisations, e.g. Cadent, National Grid Electricity Transmission plc, other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to National Gas Transmission plc easements or wayleaves nor any planning or building regulations applications.

National Gas Transmission plc or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Asset Protection team via e-mail ([box.assetprotection@nationalgas.com](mailto:box.assetprotection@nationalgas.com)) or via the contact details at the top of this response.

## Are My Works Affected?

### Is your proposal an Initial Enquiry or Planned Works Application?

#### Initial Enquiry

As your works are at an "initial" stage, any maps and guidance provided are for information purposes only. This is not approval to commence work. You must submit a "Planned Works" enquiry at the earliest opportunity and failure to do this may lead to disruption to your plans and works. Asset Protection will endeavour to provide an initial assessment within 28 days of receipt of a Planned Works enquiry and, dependent on the outcome of this, further consultation may be required. In any event, for safety and legal reasons, works must not be carried out until a Planned Works enquiry has been completed and final response received.

#### Planned Works

Your proposal is in proximity of National Gas Transmission plc's apparatus, as shown on the attached map, which may impact, and possibly prevent, your proposed activities for safety and/or legal reasons.

**You must not commence any work until you have sent details to us at [box.assetprotection@nationalgas.com](mailto:box.assetprotection@nationalgas.com) and have received a response back confirming that we have no objections to the work taking place.** You must read and follow all the guidance provided when planning or undertaking any activities at this location.

We will contact you within 28 working days of you providing us with the details of your work at the email address above. Please email, or call us at 0800 970 7000, if you have not had a response within this time frame.

## Assessment

### Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- National Gas Transmission Pipelines and associated equipment

## Requirements

### National High Pressure Gas Pipelines

BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Gas Transmission's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Gas Transmission's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

DURING any work you must:

- Ensure that the National Gas Transmission requirements are followed for work in the vicinity of High pressure pipelines including the supervision of the digging of trial holes.
- Comply with all guidance relating to general activities and any specific guidance for each asset type as specified in the Guidance Section below.
- Ensure that access to National Gas Transmission apparatus is maintained at all times.
- Prevent the placing of heavy construction plant, equipment, materials or the passage of heavy vehicles over National Gas Transmission apparatus unless specifically agreed with National Gas Transmission in advance.
- Exercise extreme caution if slab (mass) concrete is encountered during excavation works as this may be protecting or supporting National Gas Transmission apparatus.
- Maintain appropriate clearances between gas apparatus and the position of other buried plant.

## GUIDANCE

### National Gas Transmission Network data

The Network map for National Gas Transmission assets can be downloaded at the following link in GIS format.

[www.nationalgas.com/land-and-assets/network-route-maps](http://www.nationalgas.com/land-and-assets/network-route-maps)

#### High Pressure Gas Pipelines Guidance:

If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of National Gas Transmission High Pressure Gas Pipelines and Associated Installation – Requirements for Third Parties' (SSW22). This can be obtained from: <Link to SSW22 once it has been updated and signed off>

#### Essential Guidance document:

<https://www.nationalgas.com/sites/gas/files/documents/8589934982-Essential%20Guidance.pdf>

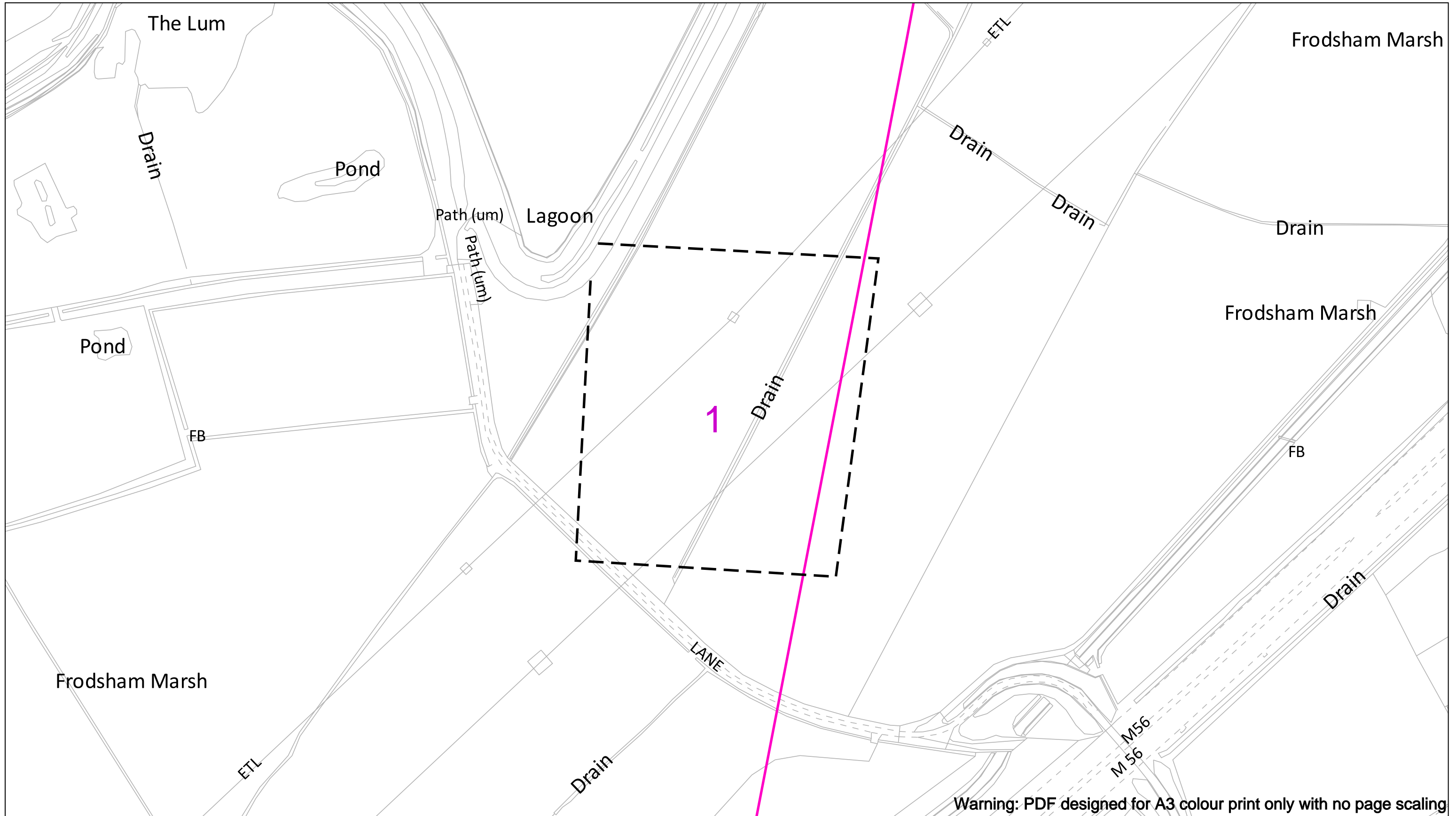
You should be aware of the following information regarding National Gas Transmission's high pressure underground pipelines and associated apparatus:

