

Date: 28 August 2025
Our ref: 522362
Your ref: EN010153



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BY EMAIL ONLY

Dear [REDACTED]

NSIP Reference Name / Code: EN010153 Frodsham Solar

The Planning Act 2008 section 89(3) letter - Natural England's response

Examining Authority's submission deadline with a date of 29 August 2025

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.

The Examining Authority (ExA) has asked Natural England's advice with regards to the Habitats Regulations. In order to provide the below advice Natural England has reviewed the Information to Inform Habitats Regulations Assessment (Document Reference: EN010153/DR/5.3, dated July 2025) and Outline Landscape and Ecology Management Plan Appendix B Outline Non-breeding Bird Mitigation Strategy (Document Ref: EN010153/DR/7.13, dated May 2025) submitted by the applicant.

The ExA has asked Natural England to advise on 'whether a likely adverse impact on the integrity of the relevant habitat sites can be ruled out, based on the information provided within the application. If Natural England is of the view that an adverse effects on integrity (AEoI) cannot be ruled out, Natural England is requested to confirm whether the applicant has provided such information necessary to assess a potential derogation under The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations)'.

Natural England's advice is that based on the information provided it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the Mersey Estuary Special Protection Area (SPA) and Ramsar site. The assessment does not currently provide enough information and certainty to justify its conclusion of no adverse effect on site integrity. Further assessment and detailed information regarding the proposed mitigation is required. As such there is insufficient information available to assess a potential derogation under The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations).

In response to the specific points raised by the ExA Natural England advises:

- I. Natural England does not consider the mitigation proposals to be satisfactory at this time as there is insufficient information provided to demonstrate that the proposed habitats can be created on the proposed mitigation land to support the required numbers of displaced SPA

birds utilising the development site. Insufficient information has been provided on the long-term management of the mitigation area and whether it can be sustained to be a sufficient foraging resource to SPA birds at the required times of year. There is a lack of certainty regarding whether long term management of the site can be undertaken and secured (i.e. by a suitable conservation management body).

- II. Natural England is satisfied that the correct European sites and potential impact pathways have been assessed within the applicant's Habitats Regulations Assessment (HRA).

With regards to the assessment of qualifying features Natural England advises further information is required within the HRA. It is not clear whether all of the appropriate qualifying features to be impacted by the solar development have been assessed within the Appropriate Assessment. Natural England's advice on this can be found within our Relevant Representations response dated 28 August 2025 (key references are Table 1, NE04 & NE11). We have also noted that the qualifying features listed in the HRA in relation to the Mersey Estuary Ramsar are incorrect and require updating (Table 1, NE07).

- III. Natural England is not satisfied with the methodology and data presented within the applicant's HRA and Natural England's detailed advice on the HRA can be found within our Relevant Representation response dated 28 August 2025 (Table 1).

Natural England will continue to work with the applicant to seek to resolve the outstanding concerns with regards to the HRA and mitigation proposals.

For any further advice on this consultation please contact me on the details below and copy to consultations@naturalengland.org.uk.

Yours sincerely

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