



The Planning Inspectorate  
Temple Quay House  
Bristol  
BS1 6PN

**Our ref:** XA/2025/100453/01-L01  
**Your ref:** EN010153  
**Date:** 19 January 2026

Dear Sir/Madam

**Frodsham Solar: The Examining Authority's written questions and requests for information (ExQ1)**

We have reviewed the Examining Authority's (ExA) First Written Questions (dated 18 December 2025) and our comments are provided in the table appended to this letter.

We trust the advice is useful. Please find a summary of position within [Appendix A](#).

Yours faithfully

**Morgan Haringman**  
**Planning Specialist – National Infrastructure Team**

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ExQ1	Question to:	Question:	Environment Agency comments
<b>1. General and Cross-topic Questions</b>			
Q1.0.8	The applicant CWCC Environment Agency (EA) Natural England (NE)	<p>Pollution Control Paragraphs 4.12.2 and 4.12.10 of NPS EN-1 note that the planning and pollution control systems are separate but complementary, that pollution control is concerned with preventing pollution using measures to prohibit or limit the releases of substances to the environment, and to ensuring that ambient air, water, and land quality meet standards that guard against impacts to the environment or human health. It states that the Secretary of State (SoS) should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator.</p> <p>Paragraph 4.12.15 of NPS EN-1 requires the SoS to consider if the</p>	<p>i) Our remaining concerns have been outlined in Comments on Relevant Representations and any additional submissions <a href="#">[REP1-050]</a>.</p> <p><b>Issue EA008</b> An unresolved water quality issue remains - EA008 within <a href="#">[REP1-050]</a>; consequently we do not consider the development to be compliant with National Policy Statement EN-1. Specifically, we believe that the development does not comply with:</p> <ul style="list-style-type: none"> <li>• 5.16.3 “Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment, and how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment, as part of the ES or equivalent (see Section 4.3 and 4.10).”</li> <li>• 5.16.7 “The ES [Environmental Statement] should in particular describe...The existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges;”</li> </ul>

		<p>EA, any pollution control authority, Statutory Nature Conservation Bodies, Drainage Boards, water and sewerage undertakers, and other relevant bodies are satisfied that:</p> <ul style="list-style-type: none"> <li>• potential releases can be adequately regulated under the pollution control framework; and</li> <li>• the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution would make the Proposed Development unacceptable, particularly in relation to statutory environmental quality limits.</li> </ul> <p>i) Please could the relevant bodies comment, highlighting any specific concerns?</p> <p>ii) Please could the applicant provide evidence of whether relevant bodies, including the water and sewerage undertakers, are satisfied and what concerns remain?</p>	<ul style="list-style-type: none"> <li>• 5.16.10 “The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be clearly marked”</li> </ul> <p>In reference to EA008, we require sufficient water quality monitoring to ensure that adequate pollution control measures are in place, and thereby ensure the development complies with EN-1.</p> <p><b>Water Quality and BESS advice to Applicant</b></p> <p>Within the APPENDIX B of <a href="#">[REP1-050]</a>, we provided detailed advice to the applicant regarding water quality and the Battery Energy Storage System (BESS). This advice is relevant to the Examining Authority’s (ExA) Q1.0.8, specifically regarding pollution prevention and control measures designed to protect water quality receptors from BESS-related impacts.</p> <p>We acknowledge that matters relating to the BESS were previously discussed during the pre-application phase, and our issues raised were mostly resolved at the time. However, we have since gained a greater understanding of the impacts that BESS and substations may have on surface water and groundwater quality. We provided this advice to ensure that the applicant is aware of all the potential impacts their proposal may pose to the water environment. We are cognisant this advice has been provided at a late stage in the</p>
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		<p>iii) Please could the applicant set out the steps that will be taken to resolve any outstanding concerns?</p> <p>iv) Please could the relevant bodies and the applicant provide regular updates to the examination?</p>	<p>process. Therefore, to ensure we are being reasonable, we only raise these comments as recommendations. Therefore, they are not factored into our decision regarding EN-1 policy compliance.</p> <p>iv) We commit to providing regular updates to the examination.</p>
Q1.0.9	CWCC EA NE	<p><b>Local Authority and Other Statutory Body Resourcing</b></p> <p>Do the relevant bodies have any concerns about their resources for the consideration of submissions, approvals and monitoring necessary for the implementation of the proposed development?</p>	<p>We are currently participating in 7 NSIP examinations. Our technical specialists will therefore have a very high workload. For Frodsham Solar Project, we may struggle with meeting deadlines going forward.</p> <p>Regarding permitting for the development, given the timeframe to determine environmental permits, we encourage applicants to engage with us on permit requirements at the earliest possible stage. Please note that new permits could take many months to determine:  <a href="#">Discharges to surface water and groundwater: environmental permits - GOV.UK</a></p>
<b>3.1 Assessment</b>			
Q3.1.2	CWCC, EA, NE	<p><b>Migratory pathways for contaminants</b></p> <p>Are you satisfied that the migratory pathways for contaminants within soils and perched groundwater and soil dusts to impact sites of special scientific interest (SSSI) and</p>	<p>We are satisfied with the information regarding the conceptual site model that has been presented in the application documents.</p> <p>The applicant has acknowledged the requirement to provide further land contamination assessment following the granting of consent.</p>

		<p>ecology within surface water and terrestrial habitats would not be significant in EIA terms.</p> <p>If you disagree with the applicant's assessment, provide relevant justification and evidence to support your position.</p>	<p>Please also see our response to Q3.2.9.</p>
<b>3.2 Mitigation measures</b>			
Q3.2.1	CWCC, EA, NA	<p><b>Migratory pathways for contaminants</b></p> <p>Are you satisfied that migratory pathways for contaminants within soils and perched groundwater and soil dusts to impact SSSI and ecology can be mitigated by measures such as Groundwater and Surface Water Management Plan?</p> <p>If no, please provide justification and relevant evidence to support your position</p>	<p>We are satisfied with the information regarding the conceptual site model that has been presented in the application documents.</p> <p>The applicant has acknowledged the requirement to provide further land contamination assessment following the granting of consent.</p> <p>Please also see our response to Q3.2.9.</p>
Q3.2.6	CWCC, EA, NE	<p><b>Mobile contaminants</b></p> <p>Are you satisfied that migration of leachable and otherwise mobile contaminants to groundwater within superficial deposits from soils and perched groundwater can be mitigated by the management</p>	<p>We are satisfied with the information regarding the conceptual site model that has been presented in the application documents.</p> <p>The applicant has acknowledged the requirement to provide further land contamination assessment following the granting of consent.</p>