- Our underground pipelines are protected by permanent agreements with landowners or have been laid in the public highway under our licence. These grant us legal rights that enable us to achieve efficient and reliable operation, maintenance, repair and refurbishment of our gas transmission network. Hence we require that no permanent structures are built over or under pipelines or within the zone specified in the agreement, materials or soil are not stacked or stored on top of the pipeline route and that unrestricted and safe access to any of our pipeline(s) must be maintained at all times.
- The information supplied is given in good faith and only as a guide to the location of our underground pipelines. The accuracy of this information cannot be guaranteed. The physical presence of such pipelines may also be evident from pipeline marker posts. The person(s) responsible for planning, supervising and carrying out work in proximity to our pipeline(s) shall be liable to us, as pipeline(s) owner, as well as to any third party who may be affected in any way by any loss or damage resulting from their failure to locate and avoid any damage to such a pipeline(s).
- The relevant guidance in relation to working safely near to existing underground pipelines is contained within the Health and Safety Executive's ([www.hse.gov.uk](http://www.hse.gov.uk)) Guidance HS(G)47 "Avoiding Danger From Underground Services" and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Our pipelines are normally buried to a depth of 1.2 metres or more below ground and further information may be found on the plans provided. Ground cover above our pipelines should not be reduced or increased.
- Any proposed cable crossings are subject to approval from National Gas Transmission, completion of a Deed of Consent and must remain a minimum of 600mm above or below the pipeline. All works associated with cable installation must be supervised by National Gas Transmission. Cables cannot be pulled through until a Deed of Consent is in place.
- If it is planned to use mechanical excavators and any other powered mechanical plant, it shall not be sited or moved above the pipeline.
- If it is planned to carry out excavation to a depth greater than 0.3 metres, embankment or dredging works, the actual position and depth of the pipeline must be established on site with our representative

and a safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.

- The digging of trial holes to locate the pipeline must be carried out under the supervision of our on-site representative following approval of RAMS. Excavation works may take place unsupervised no closer than 3 metres from the pipeline once its actual location has been confirmed. Similarly, excavation with handheld power tools may take place no closer than 1.5 metres away.
- For operational and safety reasons National Gas Transmission requires unrestricted access to our Above Ground Installations and Compressor Stations. We would request that any proposed changes to roads/layouts in the vicinity of our site have regard to the need to maintain access.
- Any construction traffic should either cross the pipeline using existing roads or at agreed crossing locations using agreed protective measures.
- Ground anchors for scaffolding stay wires should only be sited in the vicinity of the pipeline after the pipeline position has been confirmed on site with our representative and the ground anchor position agreed.
- If your proposals include the installation of wind turbines then the minimum separation between the pipeline and the nearest turbine should be 1.5 times the mast height.
- If your proposals include the installation of a Solar Farm, all assets must remain outside of the National Gas Transmission easement, all cable crossings must be agreed during the design stage, a Deed of Consent undertaken and an Earthing report must be provided for review. National Gas Transmission must retain access to its assets at all times once works have been completed.

The relocation of existing underground pipelines is not normally feasible on grounds of cost, operation and maintenance and environmental impact. Further details can be found in our specification for: safe working in the vicinity of National Gas Transmission high pressure gas pipelines and associated installations – requirements for third parties: T/SP/SSW/22 (see link above or copy enclosed)



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

Date Requested: 01/06/2023  
 Job Reference: 29683401  
 Site Location: 351793 378725  
 Requested by:  
 Miss Jackie Webb  
 Your Scheme/Reference: EN010153  
 Frodsham Solar


**IMPORTANT NOTICES**  
 This plan shows those pipes owned by National Gas Transmission PLC in its role as a licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regards to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Gas Transmission PLC or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.

**National Gas Transmission Emergency Number: 0800 111 999**  
 Available 24 hours, 7 days/week. Calls may be recorded and monitored

Warning: PDF designed for colour print only with no page scaling

100m

Dig Sites    Area:     Line: 

    NHP Mains



**National Gas Transmission**  
 National Grid House  
 Warwick Technology Park  
 Gallows Hill  
 Warwick  
 CV34 6DA

box.assetprotection@nationalgas.com



# ENQUIRY SUMMARY

## Received Date

01/06/2023 14:18

## Work Start Date

22/06/2023

## Your Reference

EN010153 - Frodsham Solar

## Location

Centre Point: 351793 378725

X Extent:

Y Extent:

Postcode: WA6 7NR

## Map Options

Paper Size: A3

Orientation: LANDSCAPE

Scale: 1:2500

Real World Extents: 213m x 235m

## Enquirer Details

Organisation Name: National Grid

Contact Name: Jackie Webb

Email Address: [REDACTED]

Telephone: [REDACTED]

Address: National Grid House Gallows Hill, Warwick Technology Park, Warwick, Warwick, Warwickshire, cv246da

## Enquiry Type

Planned Works

## Activity Type

Planning Applications

## Work Types

Solar Farm

## Notes/Works Description (if supplied)

The Proposed Development also includes the associated infrastructure for connection to the local electricity distribution network, as well as private wire electricity connections to nearby businesses that would utilise the renewable

## Site Contact Name (if supplied)

Jackie Webb

## Site Contact Number (if supplied)

[REDACTED]



**From:** [Laycock, Ellie](#)  
**To:** [Frodsham Solar Farm](#)  
**Subject:** FSP - NGET Scoping Response  
**Date:** 08 June 2023 13:47:34  
**Attachments:** [FSP - NGET Assets \(1\).pdf](#)  
[NGET Scoping Response - FSP.pdf](#)

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Good afternoon,

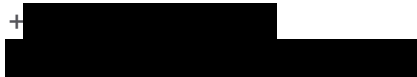
Please see attached a response from NGET.

