

Date: 18 December 2025  
Our ref: 535847  
Your ref: EN010153



Jason Rowlands  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

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

T 0300 060 3900

**BY EMAIL ONLY**

Dear Mr Rowlands

**NSIP Reference Name / Code: EN010153**

**User Code:** [REDACTED]

## **Natural England's Written Representations in respect of Frodsham Solar**

### **Examining Authority's submission deadline 1 with a date of 22 December 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.

This letter details Natural England's Written Representations and provides an update on our position from our Relevant Representations dated 28 August 2025. Our response provides clarification on issues that are now considered to be resolved, where there are any outstanding issues, and where any additional issues are being raised as a result of the updated information submitted by the applicant.

Natural England will continue to engage with the applicant to ensure that issues can be resolved throughout the examination and will work closely with the applicant to update the draft Statement of Common Ground.

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

[REDACTED]  
Senior Officer for Coastal Planning Casework  
Cheshire to Lancashire Area Team  
[REDACTED] [@naturalengland.org.uk](mailto:[REDACTED]@naturalengland.org.uk)

**Written Representation**

PART I: Summary and conclusions of Natural England's advice

PART II: Natural England's detailed advice (starting on page 7)

## **PART 1 SUMMARY AND CONCLUSIONS OF NATURAL ENGLAND'S ADVICE**

### **Summary of Natural England's advice**

- Natural England is partly satisfied that several issues with regards to Internationally and Nationally designated sites have now been resolved. There are several issues that remain, however these issues are considered to be resolvable with the submission of further information or clarification from the applicant.
- Overall Natural England is satisfied that the conclusions of the Habitats Regulations Assessment (HRA) can be accepted subject to outstanding information being provided, and the package of mitigation measures being secured by the Development Consent Order.

### **1.1. Purpose and structure of these representations**

- 1.1.1. These Written Representations are submitted in pursuance of rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 ('ExPR') in relation to an application under the Planning Act 2008 for a Development Consent Order ('DCO') for Solar photovoltaic array with an electrical generating capacity of over 50MW comprising solar PV modules and related mounting structures, inverters, transformers, switch gear and control equipment, a substation, and underground on and off-site cabling, as well as associated energy storage equipment ('the Project') submitted by Frodsham Solar Ltd ('the Applicant') to the Secretary of State.
- 1.1.2. Natural England has already provided a summary of principal concerns in our Relevant Representations, submitted to the Planning Inspectorate on 28 August 2025. This document comprises an updated detailed statement of Natural England's views, as they have developed and in view of the common ground discussions that have taken place with the Applicant to date.
- 1.1.3. Part I of these Written Representations provides a summary and overall conclusions of Natural England's advice.
- 1.1.4. Part II of these Written Representations provides an update on the issues set out within Part II of our Relevant Representation (RR-012). It expands upon the detail of all the significant issues ('amber' issues) which, in our view remain outstanding and includes our advice on how these issues may be resolved where possible. Natural England advises that the matters indicated as 'amber' will require continued consideration by the Examining Authority during the Examination. Part II also shows 'green' issues which have been agreed since RR-012 (subject always to the appropriate requirements being secured adequately).

### **1.2. Natural England's advice at Relevant Representations**

- 1.2.1. Natural England identified the following main issues as 'amber' within our Relevant Representations:
  - Internationally designated sites – Mersey Estuary Special Protection Area (SPA) and Ramsar
  - Nationally designated sites – Mersey Estuary Site of Special Scientific Interest (SSSI)

- 1.2.2. These main issues continue to be flagged as ‘amber’ issues overall as there are a number of issues within our advice that require further information from the applicant. We expect that the provision of further information from the applicant will overcome these issues.
- 1.2.3. Natural England identified the following issues as ‘green’ issues within our Relevant Representations and therefore these issues have not been included within this Written Representations response:
- Protected species
  - Soils and best and most versatile land
  - Biodiversity net gain