		<p>practices noted by the applicant in its oCEMP [<a href="#">APP-136</a>]?</p> <p>(Refer to Table 10-14: Assessment of Likely Impacts and Effects with Incorporated Mitigation Applied of Chapter 10 Ground Conditions [<a href="#">APP-043</a>]).</p> <p>If no, please provide justification and relevant evidence to support your position.</p>	<p>We note that dewatering was also discussed during the Issue Specific Hearing 1, and the applicant was asked to consider risks to groundwater from any dewatering activities.</p> <p>We note that Table 5.5 of the 7.5 Outline Construction Environmental Management Plan - P02 (Clean) [<a href="#">PD2-015</a>] refers to the management of groundwater during excavations. We suggest this is updated to include measures for managing groundwater if it is found to be contaminated.</p> <p>Please also see our response to Q3.2.9</p>
Q3.2.7	<b>EA, Canal and Rivers Trust</b>	<p><b>Foundation and excavation works</b></p> <p>Do you have any outstanding concerns regarding the applicant's proposed methodology for foundation and excavation works in relation to the potential for mobilisation of contaminants or the potential for silt-laden runoff, given the continuity between the River Weaver and the Weaver Navigation watercourses?</p> <p>If so, can you provide details of your remaining concerns.</p>	<p><b>Water Quality</b></p> <p>We are concerned that silt would not be managed appropriately. We are not satisfied the appropriate mitigation measures are secured:</p> <ul style="list-style-type: none"> <li>• Managing the timing of works near watercourses</li> <li>• The use of silt fencing and filter strips</li> </ul> <p>This will control any risk to the water quality of watercourses.</p> <p><b>Groundwater and Contaminated Land</b></p> <p>The applicant has committed to completing a Foundation Works Risk Assessment at detailed design stage, as stated within the 7.5 Outline Construction Environmental Management Plan - P03 (clean) [<a href="#">REP1-020</a>]. We therefore have no remaining concerns regarding the protection of groundwater on this point.</p>

Q3.2.9	CWCC, EA, NE	<p><b>Mitigation approach for contaminants</b></p> <p>Further to the Issue Specific Hearing 1 and item agenda 5h, can you advise if you are satisfied with the applicant’s management approach to:</p> <ul style="list-style-type: none"> <li>i. Elevated concentration of lead</li> <li>ii. Polychlorinated biphenyls</li> <li>iii. Hydrocarbons in soils</li> <li>iv. Leachable contaminants from dredging materials</li> <li>v. Ground gases from the organic dredging silts and clay</li> </ul>	<p>The intrusive investigation and assessments of ground conditions completed to date have established that some contamination exists that will require treatment to break the source-pathway-receptor linkages. However, the applicant has acknowledged that additional assessments are required post-DCO consent.</p> <p>The remedial technical note states that additional assessments are likely to be required, including a detailed ground investigation, risk assessment, and production of a remediation strategy, to confirm the appropriate remedial methodology.</p> <p>Soil stabilisation has been proposed as a method of remediation. If this is taken forward, following the additional assessments discussed above, we would expect the remediation options appraisal to demonstrate lines of evidence that this remedial technique will be suitable for treating all the identified contaminants.</p> <p>The approach adopted by the applicant - conducting a site investigation and then following it up with additional assessments where necessary - is a typical approach to dealing with land contamination. The approach presented in our <a href="#">Land Contamination Risk Management (LCRM)</a> guidance recommends this iterative process.</p> <p>A remediation strategy will be produced, and we expect this to detail whether an Environmental Permit is required for the chosen remediation technique and whether the CL:AIRE</p>
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			<p>Definition of Waste Code of Practice (DoWCoP) route is appropriate. We have had discussions about this with the applicant and will continue to engage post-DCO consent.</p> <p>Verification of the remediation, along with monitoring, will also be required, as acknowledged by the applicant in the remedial technical note.</p> <p>We are therefore satisfied that ground conditions have been sufficiently characterised to determine that remediation is likely to be required to remove any significant effects. This area requires additional work, as acknowledged by the applicant, and is appropriate when managing risks from land contamination.</p> <p>Please note that ground gases are a human health consideration, and are not within the remit of the Environment Agency. The Local Authority consider risks to human health.</p>
Q3.2.12	CWCC, EA	<p><b>Approach to the risk management of land contamination</b></p> <p>i. Are you satisfied with the wording in Schedule 2, Requirement 1 of the draft DCO [PD2-005] in regard to the controls secured relating to further detailed investigation of ground contamination, including verification and remediation,</p>	<p>We are satisfied with:</p> <ul style="list-style-type: none"> <li>i. The wording of requirement 1 of the draft DCO [PD2-005], specifically 1(c).</li> <li>ii. The wording of the 7.5 Outline Construction Environmental Management Plan - P02 (Clean) [PD2-015] in regard to detailed investigation of ground contamination, including verification and remediation.</li> </ul>

		<p>specifically the wording of Requirement 1(c)? If not, please explain why not.</p> <p>ii. Are you satisfied with the wording in the oCEMP [PD2-015] in regard to detailed investigation of ground contamination, including verification and remediation? If not, please explain why not.</p> <p>iii. Are you satisfied with the wording in Schedule 2, Requirement 12(2)(c) of the draft DCO [PD2-005] in regard to the controls secured relating to unexpected contamination? If not, please explain why not.</p> <p>iv. Are you satisfied with the wording in the oCEMP [PD2-015] in regard to unexpected contamination? If not, please explain why not.</p>	<p>iii. The wording of requirement 12(2)(c) [PD2-005] regarding the unexpected contamination protocol.</p> <p>iv. The wording in relation to the unexpected contamination protocol, detailed in section 4.1.24 of the 7.5 Outline Construction Environmental Management Plan - P02 (Clean) [PD2-015].</p>
Q3.2.14	CWCC, EA	<b>Policy</b>	We are satisfied that the proposed development meets this objective.