Kind regards,

## **Ellie Laycock**

Development Liaison Officer & EA to Prem Gabbi, Director of UK Land and Property  
UK Land and Property

**nationalgrid**

+ 

National Grid House, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA  
[nationalgrid.com](#) | [Twitter](#) | [LinkedIn](#)

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Advance notice of holiday: 12<sup>th</sup> – 16<sup>th</sup> June and 7<sup>th</sup> – 10<sup>th</sup> July

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For the registered information on the UK operating companies within the National Grid group please use the attached link: <https://www.nationalgrid.com/group/about-us/corporate-registrations>

## Complex Land Rights

Ellie Laycock

Development Liaison Officer

UK Land and Property

Tel: +

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:  
frodshamsolarfarm@planninginspectorate.gov.uk

08 June 2023

Dear Sir/Madam

## **APPLICATION BY FRODSHAM SOLAR LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE FRODSHAM SOLAR PROJECT (THE PROPOSED DEVELOPMENT)**

### **SCOPING CONSULTATION RESPONSE**

I refer to your letter dated 31<sup>st</sup> May 2023 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET). Having reviewed the scoping report, I would like to make the following comments regarding NGET infrastructure within or in close proximity to the current red line boundary.

NGET has high voltage electricity overhead transmission lines, underground cables and a high voltage substation within the scoping area. The overhead lines, substation and underground cables form an essential part of the electricity transmission network in England and Wales.

#### Substation

- Frodsham 275kV Substation
- Frodsham 400kV Substation
- Associated overhead and underground apparatus including cables

#### Overhead Lines

YY 400kV OHL	Frodsham – Rocksavage
4ZF 275kV OHL	Fiddlers Ferry – Frodsham 1
	Fiddlers Ferry – Frodsham 2
4ZE 400kV OHL	Capenhurst – Frodsham 1
	Capenhurst – Frodsham 2

Associated cable fibre

#### Cable Apparatus

- Frodsham – Weaver 33kV underground cable

I enclose a plan showing the location of NGET's apparatus in the scoping area.

## Specific Comments – Electricity Infrastructure:

- NGET's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. NGET recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004)”.
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's ([www.hse.gov.uk](http://www.hse.gov.uk)) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above.
- NGET high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide NGET full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with NGET prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

To download a copy of the HSE Guidance HS(G)47, please use the following link:  
<http://www.hse.gov.uk/pubns/books/hsg47.htm>

## **Further Advice**

**We would request that the potential impact of the proposed scheme on NGET's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.**

**Where any diversion of apparatus may be required to facilitate a scheme, NGET is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by NGET. Further information relating to this can be obtained by contacting the email address below.**

**Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGET apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.**

NGET requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: [box.landandacquisitions@nationalgrid.com](mailto:box.landandacquisitions@nationalgrid.com)

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

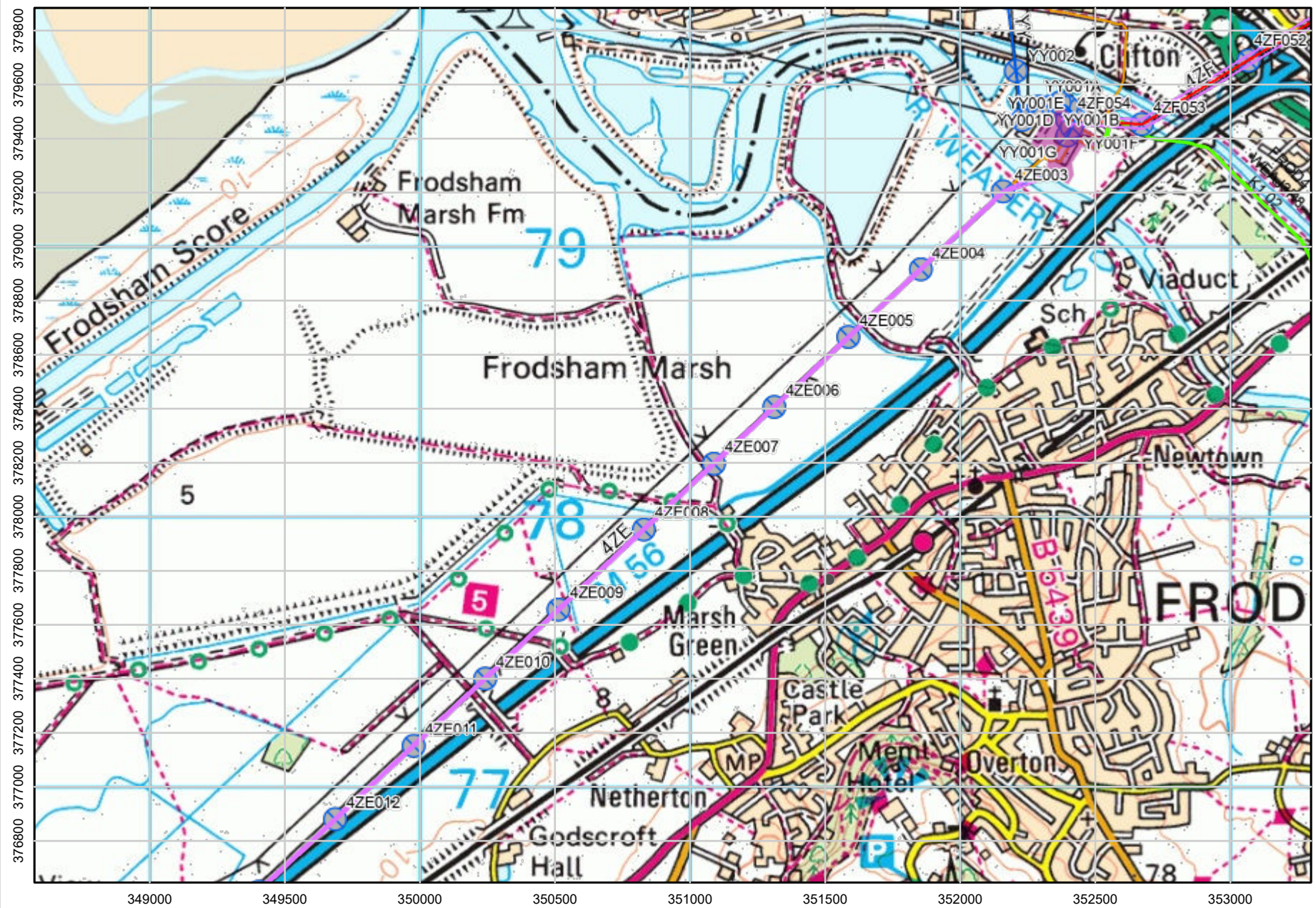
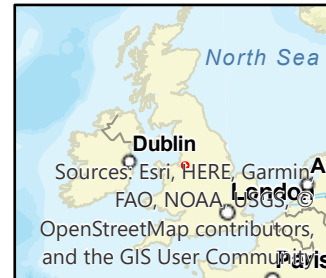
The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity customer services.