### **1.3. Natural England’s updated advice on Internationally Designated sites (Amber)**

- 1.3.1 Natural England welcomes the updated documentation submitted by the applicant under procedural deadline B including:
- Information to Inform Habitats Regulations Assessment Dated November 2025 Document reference EN010153/DR/5.3 (HRA)
  - Outline Landscape and Ecology Management Plan Appendix B Outline Non-breeding Bird Mitigation Strategy Dated November 2025 Document reference EN010153/DR/7.13 Version 2 (oLEMP Appendix B)
- 1.3.2 Having reviewed the above documents Natural England advise that a number of issues set out in our Relevant Representations (RR-012) have now been resolved, however there are a number of remaining issues that we consider must be addressed. Where there are issues remaining, Natural England considers that these are resolvable and that the applicant can provide further information to overcome all matters with regards to Internationally designated sites.
- 1.3.3 Issues that remain outstanding include the following:
- 1.3.4 The securing of a long-term management conservation body  
Natural England notes that the applicant has provided a letter of intent from the RSPB dated 18 November 2025 (Appendix D Response to Local Planning Authority and Statutory Environmental Body Relevant Representations, dated September 2025 Document ref: EN010153/DR/8.5 (Response to RR)). Which details the engagement between RSPB and the applicant and confirms RSPB interest in fulfilling the role of conservation management organisation for the Non-Breeding Bird Mitigation Area (NBBMA).
- 1.3.5 Natural England welcomes the submission of the letter from RSPB and is encouraged to see that ongoing discussions are continuing positively between the applicant and RSPB. The applicant has stated within their Response to RR that they will continue to provide updates on the outcome of discussion with RSPB and this is welcomed.
- 1.3.6 For clarity Natural England is only satisfied that the mitigation package as proposed by the applicant is acceptable on the basis that a conservation management body (i.e. RSPB) is secured by the applicant to ensure that the mitigation plans are fully achievable and that the NMMBA is effective as mitigation and can be appropriately managed and monitored for the duration of the development. Further updates on the progression of discussions with RSPB are therefore required to ensure that the mitigation proposals can be fully supported by Natural England.

#### 1.3.7 In-combination effects

Natural England has concerns regarding the potential for incombination effects which may occur as a result of the Runcorn CO2 spur pipeline.

1.3.8 The applicant has provided some further information on the potential ways that construction related impacts can be resolved and this is welcomed, however the applicant should also give consideration to the long-term impacts of the CO2 pipeline on the mitigation proposals set out within the outline Non-Breeding Bird Mitigation Strategy (oNBBMS).

1.3.9 Our concerns regarding the operational impacts of the CO2 pipeline relate to the potential for changes to the hydrology within the NMMBA, which may impact on the habitats that the mitigation for this development needs to achieve, and the long-term success of the mitigation area to provide for displaced birds. This impact needs to be addressed within the HRA.

1.3.10 Our detailed advice on the above matters continues within Part II of this letter.

### **1.4. Natural England's updated advice on Nationally designated sites (Amber)**

1.4.1 Natural England welcomes the additional information provided by the applicant with reference to the Mersey Estuary SSSI.

1.4.2 The remaining issues regarding the SSSI coincide with the issues above for Internationally designated sites, however there are issues in addition that are specific to the SSSI in relation to items within the draft DCO. We consider that further information can be provided by the applicant to inform our advice. Remaining issues include:

#### 1.4.3 Changes to the draft DCO

Natural England notes that a change to the draft DCO has been set out within the Draft Development Consent Order – Schedule of Changes, dated November 2025 Document ref. EN010153/DR/8.8. This change is in relation to the insertion of a sub-paragraph (5) to Article 7 which states '*Any details of the establishment, maintenance, management and monitoring regime for Work No. 6C that are approved under requirement 9(2)(i) which relate to land within the boundary of the Mersey Estuary SSSI shall, on the date of approval, form part of the management scheme of the Mersey Estuary SSSI for the purposes of section 28J of the Wildlife and Countryside Act 1981(b)*'. It would be helpful if the applicant can provide further clarity on this requirement, particularly with reference to the features of the SSSI that are to be affected by it and what this requirement achieves for the SSSI features.