		<p>Are you satisfied that the proposed development meets paragraph 5.11.5 of NPS EN-1 that “Where pre-existing land contamination is being considered within a development, the objective is to ensure that the site is suitable for its intended use. Risks would require consideration in accordance with the contaminated land statutory guidance [Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance] as a minimum”. If no, please provide justification and relevant evidence to support your position.</p>	
Q3.2.15	CWCC, EA, NE	<p><b>Potential compaction and hydrological impact to peat</b>  Are you satisfied with the applicant’s response [<a href="#">PD2-027</a>] to CWCC's concern [<a href="#">RR-037</a>] regarding potential compaction and hydrological impacts to peat, which state that ground investigation shows there is no peat present at depth which could be impacted by the proposed development? If not, please explain why not.</p>	<p>We are satisfied with the applicant’s response to GWCC’s concerns [<a href="#">RR-037</a>]. We agree that the peat is at a depth where it is unlikely to be impacted by development.</p>

**8. The water environment**

8.0 Assessment			
Q8.0.1	The applicant, EA, Marine Management Organisation (MMO)	<p><b>Tidal influence of the River Weaver</b></p> <p>Can you advise if the application considers tidal influence of the River Weaver and whether a tidal influence exists between the River Weaver and the main rivers within the Order limits?</p>	<p>We are satisfied with how the applicant has considered tidal influence on the River Weaver, and the main rivers which cross the order limits for the development.</p> <p>The applicant has undertaken hydraulic modelling which considers the tidal influence of the Mersey Estuary on the River Weaver. A range of fluvial (river flow) and tidal combinations have been considered in the hydraulic modelling for the River Weaver. These include the fluvial design event for the River Weaver which is the 1% (1 in 100) annual exceedance probability (AEP) flow plus 67% climate change with a Mean High-Water Spring (MHWS) tidal cycle with upper sea level rise applied to 2117. Additionally, as a conservative scenario, the design event for the River Weaver (1% (1 in 100) AEP flow plus 67% climate change) has also been modelled in combination with a 0.5% (1 in 200) AEP tidal water level with Upper sea level rise applied to 2075.</p> <p>With regards to the Main Rivers which cross the order limits for the development, and drain into the River Weaver via the Frodsham and Ince Pumping stations, tidal ingress is prevented by the presence of flapped outfalls which close when water levels within the River Weaver are high. During such times the pumping stations would over-pump fluvial flood waters into the River Weaver when certain level conditions are met. With respect to the Main Rivers which cross the site, the applicant has adopted a conservative approach within their modelling and has assumed that the</p>

			<p>Frodsham and Ince pumping stations would not be operational during times of flooding.</p> <p>The critical aspects of the development such as the BESS and substation are located outside of the fluvial flood extents for the River Weaver and Main Rivers which cross the site and tidal flood extents for the Mersey Estuary. The solar PV panels are raised with an appropriate amount of freeboard above the various fluvial and tidal combination scenarios modelled for the River Weaver.</p>
Q8.0.3	CWCC, NE, EA	<p><b>ES conclusions</b></p> <p>Are you content with the applicant's assessment that there would be no residual significant effects as a consequence of the proposed development? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.</p>	<p>There is still an element of residual risk from the development proposals these are outlined in our recent deadline 1 response [<a href="#">REP1-050</a>]. Discussions with the applicant are still on-going to resolve our outstanding issues. Once these issues are resolved and the appropriate water quality and flood risk measures are in place, we will then agree that there are no significant residual risks from the development proposal.</p>
<b>8.1 Mitigation Measures</b>			
Q8.1.2	The applicant, EA, MMO	<p><b>Licence/Consents</b></p> <p>Can parties advise if a licence/consent/permit would be required from the MMO and /or EA to construct works such as an area to accommodate foundation/pole to string the conductors across the River Weaver?</p>	<p>The River Weaver is a main river until it approaches the confluence with the Manchester Ship Canal and has tidal flood defences running alongside it. We would therefore require a 16-metre offset from these defences to ensure that there is appropriate access for maintenance, inspection, future raisings and replacement when required. A Flood Risk Activity Permit (FRAP) would be required for any works on or within 16-metres of tidal flood defences.</p>

			<p>Regarding vertical offset over the river, there is no vertical threshold over a main river beyond which a permit would not be needed (e.g., 20 metres above the river or bank would require a FRAP). There exists an exemption in place for power lines which are proposed to cross a main river, with a minimum acceptable height. This can be found here <a href="https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities/exempt-flood-risk-activities-environmental-permits#electrical-cable-service-crossing-over-a-main-river-fra2">https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities/exempt-flood-risk-activities-environmental-permits#electrical-cable-service-crossing-over-a-main-river-fra2</a></p> <p>For further guidance please visit <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing <a href="mailto:enquiries@environment-agency.gov.uk">enquiries@environment-agency.gov.uk</a>.</p> <p>For a list of activities that may be exempt from a permit, given that they meet certain conditions, see Exempt flood risk activities: environmental permits - GOV.UK (<a href="http://www.gov.uk">www.gov.uk</a>). Please note, directional drilling within proximity to a watercourse, may be considered for an exemption, if it meets certain conditions.</p> <p>Consideration should be made for navigation of the watercourses. We would recommend liaising with the body responsible for the Manchester Ship Canal for further guidance (this seems to be Peel Holdings). Further to this, the applicant should liaise with the body responsible for the navigation of the River Weaver (this seems to be either the</p>
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			Canal and River Trust or the River Weaver Navigation Society).
Q8.1.4	The applicant, CWCC, NE, EA	<p><b>Sampling and analysis</b></p> <p>Can you summarise what sampling and analysis of the water environment should/would be undertaken prior and during the permitted preliminary works?</p>	<p>A water quality monitoring plan is required prior, during and post construction to ensure there is no negative water quality impacts from construction activities, and transitioning into operation, on these watercourses. A monitoring plan should provide details of frequency, quantity, location and method of monitoring. These locations should include monitoring upstream and downstream of any proposed surface water outfalls and water crossings. Methods may include in-situ hand-held devices or samples sent off to laboratories.</p> <p>We note that requirement 12 (4) of the 3.1 Draft Development Consent Order - P04 (clean) [<a href="#">REP1-004</a>] states that permitted preliminary works will be covered by the monitoring plans stated in the 7.5 Outline Construction Environmental Management Plan - P02 (Clean) [<a href="#">PD2-015</a>].</p> <p>Please note, within our Comments on Relevant Representations and any additional submissions [<a href="#">REP1-050</a>], we have an outstanding issue relating to the proposed water quality monitoring plan (see EA008).</p>
Q8.1.5	CWCC, EA	<p><b>Water Framework Directive</b></p> <p>i) Are you content that the proposed development has regard to the current River Basin Management Plans and meets the requirements of the Water Environment (Water Framework Directive)</p>	<p>i) We are content that the proposed development has regard to the current River Basin Management Plans.</p> <p>We do not currently believe the development is meeting the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (including</p>