Yours faithfully



**Ellie Laycock**  
**Development Liaison Officer, Complex Land Rights**

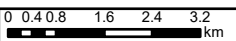




**Legend**

- Telecoms
- RAMM
- Fibre Cable
  - Fibre Cable Commissioned
  - Buried Cable Commissioned
- Towers
  - Towers Commissioned
- OHL 275Kv
  - OHL 275Kv Commissioned
- OHL 400Kv
  - OHL 400Kv Commissioned
- OHL Circuits
  - Commissioned
- Substations
  - Substations Commissioned

Notes



Date: 6/1/2023  
Time: 8:23 PM  
Page size: A4 Landscape  
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**From:** [NATS Safeguarding](#)  
**To:** [Frodsham Solar Farm](#)  
**Subject:** RE: EN010153 - Frodsham Solar - EIA Scoping Notification and Consultation [SG35462]  
**Date:** 01 June 2023 15:01:55  
**Attachments:** [~WRD0005.jpg](#)  
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[image008.png](#)  
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[image017.png](#)  
[image018.png](#)  
[image001.png](#)

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Our Ref: SG35462

Dear Sir/Madam

NATS operates no infrastructure within 2.5km of the Application site. Accordingly, it anticipates no impact on its operations and has no comments to make on the Scoping Opinion.

Yours faithfully



NATS Safeguarding

E: [natssafeguarding@nats.co.uk](mailto:natssafeguarding@nats.co.uk)

4000 Parkway, Whiteley,  
Fareham, Hants PO15 7FL  
[www.nats.co.uk](http://www.nats.co.uk)



NATS Public

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**From:** Frodsham Solar Farm <[FrodshamSolarFarm@planninginspectorate.gov.uk](mailto:FrodshamSolarFarm@planninginspectorate.gov.uk)>

**Sent:** 31 May 2023 09:58

**Subject:** EN010153 - Frodsham Solar - EIA Scoping Notification and Consultation

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Dear Sir/Madam

Please see attached correspondence on the proposed Frodsham Solar project.



Please note the deadline for consultation responses is **28 June 2023** and is a statutory requirement that cannot be extended.

Kind regards,

Todd Brumwell



**Todd Brumwell | EIA Advisor**  
The Planning Inspectorate  
T 0303 444 5348



@PINSgov



The Planning Inspectorate



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Date: 28 June 2023  
Our ref: 435943  
Your ref: EN010153 - 000007



Todd Brumwell  
Planning Inspectorate

**BY EMAIL ONLY**

Consultations  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 900

Dear Mr Brumwell

**Environmental Impact Assessment Scoping consultation under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulation 11**

**Proposal:** Frodsham Solar Project

**Location:** Frodsham Marshes, Frodsham, Cheshire West and Chester

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated and received on 31 May 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Natural England has been engaging with the applicant and their consultants, and a number of discussions have taken place under our Discretionary Advice Service (DAS). Initial discussions have focussed on the potential issues regarding functionally linked habitats for SPA birds and the proposals for mitigation. We continue to meet regularly with the applicant and expect to provide ongoing input to any mitigation proposals as these develop. We consider that there are satisfactory measures that can be incorporated in to the development plans that would ensure future agreement on this matter.

Detailed advice on scoping the Environmental Statement is available in the attached Annex.

For any further advice on this consultation please contact me on the details below and copy to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Angela Leigh  
Planning & Development Senior Adviser  
Cheshire to Lancashire Area Team

## **Annex A – Natural England Advice on EIA Scoping**

### **1. General Principles**

1.1 Regulation 11 of the Infrastructure Planning Regulations 2017 - (The EIA Regulations) sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Appropriately scaled and referenced plans which clearly show the information and features associated with the development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects and matters requested to be scoped out of further assessment with adequate justification provided<sup>1</sup>.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- An outline of the structure of the proposed ES

1.2 It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

### **2. Cumulative and in-combination effects**

2.1 An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a. existing completed projects
- b. approved but uncompleted projects

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<sup>1</sup> National Infrastructure Planning (planninginsepectorate.gov.uk) Insert 2 – information to be provided with a scoping request, Advice Note Seven, Environmental Impact Assessment, Process, Preliminary Environmental Information and Environmental Statements

- c. ongoing activities
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

2.2 Plans or projects that Natural England are aware of that might need to be considered in the ES:

- Frodsham Wind Farm
- HyNet North West Hydrogen pipeline
- Protos energy developments

### **3. Environmental data**

3.1 Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.

Detailed information on the natural environment is available at [www.magic.gov.uk](http://www.magic.gov.uk).

3.2 Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The Impact Risk Zones incorporate internationally designated sites and features and can be used to help identify the potential for the development to impact on a European Site. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

3.3 Natural England has also published Conservation Advice packages which provide useful information to guide the assessment. Our Conservation Advice Packages can be found [here](#).

3.4 Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

### **4. Biodiversity and Geodiversity**

4.1 The assessment will need to include potential impacts of the proposal upon sites and features of nature conservation interest as well as opportunities for nature recovery through biodiversity net gain (BNG). There might also be strategic approaches to take into account.

4.2 Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. [Guidelines](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

4.3 For additional information relating to Solar Parks please refer to the Technical

Information Note at the link below, which provides a summary of advice about their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment. [Solar parks: maximising environmental benefits \(TIN101\)](#).

