



Cheshire
Wildlife Trust

Frodsham Solar DCO - EN010153

Comments on the Without Prejudice Derogation Submission

Cheshire Wildlife Trust (CWT)

17 February 2026

We believe the applicants should submit a Without Prejudice Derogation. We consider this necessary because not enough evidence has been provided to conclude that there will be “no adverse impacts on the Integrity of the Mersey Estuary SPA and Ramsar site..

As we have hopefully demonstrated in our Written Representations for Deadline 1¹ and our Responses to the ExA’s first Written Questions for Deadline 2² submissions, the methodology used to determine the necessary compensation for impacts to the site is incomplete, flawed, and inappropriate³. It follows that the figure of 63ha resulting from those calculations is likely an underestimation of what is actually necessary, which then entails that the site (which is Functionally Linked Land) is not adequately compensated for. Therefore there are adverse impacts to the Functionally Linked Land and consequently to the Mersey Estuary SPA and Ramsar site itself. Hence, a derogation should be required.

We would also like to that this opportunity to point out that since the NBBMA will be fully reengineered and Cells 1, 2, and 5 will be lost, we consider the works to be compensation rather than mitigation. Avoidance and mitigation should be sought before compensation, which itself should not be proposed until a derogation has been agreed on.

¹ [REP1-068](#)

² [REP2-011](#)

³ As agreed by Natural England (REP2-009) and CWCC (REP3-045)