		<p>(England and Wales) Regulations 2017 (including regulation 19)?</p> <p>ii) Would the proposed development cause deterioration of a water body or its failure to achieve good status or good potential, unless the requirements set out in Regulation 19 are met?</p>	<p>regulation 19). This is due to the outstanding issue EA008 within our Comments on Relevant Representations and any additional submissions <a href="#">[REP1-050]</a>. We believe that appropriate monitoring measures need to be in-place to ensure that the development's impacts to the water environment are understood and mitigated for appropriately.</p> <p>ii) We believe that the development would cause a deterioration of a waterbody, or its failure to achieve good status/potential. The development requires adequate monitoring measures to be in-place, to provide us with confidence that it would not cause deterioration of a waterbody, or prevent the achievement of good status/potential. This is in accordance with the outstanding issue EA008 within our Comments on Relevant Representations and any additional submissions <a href="#">[REP1-050]</a>.</p> <p>In regards to both i) and ii) we acknowledge that matters relating to the BESS were previously discussed during the pre-application phase, and our issues raised were mostly resolved at the time. However, we have since gained a greater understanding of the impacts that BESS and substations may have on surface water and groundwater quality. We therefore provided further advice in APPENDIX B of <a href="#">[REP1-050]</a>, to</p>
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			<p>ensure that the Applicant is aware of all the potential impacts their proposal may pose to the water environment.</p> <p>We are cognisant that it is a late stage in the process for us to be raising these comments. Therefore, to ensure we are being reasonable, we only raise these comments as recommendations, and have not factored them into our decisions regarding compliance with the Water Framework Directive.</p>
<b>8.2 Flood risk</b>			
Q8.2.1	The applicant, EA, CWCC	<p><b>Flood risk and coastal change - 7- Planning Practice Guidance (PPG)</b>  Can you advise if the update to Flood risk and coastal change - 7- Planning Practice Guidance (PPG) dated 17 September 2025 <a href="#">Flood risk and coastal change - GOV.UK</a> necessitates further work by the applicant on its sequential approach?</p>	<p>We defer to the Local Authority or ExA regarding the adequacy of the Sequential test meeting the new policy. The updates do not change the Environment Agency’s role in assessing the Sequential Test, as stated in the Planning Practice Guidance paragraph 29, which states the Local Authority should make decisions on the adequacy of the Sequential Test. However, we acknowledge that it may be Secretary of State who makes the final decision for NSIPs.</p> <p>With respect to the sequential approach within the site, the applicant has located more vulnerable infrastructure, such as the BESS and substation, outside of Flood Zones. Solar PV panels are in areas of fluvial and tidal flood risk associated with the River Weaver and Mersey Estuary. However, the panels have been appropriately raised above the design flood level with an allowance for freeboard (+600mm above the design flood level).</p>

			<p>We are satisfied that the applicant has sufficiently assessed flood risk to the proposed development and its third-party impacts. The proposed development and has sequentially sited vulnerable aspects of the development to be in areas of the lowest flood risk.</p>
Q8.2.2	EA, CWCC	<p><b>NPS EN-1</b>  Are you satisfied that the proposed development meets paragraph 5.8.12 of NPS EN-1 that “Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development. There should be no net loss of floodplain storage, and any deflection or constriction of flood flow routes should be safely managed within the site. Mitigation measures should make as much use as possible of natural flood management techniques”?</p>	<p>We consider the proposal to be compliant with National Policy Statement EN-1 paragraph 5.8.12.</p> <p>Only the Solar PV panels and Power Conversion Units (PCUs) are in areas of fluvial and tidal flood risk. The BESS and substation are located within Flood Zone 1. The applicant has ensured the solar PV panels are raised above the design flood levels for the River Weaver, Mersey Estuary and for watercourses which cross the order limits. The development includes an appropriate allowance for freeboard (+600mm).</p> <p>With respect to increases in flood risk elsewhere, the applicant has tested the impact of the solar panel support frames, PCUs, and bridge crossings on flood risk elsewhere within the hydraulic models for the River Weaver and Mersey Estuary. The applicant has provided water level and flood extent difference mapping which shows the effect of the solar PV panel support frames, PCUs, and access bridge crossings on flood risk elsewhere. This mapping is included within the 8.7 Hydraulic Modelling Report - P01 <a href="#">[PD2-030]</a>. A range of scenarios have been assessed which show there are</p>

			<p>no increases in flood risk to third parties. Any changes in water level are contained within the proposed development area. We have reviewed the applicant’s hydraulic modelling and are satisfied with the approach taken.</p> <p>There is a loss of floodplain storage and some deflection of floodplain flow associated with the Solar PV panel support frames, PCUs, and bridge crossings. The applicant has tested the impact of this loss of storage and deflection of flow within the hydraulic models for the Mersey Estuary and River Weaver design flood events; the results demonstrate that all hydraulic effects remain contained within the development site boundary.</p> <p>The applicant has not designed the crossings to the tidal flood event. In discussions with the applicant, we acknowledged that it would not be reasonable for crossings to be designed to such levels. The applicant’s modelling showed that there would be marginal loss of floodplain storage, and that any increases in flood levels were solely within the site boundary.</p>
Q8.2.3	EA, CWCC	<p><b>NPS EN-1</b> Are you satisfied that the proposed development meets paragraph 5.8.41 of NPS EN-1 that “Energy projects should not normally be consented within Flood Zone 3b, or</p>	<p>There is only a very small area of the solar panel PV development area which potentially falls within the functional floodplain related to the Ince and Frodsham Watercourses, as illustrated in figure 2 on page 11 of</p>