#### 1.4.4 Application to disapply Section 28E of the Wildlife and Countryside Act (1981)

Natural England notes that the draft DCO includes an application to disapply Section 28E with regards to the SSSI and notes within their Response to RR document that this would be replaced with Natural England's involvement in the discharge of the detailed NBBMS. This issue is currently being considered by the Natural England legal team and so an update on Natural England's position will be provided at the next examination deadline.

1.4.5 Our detailed advice on the above SSSI specific issues continues within Part II of this letter.

### **1.5. Conclusions**

1.5.1. Natural England's main concerns with the application relate to Internationally and Nationally designated sites. On the basis that significant improvements have been made to the information provided within the HRA and oNBBMS, it is our view that the conclusions of the

HRA may be acceptable subject to clear outlining and securing of the mitigation package. Where there are remaining issues with the HRA or oNBBMS these remain as 'amber' issues currently and our detailed advice follows within Part II of this letter.

#### **1.6. The questions received from the Examining Authority**

Natural England notes that the Examining Authority has asked Natural England a number of questions within their first written questions issued today, 18 December 2025. Natural England will review and provide responses by deadline 2, 19 January 2026.

## Natural England’s Written Representations

### 2. Part II: Natural England’s detailed advice

2.1 Part II of these representations expands upon the detail of all the ‘amber’ issues which, in our view remain outstanding and includes our advice on pathways to their resolution where possible. Issues which are now resolved and considered ‘green’ issues are also included for clarity.

2.2 Natural England’s advice in Table 1 makes reference to the following documents:

- Information to Inform Habitats Regulations Assessment Dated November 2025 Document reference EN010153/DR/5.3 (HRA)
- Outline Landscape and Ecology Management Plan Appendix B Outline Non-breeding Bird Mitigation Strategy Dated November 2025 Document reference EN010153/DR/7.13 Version 2 (oLEMP Appendix B)
- Environmental Statement Volume 1 Chapter 8 Ornithology Dated May 2025 Document reference EN010153/DR/6.1 (ES Chapter 8 Ornithology)
- Draft Development Consent Order Dated May 2025 Document ref. EN010153/DR/3.1

#### Natural England’s Written Representations, Part II, Table 1

<b>Table 1: Natural England’s detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
NE01	<b>International designated sites</b> <ul style="list-style-type: none"> <li>• <b>Mersey Estuary SPA</b></li> <li>• <b>Mersey Estuary Ramsar</b></li> </ul>	HRA 4.1.4 & 4.1.6 Construction and Phasing and Lifecycle	<p>Natural England is satisfied that the applicant has confirmed that works within the NBBMA will be completed and functional prior to works commencing with the Solar Array Development Area (SADA).</p> <p>There is sufficient detail within the updated HRA to define how the applicant considers the mitigation area to be functional to support SPA/Ramsar birds and this is accepted.</p>	<b>Green</b>	The DCO should secure the updated construction timetable.

<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
NE02		HRA 5.0 Existing baseline conditions	Natural England welcomes the additional information provided by the applicant; we are satisfied that sufficient information has been provided within the updated HRA on this issue.	Green	
NE03		HRA 5.2.7 Existing baseline conditions	Natural England welcomes the additional information provided by the applicant; we are satisfied that sufficient information has been provided within the updated HRA on this issue.	Green	
NE04		HRA Table 5.2 SPA species and waterbird assemblage species recorded within the Order Limits	Natural England welcomes the additional information provided by the applicant; we are satisfied that sufficient information has been provided within the updated HRA on this issue.	Green	
NE05		HRA Table 5.3 Peak Count Summary (Years 1-3: 2022-2025)	Natural England welcomes the additional information provided by the applicant; we are satisfied that sufficient information has been provided within the updated HRA on this issue.	Green	
NE06		HRA 5.2.10 Desk Study Record Analysis	Natural England is satisfied that the assessment now accounts for the entire SADA.	Green	