## 5. Designated nature conservation sites - International and European sites

5.1 The development site may impact on the following European/internationally designated nature conservation site(s):

- Mersey Estuary Special Protection Area
- Mersey Estuary Ramsar

5.2 The ES should thoroughly assess the potential for the proposal to affect internationally designated sites of nature conservation importance / European sites, including marine sites where relevant. This includes Special Protection Areas (SPA), Special Areas of Conservation (SAC), listed Ramsar sites, candidate SAC and proposed SPA.

5.3 Article 6 (3) of the Habitats Directive requires an appropriate assessment where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other plans or projects.

<b>Table 1: Potential risk to International designated sites:</b> the development is within or may impact on the following European/Internationally designated site(s)	
<b>Site name with link to conservation objective</b>	<b>Potential impact pathways where further information/assessment is required.</b>
<p><b>Mersey Estuary SPA</b>  <a href="#">European Site Conservation Objectives for Mersey Estuary SPA - UK9005131</a>  <a href="http://naturalengland.org.uk"> (naturalengland.org.uk)</a></p> <p><b>Mersey Estuary Ramsar</b>  <a href="#">Designated Sites View</a>  <a href="http://naturalengland.org.uk"> (naturalengland.org.uk)</a></p>	<p><u>Impacts on functionally linked land</u></p> <p>Potential impacts that may arise from the proposal relate to the presence of mobile SPA interest features that are located outside the site boundary. Natural England advises that the potential for offsite impacts should be considered in assessing what, if any, potential impacts the proposal may have on European sites.</p> <p>Natural England advises the ES and HRA should consider:</p> <ul style="list-style-type: none"> <li>• any impacts due to potential direct loss of functionally linked habitat for Mersey Estuary SPA bird species;</li> <li>• the potential for noise and visual disturbance impacts on functionally linked land during construction and operation.</li> </ul> <p>We welcome that passage/wintering bird surveys have been carried out and we will provide detailed advice once these are available to view.</p> <p>The surveys should cover different tidal states and consideration should also be given to surveys in poor weather/ visibility conditions as large movements of birds can be observed at this time. Surveys may also need to take account of surveys at dusk and dawn, depending upon the bird species (i.e. geese and swans). If geese and swans have the potential to use the</p>

	<p>development site or surrounding area, we would expect to see surveys 1 hour before and 1 hour after, dusk and dawn during the respective bird survey season (i.e. winter, spring and autumn passage).</p> <p>Natural England has already discussed with the applicant the bird survey methodology and survey effort undertaken and is satisfied that appropriate site level bird survey data will be available to inform the assessment.</p> <p>Please note that the HRA likely significant effect test identifies whether there is a credible risk that the project might undermine the conservation objectives for a European site. In this case, we advise that likely significant effect from loss of functionally linked land cannot be ruled out at the screening stage, due to the presence of significant numbers of SPA/Ramsar birds (Table 8.3). Therefore, we advise that the bird survey results, and other relevant data, should be considered at the appropriate assessment stage of the HRA.</p> <p>Natural England advises that if <math>\geq 1\%</math> of a Mersey Estuary bird species population could be affected by a proposal, alone or in combination with other plans or projects, then further consideration is required.</p> <p>We note the following statements within sections 8.4.68-8.4.69: “[55% of the site] is located within 600m of operational wind turbines, as shown on Figure 8.2. It can therefore be reasonably assumed that the attractiveness of this area to nonbreeding waterbirds is significantly reduced due to proximity to the wind turbines”, “from the data collected to date it is clear that displacement effects of the wind turbines are now in effect regardless of the efficacy of wind farm mitigation.”</p> <p>We advise that detailed consideration of areas within 600m of the wind turbines will be required in order to support these statements. Natural England has advised the applicants via our DAS discussions to undertake further detailed analysis of bird data within the site and surrounding areas to support their assessment.</p> <p>Natural England has produced a review paper which includes information on the impacts of solar farms on birds, we recommend that this is considered when undertaking the assessment (<a href="#">NEER012</a>).</p>
	<p><u>Impacts on water quality</u></p> <p>Due to the proximity of the site to the Mersey Estuary SPA/Ramsar we advise that potential water quality impacts need to be assessed, including potential for increased nutrient and other pollutant inputs.</p>
	<p><u>Impacts on air quality</u></p>

	<p>See below in section 13, and also due to the proximity of the site to the Mersey Estuary SPA/Ramsar we advise further consideration of the potential for any dust during construction and any appropriate measures to limit dust from the development.</p>
	<p><u>Impacts of noise and vibration</u></p> <p>Due to the proximity of the site to the Mersey Estuary SPA/Ramsar, and surrounding functionally linked land, we advise that further consideration of the potential for noise and vibration impacts during all phases of the development is required, together with any appropriate mitigation.</p> <p>We note that a Noise Impact Assessment accompanies the scoping report (Appendix 13.1) but that it assesses construction noise impacts to residential receptors and the River Weaver only. All ecological receptors should be assessed including the Mersey Estuary SPA/Ramsar.</p>

## 6.0 Designated nature conservation sites - Nationally designated sites

### Sites of Special Scientific Interest (SSSI)

6.1 The development site may impact on the following Site of Special Scientific Interest:

- Mersey Estuary

6.2 Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 (as amended). Further information on the SSSI and its special interest features can be found at [www.magic.gov](http://www.magic.gov).

6.3 The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

6.4 Our advice regarding the potential impact pathways upon the Mersey Estuary SSSI coincides with those set out in Table 1 above for the corresponding European sites.

### 7. Regionally and Locally Important Sites

7.1 The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity.

7.2 The Environmental Statement should therefore include an assessment of the likely

impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

## **8. Protected Species**

- 8.1 The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species' populations in the wider area.
- 8.2 The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.
- 8.3 Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required. Applicants can make use of Natural England's charged [Pre Submission Screening Service](#) for a review of a draft wildlife licence application.
- 8.4 At the current time Natural England cannot provide further detailed advice regarding protected species however we welcome the engagement from the applicant to date and intend to provide further advice in due course.

## **9. Priority Habitats and Species**

- 9.1 Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.
- 9.2 Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to [download](#). Further information is also available [here](#).
- 9.3 An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.
- 9.4 The Environmental Statement should include details of:
- Any historical data for the site affected by the proposal (e.g. from previous surveys)
  - Additional surveys carried out as part of this proposal



- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

## 10. Biodiversity Net Gain (BNG)

10.1 Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180).