		<p>on land expected to fall within this zone within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water).</p> <p>However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows”?</p>	<p>6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 1 of 5 (Tracked) - Revision 2 - Accepted at the discretion of the Examining Authority [<a href="#">AS-020</a>].</p> <p>It should be noted this extent is based on Frodsham pumping station not operating. If Frodsham pumping station is operational, there wouldn't be out of bank flooding in the vicinity of the solar PV panel areas.</p> <p>No aspect of the development falls within the functional floodplain for the River Weaver, Manchester Ship Canal, or Mersey Estuary. Regarding flood plain storage and flow routes, any displacement caused by the solar PV mounting frames within the Ince and Frodsham watercourse flood zones will be contained entirely within the development site.</p> <p>This is supported by the applicant's hydraulic modelling. It assesses the impact of the development on flood risk from much larger flood extents, and water depths, associated with the Mersey Estuary and River Weaver for the design flood event.</p>
Q8.2.8	EA	<p><b>Relevant representation responses</b></p> <p>The applicant's responses [PD2-027] to your relevant representation (RR) [<a href="#">RR-024</a>] suggest resolution has been achieved for the following</p>	<p>Our response letter Comments on Relevant Representations and any additional submissions [<a href="#">REP1-050</a>] is our most recent response to the Applicant and the Examining Authority regarding the issues from our relevant representation. Within this response, we have stated that we are content to resolve: EA001, EA002, EA003, EA004, EA005, EA009, EA012, EA013,</p>

		<p>issues; EA001, EA002, EA003, EA004, EA005, EA008, EA009, EA012, EA013, EA015, EA017, EA019, EA021, EA026, EA027 and EA028. Please confirm if these issues are now fully resolved. If not, please provide details of outstanding matters in relation to these issues, together with any suggestions as to how they might be resolved.</p>	<p>EA017, EA019, EA021. We have not resolved EA008 and EA0015. Please see these issues below.</p> <p><b>EA008</b> We do not consider this issue resolved.</p> <p>Upon reviewing the Applicant's document 6.1 Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water [<a href="#">APP-042</a>], we raised concern that post-construction water quality monitoring would be inadequate and the 7.6 Outline Operational Environmental Management Plan [<a href="#">APP-137</a>] and 7.5 Outline Construction Environmental Management Plan [<a href="#">APP-136</a>] should therefore be updated.</p> <p>The applicant has updated Table 5.4 of the 7.5 Outline Construction Environmental Management Plan [<a href="#">PD2-016</a>] to state that surface water monitoring positions and parameters of testing shall be set out in the CEMP. However, we request that the 'Requirement for monitoring' column in Table 5.4 reflects that regular water quality measurements and samples will be required.</p> <p>The applicant should be aware that we additionally requested reference to a monitoring plan to be included in the 7.6 Outline Operational Environmental Management Plan - P02 (Tracked) [<a href="#">PD2-018</a>].</p> <p>Table 5-4 of the 7.6 Outline Operational Environmental Management Plan - P02 (Tracked) [<a href="#">PD2-018</a>] currently does not include specific reference to water quality monitoring.</p>
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			<p>We request this be updated. This would provide us with the confidence that as the site completes construction, and transitions into operation, there will be no negative water quality impacts, and the relevant mitigations are performed as expected.</p> <p>We note that Table 5.4 of the 7.7 Outline Decommissioning Environmental Management Plan - P02 (Tracked) [<a href="#">PD2-020</a>] states there will be “Regular water quality monitoring to detect sedimentation and contamination impacts”. Any water quality monitoring details should be consistent across the three phases of the project (construction, operation and decommissioning).</p> <p><i>Advice to applicant</i> For awareness, a monitoring plan should provide details of frequency, quantity, location and method of monitoring. A suggested frequency is monthly, starting six months prior to construction, ongoing throughout construction, and ending six months post construction. The locations should include monitoring upstream and downstream of any proposed surface water outfalls and water crossings.</p> <p>Methods may include in-situ handheld devices or samples sent off to laboratories, it should not be limited to site walkovers, and visual inspections of the drainage water. Any water samples should be sent to a United Kingdom Accreditation Service (UKAS) accredited laboratory, and where applicable Monitoring Certification Scheme for Equipment (MCERTs) accredited testing must be carried out.</p>
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			<p>The results of laboratory analysis of water samples should be tabulated, recorded and be able to be provided to the Environment Agency if requested, or sent automatically in the event of a pollution incident.</p> <p><b>EA015</b> For clarity, we have two separate issues that have developed after further discussions in relation to EA015. We have titled the issues as <i>EA015(a)</i> and <i>EA015(b)</i>.</p> <p>We do not consider issue EA015 entirely resolved at this stage. EA015(a) is resolved, and EA015(b) is not resolved. Therefore, issue EA015 is not resolved, as we require EA015(b) to be resolved to close the matter.</p> <p><i>EA015(a)</i> We are satisfied and consider EA015(a) resolved.</p> <p>We were concerned that the Applicant proposed a water storage area on a flood asset.</p> <p>The Applicant has confirmed the water storage wasn't on a flood asset.</p> <p><i>EA015(b)</i> We do not consider this issue resolved.</p>
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			<p>In the <i>Additional comments</i> section of EA015 of our relevant representation, we were concerned the new walkways were proposed on the crest of a flood asset.</p> <p>We have raised the following issue with the Applicant's project team in correspondence:</p> <p>To ensure flood asset safety, we require the Applicant to provide, as part of the CEMP (to be secured under Requirement 12 of the draft DCO), the following details specific to any works proposed within the vicinity of fluvial or tidal defences:</p> <ul style="list-style-type: none"><li>• A comprehensive list and plan of all works proposed within:<ul style="list-style-type: none"><li>o 8 metres of any fluvial defence; and</li><li>o 16 metres of any tidal defence</li></ul></li><li>• Detailed drawings and specification of any works that would alter crest level, slope, profile, or composition of the flood assets (including cross-sections and materials)</li><li>• Construction methodology for all works within the buffer zones, including:<ul style="list-style-type: none"><li>o Sequence of works (including temporary works).</li><li>o Plant and machinery to be used (and associated loading).</li><li>o Access routes used.</li></ul></li><li>• Assessment of loading implications (static and dynamic) from footpaths, viewing platforms/slots, plant, and any other structures on or adjacent to the crest, with justification</li></ul>
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			<p>that the flood asset structural stability is maintained.</p> <ul style="list-style-type: none"><li>• A planting plan showing exact locations and species of proposed trees/hedgerows and details of root protection measures (e.g., root barriers, structural soils, distance from crest) to avoid compromising asset stability and future maintenance.</li><li>• Confirmation that the proposed works will not inhibit future inspections, remediation or replacement of the flood asset, and specifying how access for maintenance will be preserved.</li><li>• Where relevant, details of protective measures to prevent erosion or washout associated with footpaths or viewing areas (e.g., surface treatments, reinforcement, drainage measures).</li></ul> <p>This wording needs to be included as a commitment in the outline CEMP for us to resolve issue EA015(b), and EA015 in its entirety.</p> <p><b>EA026, EA027 and EA028</b></p> <p>Please note, the issues in our Relevant Representation [<a href="#">RR-024</a>] only went up-to EA021. The applicant has labelled as issues comments which we stated in an advisory capacity. Issues EA022-EA031 are such comments. Our views on the applicant's response on the EA026, EA027 and EA028 are as follows:</p> <ul style="list-style-type: none"><li>• EA026: we find this satisfactory.</li></ul>
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			<ul style="list-style-type: none"> <li>• EA027: we find this satisfactory.</li> <li>• EA028: we find this satisfactory.</li> </ul>
Q8.2.9	The applicant, <b>EA</b>	<p><b>Flood Risk Activity Permits (FRAPs)</b></p> <p>Can you update the ExA with details of any outstanding matters in relation to the proposed disapplication of the FRAPs within the protective provisions of the draft DCO [<a href="#">PD2-005</a>]?</p>	<p>We provided a response to disapplication and protective provisions in the following response letters sent for deadline 1:</p> <ul style="list-style-type: none"> <li>• Our response letter Comments on Relevant Representations and any additional submissions [<a href="#">REP1-050</a>] <ul style="list-style-type: none"> <li>◦ See “EA006”</li> </ul> </li> <li>• Our response letter Any other information requested by the ExA for Deadline 1 [<a href="#">REP1-049</a>] <ul style="list-style-type: none"> <li>◦ See “Agenda item 4i”</li> </ul> </li> </ul> <p>At this current time, we do not believe it’s appropriate for the Environment Agency to engage in drafting protected provisions on this topic.</p> <p>Due to the associated environmental risk, the need for greater scrutiny and direct enforcement, we do not agree to disapply these activities under Section 150 of the Planning Act 2008.</p> <p>We believe that it would be more beneficial for the applicant to engage with the Flood Risk Activity Permit (FRAP) process as soon as possible.</p> <p>In an email to the applicant’s project team (dated 24 October 2025), we stated that we required the following information to consider whether disapplication is acceptable:</p>