<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
NE07		HRA Table 6.2 European sites qualifying features	<p>Natural England notes that the HRA has been updated to take account of our comments however further amendments are needed. For clarity the following species should be included as passage features for the Mersey Estuary Ramsar; shelduck, black tailed godwit, redshank and the following species should be included as wintering features; teal, pintail and dunlin.</p> <p>The applicant can resolve this issue by updating the HRA to include the above information.</p>	Amber	
NE08		HRA 6.5 Natural England guidance on the Mersey Estuary SPA	Natural England welcomes the changes made to the HRA to address this section of the HRA.	Green	
NE09		HRA 6.6.5 Identification of potential impacts	Natural England has discussed this issue with the applicant and understands the scope of the DCO and limitations once land is handed back to the landowner, we do however welcome further discussions on the future of the NBBMA with the applicant and landowner once the development progresses into the operational phase.	Green	
NE11		HRA 6.6.13 Loss of functionally linked land	Natural England welcomes the additional information provided by the applicant; we are satisfied that sufficient information has been provided within the updated HRA on this issue.	Green	

<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
		for qualifying bird species			
NE12		HRA 6.6.14 Loss of functionally linked land for qualifying bird species	Natural England welcomes the additional information provided by the applicant; we are satisfied that sufficient information has been provided within the updated HRA on this issue.	Green	
NE14		HRA 8.2.4 Habitat Loss – FLL construction and operational	Natural England welcomes the additional information provided by the applicant; we are satisfied that sufficient information has been provided within the updated HRA on this issue.	Green	
NE15		HRA 8.2.31 Habitat Loss – FLL construction and operational	<p>Natural England welcomes the updated information provided by the applicant with regards to the areas of SSSI within the NBBMA.</p> <p>Natural England expects further detail with regards to the SSSI management to be captured within the detailed NBBMS.</p> <p>We note that the draft DCO now includes a requirement regarding the future management of the SSSI within the NBBMA. It would be helpful if the applicant can provide some written clarity on what this requirement achieves for the SSSI, both in terms of the canal pools within the SSSI and as supporting habitat to overwintering birds which are the features of the SSSI.</p>	Amber	

<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
NE16		HRA 8.2.33 Habitat Loss – FLL construction and operational	<p>Natural England welcomes the applicant's confirmed approach regarding the creation of the water storage pond within the SSSI boundary to replace the existing pools. This should ensure continued supporting habitat and maintain the function of this area as a high tide roost within the SSSI boundary for the relevant SSSI (and SPA) features.</p> <p>However, Natural England notes that the applicant has included within the draft DCO an application to disapply Section 28E of the Wildlife and Countryside Act 1981 (7. (1)(f)). Natural England will discuss this matter further with the applicant and our legal team before providing further advice regarding this matter.</p> <p>It should be noted that text with the ES (Chapter 8 Ornithology 8.7.29 Incorporated Mitigation) sets out that an assent would be submitted to NE for the works within the SSSI, therefore clarity is needed between the ES and draft DCO to understand the applicant's position.</p>	Amber	
NE17		HRA Tables 8.1 and 8.2 Habitat Loss – FLL construction and operational	<p>Natural England welcomes the inclusion of Tables 8.1 and 8.2 within the HRA to address this issue.</p> <p>We are satisfied with the information provided within Table 8.2 with the exception of the below points regarding golden plover and curlew.</p> <p>Table 8.2 incorrectly characterises the current use of the Order Limits by golden plovers. It states that they are exclusively found in Cell 3 during November to February, whereas Table 5.5 shows that they are also</p>	Amber	