10.2 Natural England encourages the applicant to commit to delivery of 10% BNG in all habitat types identified within the order limits, in accordance with the [Environment Act 2021](#).

10.3 Natural England considers that major infrastructure developments should set the highest environmental standard and lead by example in showing how investment in sustainable infrastructure can better serve communities, including through the delivery of environmental goals, such as flood resilience, expanding natural habitats and contributing toward Net Zero greenhouse gas emissions. Nature-based solutions built into infrastructure schemes provide one means for setting in place the government's 25 Year Environment Plan.

10.4 The mitigation hierarchy as set out in paragraph 180 of the NPPF should be followed and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal.

10.5 The ES should use an appropriate biodiversity metric such as [Biodiversity Metric 4.0](#) together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.

10.6 The metric should be used to:

- assess or audit the biodiversity unit value of land within the application area
- calculate the losses and gains in biodiversity unit value resulting from proposed development
- demonstrate that the required percentage biodiversity net gain will be achieved

10.7 We welcome the reference to avoiding disturbance to habitats of significant biodiversity value within Section 8.5.8. However, Natural England's [Biodiversity Metric 4.0](#) should be used to inform the identification of habitat biodiversity value.

10.8 Biodiversity Net Gain outcomes can be achieved on-site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies.

10.9 Local Nature Recovery Strategies (LNRS) are a new mandatory system of spatial strategies for nature established by the Environment Act 2021 which will contribute to the national [Nature Recovery Network](#) (NRN). Work is currently underway to develop



these strategies, which will identify strategic priorities for nature protection, recovery, and enhancement. Given the size, scale and opportunities afforded by the application is therefore recommended that engagement with relevant local planning authorities, responsible authorities and statutory consultees (including Natural England) is undertaken to align habitat enhancement through the development with any emerging plans and policies in relation to LNRS.

10.10 Natural England recognises the high opportunity for the development to deliver Biodiversity Net Gain (BNG) on-site and it is recommended that the following guidance is applied in order to achieve this:

- [Biodiversity Net Gain guidance to date.](#)
- [Biodiversity Net Gain: Good Practice Principles for Development](#)
- [Government Consultation on Biodiversity Net Gain Regulations and Implementation](#)
- [BS 8683: 2021 Process for designing and implementing Biodiversity Net Gain. Specification.](#)
- [What you can count towards a developments biodiversity net gain](#)

10.11 Habitat delivery in strategic areas will be incentivised by the biodiversity metric's strategic significance score, and policy and guidance will encourage off-site biodiversity gains to be delivered locally to the development site, which is incentivised by the biodiversity metric's spatial risk multiplier.

10.12 In order to maximise nature recovery and target habitat enhancement where it will have the greatest local benefit it is recommended that locally identified opportunities should be acknowledged and incorporated into the design of BNG (both on and off-site). This should include any locally mapped priority habitats and ecological networks identified by Cheshire West and Chester Council.

10.13 Further information on local sites designated for nature conservation/ habitat restoration can be found by contacting your Local Nature Partnership Local Nature Partnerships: map and key contacts - <https://www.gov.uk/government/publications/map-of-local-nature-partnerships> to help identify opportunities.

## **11. Connecting People with nature**

11.1 The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100 and with reference to the Overarching National Policy Statement for Energy. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

11.2 Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

11.3 Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

## 12. Soils and Agricultural Land Quality

12.1 Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in the context of the sustainable use of land and the ecosystem services they provide as a natural resource, as also highlighted in paragraph 174 of the NPPF. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#).

12.2 The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

12.3 For information on the availability of existing ALC information see [www.magic.gov.uk](http://www.magic.gov.uk).

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

12.4 Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#) and The British Society of Soil Science Guidance Note [Benefitting from Soil Management in Development and Construction](#).

## 13. Air Quality

13.1 Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical

load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical level of 1µg) [1]. A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NOx and SO2 against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to reduce environmental damage from air pollution.

13.2 The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts of air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)).

13.3 Natural England has produced guidance for public bodies to help assess the impacts of road traffic emissions to air quality capable of affecting European Sites. [Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations - NEA001](#)

13.4 Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
- Ammonia assessment for agricultural development <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>
- Environment Agency Screening Tool for industrial emissions <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>

## 14. Climate Change

14.1 The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The Applicant may also want to have regard to the Institute of Environmental Management & Assessment (IEMA) [EIA Guide to: Climate Change Resilience and Adaptation \(2020\)](#). The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 174), which should be demonstrated through the ES.

14.2 The development should seek to deliver Nature-based Solutions (NbS) for addressing

climate change impacts and restoring natural processes. The development should seek to integrate NbS into any Green Infrastructure, Biodiversity Net Gain and natural flood management to deliver multifunctional benefits to people and wildlife.

14.3 The proposed development should also be considered in line with requirements set out in [Cheshire West and Chester Climate Emergency Response Plan](#).

**From:** [ONR Land Use Planning](#)  
**To:** [Frodsham Solar Farm](#)  
**Subject:** ONR Land Use Planning - Application EN010153-000007 Frodsham Solar  
**Date:** 06 June 2023 15:13:29  
**Attachments:** [image005.png](#)  
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[image006.png](#)  
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[image004.png](#)  
[image006.png](#)  
[image007.png](#)  
[Frodsham Solar Letter to stat cons Scoping & Reg 11 Notification.doc.pdf](#)  
[image001.png](#)  
[image005.png](#)  
[image002.png](#)  
[image004.png](#)

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Dear Sir/Madam,

With regard to planning application EN010153-000007, ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

You can find information concerning our Land Use Planning consultation process here: (<http://www.onr.org.uk/land-use-planning.htm>).

Kind regards,

Vicki Enston  
Land Use Planning  
Office for Nuclear Regulation  
[ONR-Land.Use-planning@onr.gov.uk](mailto:ONR-Land.Use-planning@onr.gov.uk)

-----Original Message-----

**From:** Frodsham Solar Farm <[FrodshamSolarFarm@planninginspectorate.gov.uk](mailto:FrodshamSolarFarm@planninginspectorate.gov.uk)>  
**To:**  
**Cc:**  
**Sent:** 31/05/2023 23:39  
**Subject:** EN010153 - Frodsham Solar - EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see attached correspondence on the proposed Frodsham Solar project.