			<p><i>Works to embankments:</i></p> <ul style="list-style-type: none"><li>• A comprehensive list and plan of all works proposed within:<ul style="list-style-type: none"><li>○ 8 metres of any fluvial defence; and</li><li>○ 16 metres of any tidal defence</li></ul></li><li>• Detailed drawings and specification of any works that would alter crest level, slope, profile, or composition of the flood assets (including cross-sections and materials).</li><li>• Technical drawings showing proposed structures including foundations, viewing slots etc.</li><li>• Construction methodology for all works within the buffer zones, including:<ul style="list-style-type: none"><li>○ Sequence of works (including temporary works).</li><li>○ Plant and machinery to be used (and associated loading).</li><li>○ Access routes used.</li></ul></li><li>• Assessment of loading implications (static and dynamic) from footpaths, viewing platforms/slots, plant, and any other structures on or adjacent to the crest, with justification that the flood asset structural stability is maintained.</li><li>• A planting plan showing exact locations and species of proposed trees/hedgerows and details of root protection measures (e.g., root barriers, structural soils, distance from crest) to avoid compromising asset stability and future maintenance.</li></ul>
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			<ul style="list-style-type: none"><li>• Confirmation that the proposed works will not inhibit future inspections, remediation or replacement of the flood asset, and specifying how access for maintenance will be preserved.</li><li>• Where relevant, details of protective measures to prevent erosion or washout associated with footpaths or viewing areas (e.g., surface treatments, reinforcement, drainage measures).</li></ul> <p><i>Fencing:</i></p> <ul style="list-style-type: none"><li>• Offsets from flood defence assets and riverbanks (8m fluvial/16m tidal).<ul style="list-style-type: none"><li>◦ A plan/map showing these buffer zones and identifying any proposed works (access tracks, fencing) located within them.</li><li>◦ Details of the proposed fencing type, height, foundation type, construction method.</li></ul></li><li>• Confirmation that the proposed works will not inhibit future inspections, remediation or replacement of the flood asset, and specifying how access for maintenance will be preserved.</li></ul> <p><i>Cabling over River Weaver and embankment:</i></p> <ul style="list-style-type: none"><li>• Vertical and horizontal offset from the flood defence asset.</li><li>• Cable height relative to the design event.</li><li>• Demonstrate how the flood asset would be remediated, replaced or raised with the overhead cable in place.</li></ul>
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			<ul style="list-style-type: none"> <li>• Confirmation that the proposed works will not inhibit future inspections, remediation or replacement of the flood asset, and specifying how access for maintenance will be preserved.</li> <li>• Construction methodology for all works within the buffer zones, including: <ul style="list-style-type: none"> <li>o Sequence of works (including temporary works).</li> <li>o Stock piling, plant and machinery to be used (and associated loading). <ul style="list-style-type: none"> <li>• The oCEMP should consider loading such as stock piling and plant in proximity to the flood assets and mitigations to prevent adverse effects to the flood defence.</li> </ul> </li> <li>o Access routes used.</li> </ul> </li> </ul>
Q8.2.10	EA	<p><b>Position of bridge abutments and soffit level</b></p> <p>i. Can you confirm whether the additional information provided by the applicant in Appendix A to their Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [<a href="#">PD2-</a></p>	<p>i. We are satisfied regarding the position of bridge abutments, but we are not satisfied regarding soffit heights, and require further information regarding this.</p> <p>Within our response letter Comments on Relevant Representations and any additional submissions [<a href="#">REP1-050</a>], we stated that we were satisfied with the bridge abutments (see “EA007”).</p> <p>Regarding soffit level, we requested confirmation from the applicant that the height of bridge decks will not fall below 5.3m above ordnance datum (AOD). We</p>