<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
			<p>found in Cells 1 and 2, sometimes in the same numbers as Cell 3.</p> <p>Table 8.2 does not make clear the importance of the Western SADA for curlew, as Table 5.14 demonstrates that curlews are evenly spread over Cells 1, 2, and 3.</p> <p>We advise that Table 8.2 is updated to summarise the distribution of golden plover and curlew in line with information provided within Tables 5.5 and 5.14 in the HRA.</p>		
NE18		HRA 8.2.35 Habitat Loss – FLL construction and operational	Natural England has reviewed the additional information provided within the HRA and accepts that subject to the additional information requested within this response that the conclusions stated here can be accepted. The conclusions are subject to all mitigation measures being adequately secured within the DCO and supporting documents.	Amber	
NE19		HRA 8.2.16 Habitat Loss – FLL construction and operational	Natural England welcomes the additional information provided by the applicant and advises that the water balance calculations (Annex 4 of the oNBBMS) can be accepted. Sufficient information has been provided to confirm that the habitats to be created within the NBBMA are achievable during the non-breeding bird season giving more certainty to the mitigation proposals.	Green	

<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
NE20		HRA 6.3.6 Buffering of Construction Zones	Natural England is satisfied with the information provided by the applicant and accepts the HRA is supported by provides sufficient detail with regards to noise disturbance.	Green	
NE21		HRA 6.3.7 Buffering of Construction Zones	Natural England is satisfied with the information provided by the applicant and accepts the HRA now provides sufficient detail with regards to noise disturbance.	Green	
NE22		HRA 6.3.9 Noise and vibration	Natural England is satisfied with the information provided by the applicant and accepts the HRA now provides sufficient detail with regards to noise disturbance.	Green	
NE23		HRA 6.3.10 Noise and Vibration	Natural England is satisfied with the information provided by the applicant and accepts the HRA now provides sufficient detail with regards to noise disturbance.	Green	Mitigation measures for noise disturbance should be included with the CEMP and secured within the DCO.
NE24		HRA 6.3.11 Noise and Vibration	Natural England is satisfied with the information provided by the applicant and accepts the HRA now provides sufficient detail with regards to noise disturbance.	Green	Mitigation measures for noise disturbance should be included with the CEMP and secured within the DCO.
NE25		HRA 6.3.14 Lighting	Natural England is satisfied with the information provided by the applicant and accepts the HRA now provides sufficient detail with regards to lighting.	Green	Mitigation measures for lighting should be included within the CEMP and secured within the DCO.
NE26		HRA 6.3.16 Conclusions against	Natural England agrees with the conclusions regarding lighting.	Green	

<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
		Conservation Objectives			
NE27		HRA 8.3.11 Disturbance and displacement – operational and decommissioning phases	Natural England is satisfied with the information provided by the applicant and accepts the HRA now provides sufficient detail with regards to vehicle related disturbance.	Green	
NE28		HRA 8.3.14 Recreational Pressure and Access Management	Natural England welcomes the applicant's approach with regards to recording any incidences of recreational disturbance and that this will form part of the NBBMS.	Green	
NE29		HRA 8.2.13 Habitat loss	Natural England advises that further information is still required with regards to the bird-day calculations, please see NE46 for details.	Amber	
NE30		HRA 8.2.25 Habitat loss	<p>Natural England welcomes information from the applicant regarding ongoing discussions with regards to the securing of a long-term management conservation body.</p> <p>We welcome the commitment from the applicant to secure an appropriate conservation body. However, the applicant has also stated that where agreement with a conservation body cannot be reached that the applicant will employ or contract suitably qualified and experienced personnel. If this is the case, then Natural England raises further concerns. Our agreement with</p>	Amber	

<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
			<p>the applicant's overall mitigation package is on the basis that a conservation body, such as RSPB, is secured. Where this is not the case, then Natural England considers that the mitigation package cannot be supported as it gives rise to uncertainty regarding the high level of management required to ensure the mitigation package is successful.</p> <p>We welcome the inclusion of an Adaptive Management Plan (AMP) to support the mitigation plans; the detailed AMP should be prepared as part of the detailed NBBMS. We advise the applicant to consider the additional measures that may be required within the AMP to ensure the overall success of the mitigation plans and note that this may include where additional land provision could be provided to support SPA birds.</p>		
NE31		HRA 8.3.26 Ground disturbance and groundwater risk	Natural England welcomes the proposed mitigation measures listed and we are satisfied with the details within the HRA.	Green	
NE35		HRA In-combination effects Ref 78 Runcorn Spur Pipeline	<p>Natural England has ongoing concerns with regards to the potential impacts on the NBBMA as a result of the Runcorn CO2 spur pipeline.</p> <p>We continue to encourage the applicants of both developments to work together to minimise impacts</p>	Amber	