Please note the deadline for consultation responses is **28 June 2023** and is a statutory requirement that cannot be extended.

Kind regards,

Todd Brumwell

**From:** [Mandy Chapman](#)  
**To:** [Frodsham Solar Farm](#)  
**Subject:** Re: EN010153 - Frodsham Solar - EIA Scoping Notification and Consultation  
**Date:** 01 June 2023 10:46:18

---

Dear Sirs

The local authority has the following comments to make.

“Whilst we note the proposal represents significant development, in consideration of the location, Shropshire Council has no comments to make on the proposal and expects all the material planning considerations to be fully assessed including ecological, visual and historic impacts and that of HGV and transportation movements”.

**Regards**

**Mrs Mandy Chapman**  
**Technical Support Officer**  
Development Management Team  
Shropshire Council  
PO Box 4826  
SHREWSBURY  
SY1 9LJ

[Redacted] or [planning.northern@shropshire.gov.uk](mailto:planning.northern@shropshire.gov.uk)

If this is a request for information under the Freedom of Information Act, or similar legislation, please submit your request using our online form, at [www.shropshire.gov.uk/access-to-information/request-general-information/](http://www.shropshire.gov.uk/access-to-information/request-general-information/)

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Planning Pages: <http://new.shropshire.gov.uk/planning>

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**From:** [Edwards, Steven](#)  
**To:** [Frodsham Solar Farm](#)  
**Subject:** EN010153 - Frodsham Solar - EIA Scoping Notification and Consultation  
**Date:** 28 June 2023 17:42:44  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image002.png](#)  
[Frodsham solar UMV.pdf](#)

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Thank you for the opportunity to comment on the information made available as part of the recent scoping consultation.

I have reviewed the proposals and provide comments for SP Energy Networks who operate and manage the electricity network up to 132kV on behalf of the licenced network operator, SP Manweb. SP Energy Networks must ensure the avoidance of any adverse impact on its assets as we all drive to maintain a network that is capable of meeting the increase in demand from an all-electric economy. The next decade will be crucial in preparing the grid for these changes and this is why we are very interested in being able to comment on the proposals which may undermine maintaining and developing a suitable future grid network. The proposed solar array development area affects SPM network as shown on the attached plan.

SP Energy Networks has no objection in principle to the proposed development subject to there being in place required measures to protect SP Manweb network assets and ensure safe working around the affected SPM network. At this stage, it is suggested the application plans and required environmental impact assessment include a plan showing this network and an assessment of the impact of the proposals on this network. There should also be a draft construction management plan which has a section on utilities and explains how impacts on the existing network is to be managed and mitigated.

SP Energy Networks is seeking to obtain from the applicant detailed plans showing where solar panels are in relation to the existing SPM assets. The current position is that SP Energy Networks has recently asked the applicant to provide an overlay plan showing SPM assets and the proposed DCO limits. which seems the clearest way of showing these crossover points with a schedule explaining what the crossover is. Following this, SP Energy Networks can work with the applicant on protective provisions to ensure any impacts arising during construction and operations which directly affect the network or are in close proximity do not undermine the safe operation of this network. Until the protective provisions are drafted and discussed and agreed with SP Energy Networks, then objection is raised to there being no provision in the application to such measures.

The applicant's assistance with this would help progress this matter. SP Energy Networks would like to resolve matters as much as possible and would like to see clarification on the crossover points/SPM assets as soon as further details can be provided.

Mitigation proposals will also need to take account of SPM assets and the operational requirements.

There are a number of key areas to resolve in relation to SPM network, which is critical to protect as it is this network that will be relied upon to distribute the generation into local homes

and businesses. Any adverse impacts on the SPM network that need to be resolved by SPM would impact on the benefits of delivering this proposed scheme. The applicant should discuss the above with SP Energy Networks as soon as possible. Given the extent of the information prepared and submitted, it is a reasonable expectation for there to be a plan produced showing the SPM asset as likely to be most affected and how, and an SPM network diversions worksheet that outlines how this network will be managed within the proposed development. This should be included in an infrastructure section in the EIA assessment.

SP Energy Networks will continue to review the application and may wish to raise further matters in due course and welcomes further engagement with the applicant.

Regards



**Steven Edwards** | Senior Environmental Planner | Land & Planning

Tel: [REDACTED] | Int: [REDACTED] | Mob: +44 [REDACTED]

SP Energy Networks, 3 Prenton Way, Prenton Merseyside CH43 3ET  
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**From:** [REDACTED]  
**To:** [info@frodshamsolar.co.uk](mailto:info@frodshamsolar.co.uk)  
**Cc:** [Frodsham Solar Farm](#)  
**Subject:** EN010153 - Frodsham Solar  
**Date:** 28 June 2023 17:50:12  
**Attachments:** [image003.png](#)  
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[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image002.png](#)  
[Frodsham solar UMV.pdf](#)

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Hi

Further to your current consultation regarding the above, can you please note the attached plan showing the SP Energy Networks assets affected by the proposals.

Can you please ask someone in your data mapping section to contact myself in relation to them being sent relevant data files of SPEN assets and mapping the proposals against the affected SPEN assets.

Following identifying affected assets, I would then like to engage with the design and planning teams regarding how SPEN assets will be protected by the proposals or any subsequent necessary design changes.