		<p><a href="#">027</a>] is sufficient or whether any further information is required?</p> <p>ii. Can you confirm if the updated protective provisions in Schedule 23 of the draft DCO <a href="#">[PD2-005]</a> are adequate?</p> <p>iii. Can you confirm if the updated design requirements within the Outline Construction Environmental Management Plan - P02 (oCEMP) <a href="#">[PD2-015]</a> are adequate?</p>	<p>note that the drawings show levels in metres rather than metres Above Ordnance Datum (mAOD). This may be a minor notational error, but it would be useful if the applicant could confirm that the elevations shown on the drawings for the proposed bridges within Appendix A to their Response to Local Planning Authority and Statutory Environmental Body Relevant Representations <a href="#">[PD2-027]</a> are in mAOD.</p> <p>ii. We do not agree to the inclusions for the protective provisions in Schedule 23 of the draft DCO <a href="#">[PD2-005]</a> for the protection of the Environment Agency. Please see our response to Q8.2.9 regarding this matter.</p> <p>iii. We confirm updated design requirements with the Outline Construction Environmental Management Plan - P02 <a href="#">[PD2-015]</a> are reasonable.</p>
Q8.2.11	EA	<p><b>Potential risks associated with embedding cables within the proposed crossings</b></p> <p>i. The ExA notes you suggested <a href="#">[RR-024]</a> issue EA010] outstanding matters with potential risks associated with embedding cables within the proposed crossings could be addressed at the detailed design stage, if the applicant</p>	<p>i. We confirm this is our current view. The draft DCO would address our concerns, as we are due to be consulted on requirement 20 Decommissioning.</p> <p>However, as noted under issue “EA010” of our Comments on Relevant Representations and any additional submissions <a href="#">[REP1-050]</a>, we require the 7.7 Outline Decommissioning Environmental Management Plan - P02 (Tracked) <a href="#">[PD2-020]</a> to be updated.</p>

		<p>provides adequate commitments secured in the draft DCO. Can you confirm if this is your current view and whether the current dDCO addresses your concerns?</p> <p>ii. Can you update the ExA as to whether you consider the information provided by the applicant in Appendix B - Technical Note Integrity of New Bridges in Flood Event (14740-WCD-XX-XX-TN-S-001) [PD2-027] is adequate? If not, can you provide details of any outstanding matters in relation to this issue and how they might be resolved?</p>	<p>We require a commitment to removing cables embedded in crossings during the decommissioning phase. This would give us the confidence that the commitments secured in the draft DCO would address our concerns.</p> <p>ii. We do not consider the information provided by the Applicant in the updated Appendix B - Technical Note Integrity of New Bridges in Flood Event [PD2-027] document to be adequate at this stage.</p> <p>As stated in our Comments on Relevant Representations and any additional submissions [REP1-050], under issue “EA010”, we require the Applicant to confirm that the height of the bridge decks will not fall below 5.3mAOD.</p>
Q8.2.12	EA	<p><b>Flood warning, evacuation plan and post flood actions</b></p> <p>i. Can you confirm whether information in the Outline Flood Warning and Evacuation Plan P02 [PD2-028] is sufficient to resolve your concerns regarding works undertaken during</p>	<p>i. In the Outline Flood Warning and Evacuation Plan P02 [PD2-028], the applicant addressed our concerns relating to high astronomical tides, as stated in our Relevant Representation [RR-024] under issue EA011 by its commitments made under the section titled ‘<i>Actions Following a Flood or Weather Warning for Frodsham Solar</i>’.</p>

		<p>high astronomical tides [<a href="#">RR-024</a> issue EA011]?</p> <p>ii. Can you confirm if the updates made by the applicant to the Outline Operational Environmental Management Plan (oOEMP) [<a href="#">PD2-017</a>] to inspect flood defences annually, report defects to the Environment Agency and to inspect bridges after flood events for damage and repaired as necessary, are sufficient to resolve your concerns?</p>	<p>We also note the applicant’s commitment to safe refuge locations on site during the operation phase.</p> <p>ii. The updates to the Outline Operational Environmental Management Plan (oOEMP) [<a href="#">PD2-017</a>] - specifically the commitments made under Table 5-4: Summary of the operational mitigation and management measures – Flood Risk, Drainage and Surface Water, section ‘<i>Damage to flood defences</i>’ – resolves our concerns on this matter.</p>
Q8.2.13	EA	<p><b>Cable decommissioning</b> Can you confirm whether the applicant’s update to the Outline Decommissioning Environmental Management Plan [<a href="#">PD2-019</a>] regarding removal of cables as part of the decommissioning works, where this results in the best environmental outcome, is sufficient to resolve your concerns?</p>	<p>Section 2.4.2 of the Outline Decommissioning Environmental Management Plan - P02 (Clean) [<a href="#">PD2-019</a>] states that a decision as to whether cables will be removed, will be informed based on an environmental benefits assessment at the time of decommissioning. We have outstanding issues relating to Groundwater and Contaminated Land and Flood Risk.</p> <p><b>Groundwater and Contaminated Land</b> We require the 7.7 Outline Decommissioning Environmental Management Plan - P03 (clean) [<a href="#">REP1-024</a>] to be updated. At the ISH 1 (02 December 2025), there was a discussion about the benefit impact analysis that will be completed at</p>

			<p>the time of decommissioning. We raised that this assessment should consider potential impacts to groundwater from leaving the cables in situ. The 7.7 Outline Decommissioning Environmental Management Plan - P03 (clean) [REP1-024] does not currently state this will happen. The oDEMP should be updated to confirm that best practice and guidance at the time of decommissioning will be followed.</p> <p><b>Flood Risk</b></p> <p>Our flood risk concerns pertain to legacy issues associated with leaving the cables in place within the crossings. This could increase costs relating to remediation and replacement in future. Discussions with the applicant are ongoing in relation to this matter. This relates to issue EA010 of our Comments on Relevant Representations and any additional submissions [REP1-050].</p>
Q8.2.15	EA	<p><b>Height for above ground cable crossing of the River Weaver</b></p> <p>Can you confirm whether the applicant's response to your concern [RR-024 issue EA014] is sufficient, or whether you have outstanding concerns?</p>	<p>In our Comments on Relevant Representations and any additional submissions [REP1-050], we had the following response regarding the Applicant's response to issue EA014:</p> <p>We do not consider this issue resolved.</p> <p>We were concerned that the above ground cable crossing of the River Weaver height was undefined. It was therefore unclear if there would be sufficient space for emergency works to flood defence assets.</p>