<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
			<p>and welcome the joint working group proposed by the applicant.</p> <p>The applicant must consider any factors that may undermine the success of the proposed habitats within the NBBMA. If works to the pipeline are undertaken before or at the same time as the habitats within the NBBMS are created, this creates a risk for the applicant in terms of the success of the NBBMA.</p> <p>The route of the pipeline in its current form shows the route passing through the NBBMA between the Canal Pools area and the wetland habitats. It is not clear how locating the pipeline in this area will impact on the water supply mechanisms to the wetland habitats and how it may alter the movement of water within the NBBMA.</p> <p>We advise assessment of the incombination operational impacts of the pipeline should be addressed within the HRA.</p>		
NE36		HRA 9.1.8 Conclusion standalone and in-combination	Natural England does not agree with the overall conclusions of the HRA at this stage, see our comments above in NE35.	Amber	
NE37		oLEMP Appendix B 1.7.6 Proposed	Natural England welcomes the additional information provided by the applicant, with reference to the draft DCO Section 38 (3).	Green	



<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
		Development and Site Context			
NE38		oLEMP Appendix B 3.1.12 ONBBMS Overview	Natural England welcomes the additional information provided by the applicant in the oNBBMS and with the addition of information provided within Table 8.2 of the HRA we are satisfied with the information provided.	Green	
NE39		oLEMP Appendix B Tables 2.1 and 2.2 SPA Bird Species and those part of the waterbird assemblage recorded on the Cell 3 Wind Farm Management Area during Year 2 and 3.	Natural England notes that Tables 2.1 and 2.2 have been removed from this document however information has been provided by the applicant within the HRA and this is satisfactory.	Green	
NE40		oLEMP Appendix B Table 2.3 SPA Bird Species	Natural England notes that Table 2.3 has been removed from this document however information has been provided by the applicant within the HRA and this is satisfactory.	Green	

<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
		Recorded on the Canal Pools 2023/25 (Year 2 and 3).			
NE41		oLEMP Appendix B Table 2.4 SPA Bird Species Recorded on the Cells 1, 2 and 5 and the eastern extent/array (the SADA) from year 1 to year 3	Natural England notes that Table 2.4 has been removed from this document however information has been provided by the applicant within the HRA and this is satisfactory.	Green	
NE42		oLEMP Appendix B 2.7.3 Use of Cell 3 as a Mitigation Area for the Proposed Development	Natural England welcomes the additional information provided by the applicant and is satisfied with the information within the updated HRA and oNBBMS.	Green	

<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
NE43		oLEMP Appendix B 3.1.7 ONBBMS Overview	Natural England welcomes the additional information provided by the applicant however considers that it has not been demonstrated within the oNBBMS that the additional 'pan handle' area added to the NBBMA will serve a functional use for SPA birds. We therefore question it being included within the total area of mitigation. The applicant should provide further detail on this area or consider removing it from the NBBMA.	Amber	
NE44		oLEMP Appendix B 3.3.1 Main Components of the ONBBMS	Natural England welcomes any updates from discussions with the RSPB to ensure that the conclusions within the HRA can be supported in line with our comments in NE30.	Amber	
NE45		oLEMP Appendix B 3.1.3 ONBBMS Overview	Natural England welcomes the updated information on the approach to New Zealand Pygmy Weed eradication. We expect that detailed information with regards to these works will be provided within the detailed NBBMS.	Green	
NE46		oLEMP Appendix B Annex A SPA Species Required Mitigation Habitat Calculations ('Cleeve Hill Approach')	Natural England notes that specific information regarding the use of the 1000 bird-days/ha used for curlew remains unclear as no reference has been given in the text. A reference should be provided or justification set out within the text of Annex A.	Amber	