Thanks  
Steve



**Steven Edwards** | Senior Environmental Planner | **Land & Planning**



SP Energy Networks, 3 Prenton Way, Prenton Merseyside CH43 3ET  
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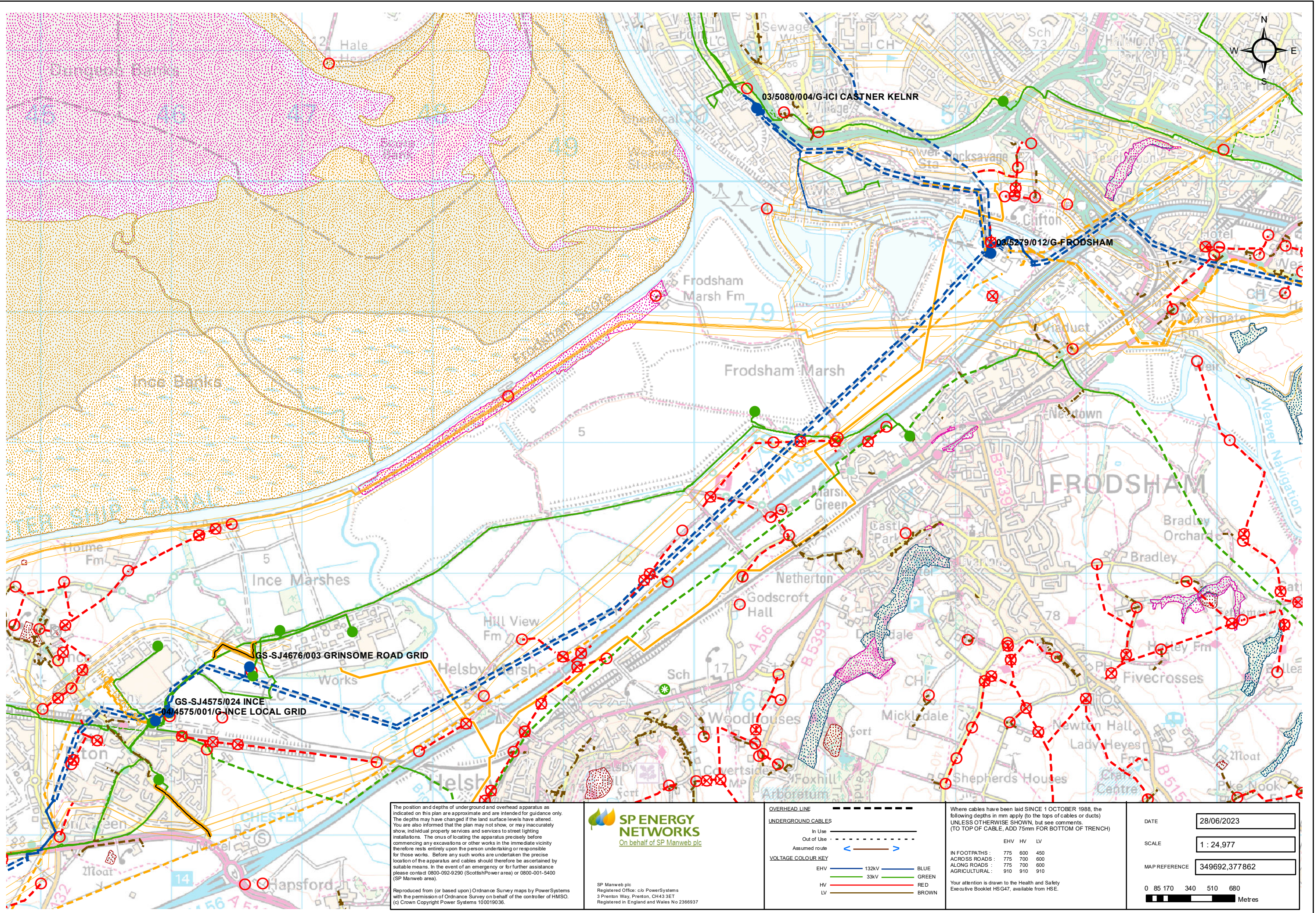
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The position and depths of underground and overhead apparatus as indicated on this plan are approximate and are intended for guidance only. The depths may have changed if the land surface levels have altered. You are also informed that the plan may not show, or may inaccurately show, individual property services and services to street lighting installations. The onus of locating the apparatus precisely before commencing any excavations or other works in the immediate vicinity of the service rests entirely upon the person undertaking or responsible for those works. Before any such works are undertaken the precise location of the apparatus and cables should therefore be ascertained by suitable means. In the event of an emergency or for further assistance please contact 0800-092-9290 (ScottishPower area) or 0800-001-5400 (SP Manweb area).

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**SP ENERGY NETWORKS**  
On behalf of SP Manweb plc

SP Manweb plc  
Registered Office: c/o PowerSystems  
3 Prenton Way, Prenton, CH43 3ET  
Registered in England and Wales No 2366937

<b>OVERHEAD LINE</b>	-----
<b>UNDERGROUND CABLES</b>	-----
In Use	-----
Out of Use	-----
Assumed route	-----
<b>VOLTAGE COLOUR KEY</b>	
EHV	132kV BLUE
HV	33kV GREEN
LV	RED BROWN

Where cables have been laid SINCE 1 OCTOBER 1988, the following depths in mm apply (to the tops of cables or ducts) UNLESS OTHERWISE SHOWN, but see comments. (TO TOP OF CABLE, ADD 75mm FOR BOTTOM OF TRENCH)

	EHV	HV	LV
IN FOOTPATHS :	775	600	450
ACROSS ROADS :	775	700	600
ALONG ROADS :	775	700	600
AGRICULTURAL :	910	910	910

Your attention is drawn to the Health and Safety Executive Booklet HSG47, available from HSE.

DATE: 28/06/2023

SCALE: 1 : 24,977

MAP REFERENCE: 349692,377862

0 85 170 340 510 680 Metres





UK Health  
Security  
Agency

Environmental Hazards and Emergencies Department  
Seaton House, City Link  
London Road  
Nottingham, NG2 4LA

[nsipconsultations@ukhsa.gov.uk](mailto:nsipconsultations@ukhsa.gov.uk)  
[www.gov.uk/ukhsa](http://www.gov.uk/ukhsa)

Your Ref: EN010153  
Our Ref: 69618CIRIS

Mr Todd Brumwell  
EIA Advisor  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

28<sup>th</sup> June 2023

Dear Mr Brumwell

**Nationally Significant Infrastructure Project  
Frodsham Solar, PINS Reference EN010153  
Scoping Consultation Stage**

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided below is sent on behalf of both UKHSA and OHID.*** The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups, and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report we wish to make the following specific comments and recommendations:

## **Environmental Public Health**

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement. We believe the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions, and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England, produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*<sup>1</sup>, setting out aspects to be addressed within the Environmental Statement<sup>1</sup>. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

Yours sincerely

On behalf of UK Health Security Agency  
[nsipconsultations@ukhsa.gov.uk](mailto:nsipconsultations@ukhsa.gov.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*

---

<sup>1</sup>  
<https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658>