			<p>A detailed technical drawing is required showing the:</p> <ul style="list-style-type: none"> <li>• proposed arrangement, including cable sag;</li> <li>• the horizontal / vertical offsets from the riverbank / flood defence on both sides of the river.</li> </ul> <p>We have not been provided with drawings demonstrating the offset between the above ground cable and the flood defence asset.</p>
Q8.2.16	<b>CWCC, EA</b>	<p><b>Frodsham pumping station</b></p> <p>Can you confirm whether you have any concerns regarding the ongoing use of Frodsham pumping station in relation to this application?</p>	<p>We initially had concerns regarding the design flood used to inform modelling for the development, which we raised under issue EA016 of our Relevant Representation [<a href="#">RR-024</a>]. We were concerned that the pumping station had been included within the design flood event. This would be problematic for the development's resilience, if the pumping station were to fail. Within our Comments on Relevant Representations and any additional submissions [<a href="#">REP1-050</a>], we resolved issue EA016, as the applicant confirmed that the design flood was based on a scenario where the pumping station isn't operational.</p> <p>We recommended that the applicant considers either financial contributions to improve the pumping station, or taking over ownership.</p>
Q8.2.18	<b>The applicant, EA</b>	<p><b>Flood risk development lifetime</b></p> <p>The ExA notes the Environment Agency's concern [<a href="#">RR-024</a> issue EA024] that flood risk has only been assessed up to the year 2075. Schedule 2 of the draft DCO would</p>	<p>We agree with the suggestion of a requirement being added to Schedule 2 of the draft DCO. If for any reason an activity was proposed at a later date to persist beyond 2075, then a new Flood Risk Assessment would be required. Notably this is inclusive of the decommissioning phase.</p>

		<p>enable commencement of the authorised development at year 5 from the date the Order comes into force.</p> <p>Please comment on the suggestion of a requirement being added to Schedule 2 of the draft DCO to say if for any reason activity was proposed at a later date to persist beyond 2075, then a new flood risk assessment would be required.</p>	
Q8.2.19	<b>EA</b>	<p><b>Hydraulic Modelling Report Addendum</b></p> <p>Can you provide any general comments you have on the applicant's additional modelling presented in the Hydraulic Modelling Report Addendum [<a href="#">PD2-030</a>].</p> <p>In addition, can you provide comments in relation to your concern [<a href="#">RR-024</a> issue EA018] regarding the possible underestimation of flood risk impacts from structures associated with new permanent and temporary crossings?</p>	<p>The applicant has included the new crossings within their hydraulic modelling of the Mersey Estuary and River Weaver.</p> <p>The applicant has assessed the impact of these on flood risk elsewhere and has presented water level difference mapping which has been included within the 8.7 Hydraulic Modelling Report [<a href="#">PD2-030</a>].</p> <p>We are satisfied with the applicant's approach to the 8.7 Hydraulic Modelling Report [<a href="#">PD2-030</a>] and the representation of permanent and temporary crossings and solar PV panels.</p> <p>We consider issue EA018 of our Comments on Relevant Representations and any additional submissions [<a href="#">REP1-050</a>] resolved.</p>

<b>8.3 Other Water Related Matters</b>			
Q8.3.2	EA	<p><b>Risk of chemical and fuel spillages near sensitive water receptors during the operational phase</b></p> <p>Do the amendments the applicant has made to Table 5-5 of the oOEMP [PD2-017] to reflect the same requirements as the oCEMP [PD2-015] allay your concerns in relation to the risk of chemical and fuel spillages near sensitive water receptors during the operational phase?</p> <p>If not, please specify what further amendments should be made.</p>	<p>We assume the question should say Table 5-4 of the 7.6 Outline Operational Environmental Management Plan - P03 (clean) [PD2-017]. This has amendments associated with risk of chemical and fuel spillages affecting surface water quality. There are no updates to Table 5-5 of [PD2-017] observed.</p> <p>However, we are satisfied that Chemical, fuel spillages, leaks or hazardous materials near sensitive water receptors are being appropriated managed and mitigated against. We can confirm that issue EA020 (regarding chemical and fuel spills near sensitive water receptors during the operational phase) from our Comments on Relevant Representations and any additional submissions [REP1-050] is resolved.</p>
Q8.3.4	EA	<p><b>Non Breeding Bird Mitigation Area (NBBMA)</b></p> <p>Do the applicant's responses [PD2-027] allay your concerns in relation to issues EA029, EA030 and EA031 [RR-024] regarding controlled water management for wetland areas of the NBBMA, water quality monitoring of the NBBMA and</p>	<p>Natural England are leading on matters in relation to the NBBMA.</p> <p>Please note, the issues raised in our Relevant Representation [RR-024] only went up to EA021. The applicant has included our comments made only in an advisory capacity as issues EA022-EA031. In regards to the applicant's responses to EA029, EA030 and EA031, we have the following comments:</p> <ul style="list-style-type: none"> <li>EA029: we welcome the clarification on the project's water supply source.</li> </ul>

		<p>timing of the construction of the NBBMA?</p> <p>If not, please provide further details.</p>	<ul style="list-style-type: none"><li>• EA030: we advise that the applicant considers issue EA008 within our Comments on Relevant Representations and any additional submissions <a href="#">[REP1-050]</a>. We recommend that the solutions we are requesting under EA008 are also adopted for the NBBMA's water monitoring plan.</li><li>• EA031: we welcome the comments and agree with the approach.</li></ul>
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## **APPENDIX A – Summary of EA position**

<b>Subject</b>	<b>Relevant Rep Reference</b>	<b>Deadline 1</b>
Water Quality	EA001	Issue Resolved
Water Quality	EA002	Issue Resolved
Groundwater and Contaminated land	EA003	Issue Resolved
Groundwater and Contaminated land	EA004	Issue Resolved
Flood Risk	EA005	Issue Resolved
Flood Risk	EA006	Not Resolved
Flood Risk	EA007	Not Resolved
Water quality	EA008	Not Resolved
Flood Risk	EA009	Issue Resolved
Flood Risk	EA010	Not Resolved
Flood Risk	EA011	Issue Resolved
Flood Risk	EA012	Issue Resolved
Flood Risk	EA013	Issue Resolved
Flood Risk	EA014	Not Resolved
Flood Risk	EA015	Not Resolved
Flood Risk	EA016	Issue Resolved
Flood Risk	EA017	Issue Resolved
Flood Risk	EA018	Issue Resolved
Flood Risk	EA019	Issue Resolved
Water quality	EA020	Issue Resolved
Biodiversity	EA021	Issue Resolved