<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
NE47		ES Chapter 8 Ornithology Tables 8-12, 8-13 and 8-14 Field Survey Result Summary Year 1, 2 and 3	Natural England welcomes the additional information provided by the applicant and is satisfied with the information within the updated HRA, we advise that information provided within the ES aligns to that presented within the HRA.	Green	
NE48		ES Chapter 8 Ornithology 8.7.18	Natural England welcomes any updates from discussions with the RSPB to ensure that the conclusions within the HRA can be supported in line with our comments in NE30.	Amber	
NE49		ES Chapter 8 Ornithology 8.11.1 Cumulative effects	Natural England welcomes the approach the applicant has taken to ensure the operational Frodsham Wind Farm is considered within the HRA.	Green	
NE52	<b>National designated sites</b> <ul style="list-style-type: none"> <li>• <b>Mersey Estuary SSSI</b></li> </ul>	oLEMP Appendix B 2.4 Canal pools	We note that the applicant has provided NE with information on the area of SSSI, however advise that this information needs to be updated within the oNBBMS.	Green	

<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
NE53		oLEMP Appendix B Table 3.1 NBBS Proposed Habitat Components	Natural England welcomes the updated information provided by the applicant with regards to land within the SSSI and the NBBMA.	Green	
NE54		ES Chapter 8 Ornithology 8.7.29 Incorporated Mitigation	As noted in NE16 the text within the ES indicates that the applicant intends to submit an application for SSSI assent in respect of the works to be carried out to the Canal Pools within the SSSI. However, this conflicts with the application in the draft DCO 7(1)(f). The applicant should provide further information as set out within NE and align the ES and draft DCO documents.	Amber	
NE55		oLEMP Appendix B 4.4.11 Grassland management	<p>It is stated here that a sward height of 5-10cm should be maintained over winter. However, this is too tall for lapwing. We advise the aim should be to graze hard in late summer and autumn to achieve a short sward of less than 5cm. Then graze to keep the grass this short over winter or until the livestock needs to be removed if the site gets too wet.</p> <p>Milder winters mean that grass keeps growing throughout the year, so it is important to keep up the grazing pressure. (Particularly if the aim is to provide conditions for breeding waders, the grass will need to be kept short over winter as the stock rate will have to be low from March onwards. Ideally stock would be</p>	Amber	

<b>Table 1: Natural England's detailed advice</b>					
<b>NE key issue ref</b>	<b>Topic</b>	<b>DCO Document reference</b>	<b>Natural England updated advice and commentary, where there are outstanding issues to be resolved our advice on the additional information required</b>	<b>Risk Amber/ Green</b>	<b>Any matters that must be secured in the DCO</b>
			<p>removed from mid-March to May to avoid trampling damage.)</p> <p>We advise the oNBBMS is updated to include the above change to sward height for the winter.</p>		
NE56		oLEMP Appendix B 4.4.14 Grassland management	<p>It is important that the grassland management caters specifically for those species being displaced by the development. Therefore, we advise grassland waders are prioritised and a short sward (around 80% of the area should be less than 5cm sward height, with 20% scattered clumps and tussocks of taller vegetation) is provided.</p> <p>We advise the oNBBMS is updated to ensure the grassland management focuses on SPA species.</p>	Amber	
NE57		HRA 8.2.28	<p>It is stated here 'that measurable targets will be set to ensure the NBBMA is functioning. However, as bird populations fluctuate and are subject to numerous environmental factors which are not able to be controlled, it is envisaged that measurable targets will be based on extent of habitat area and hydrological function.'</p> <p>Whilst Natural England welcome that targets will focus on habitats (and this should include habitat quality as well as habitat extent) there will still be a requirement to monitor bird usage of the mitigation area. This should be clearly outlined within the oNBBMS.</p>	Amber	