



The Planning Inspectorate
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Our ref: [REDACTED]
Your ref: EN010153
Date: 04 March 2026

To whom it may concern

ENVIRONMENT AGENCY RESPONSE TO DOCUMENTS SUBMITTED AT DEADLINE 4.

FRODSHAM SOLAR PROJECT, FRODSHAM MARSHES

This response constitutes the Environment Agency's Deadline 4 response.

We have reviewed the submitted documentation at Deadline 3 for the Frodsham Solar Farm. Following our review, we have responded to the outstanding issues raised within our Relevant Representation [[RR-024](#)] (dated 26 August 2025, ref. [REDACTED]) in turn below.

For our response, we have provided the following appendices consisting of:

- [Appendix A:](#)
 - Our comments regarding the issues we raised in our Relevant Representation
- [Appendix B:](#)
 - Our advice to the Applicant regarding water quality
- [Appendix C:](#)
 - A summary of our position

Yours faithfully

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Planning Specialist

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APPENDIX A – Our comments regarding the issues we raised in our Relevant Representation

EA006

We do not consider this issue resolved.

Due to the associated environmental risk, the need for greater scrutiny and direct enforcement, we do not agree to disapply Flood Risk Activity Permits (FRAPs) activities under Section 150 of the Planning Act 2008.

We have stated that, to disapply FRAPs, we require information upfront to determine the environmental risk associated with the project's FRAP activities. Providing the information below will allow us to begin discussions regarding the disapplication of FRAPs, and allow the draft DCO to include Environment Agency Protective Provisions for the (see *Latest Protective Provisions Engagement*). During the Issue Specific Hearing 2, we noted that [\[APP-106\]](#) Chapter 2 Figures showed a clearer sight plan of project activities. We have included additional information to aid the applicant with our request.

We have also included an overview of our engagement with the Applicant regarding disapplication. We hope this demonstrates an evidence-based foundation of our approach, and the consistency of our advice. Please see *Disapplication Engagement History*.

Additional information from Issue Specific Hearing 2

Several assets within the red-line boundary currently contribute to the site's flood protection. These include embankments, natural high ground, and the pumping station.

Considering the figures presented in document [\[APP-106\]](#), we have cross-checked these against what we consider to be the critical assets with proposed construction activities in the summary below.

Figure 2-3a

The order limits exclude asset 174693. In our latest email to the applicant, we suggested that activities in proximity to this asset would need to be assessed, but this is not needed. We also note the key does not imply the ponds are new (approximate NGR: SJ4992879181 and SJ5135279100 respectively).

Figure 2-3c

Permissive path B, planting and bird screen along asset 174694.

A pond in proximity to 132643 and 132644 (approximate NGR: SJ5135279100), we seek clarity as the pond seems to already be existing but for the avoidance of doubt please clarify as the shade of blue used is similar to “proposed pond/ditch” in the key. We are unclear if there is tree planting near asset 132644.

A pond (approximate NGR: SJ4992879181) is implied to be proposed from key reference “proposed pond/ditch”. The pond seems to already exist, so please clarify what changes if any are proposed. The Applicant is advised to liaise with the landowner if works are in proximity to flood assets or could adversely affect flood risk, however there are no flood assets registered in our database for this location.

Figure 2-3e

Permissive path F, asset 132223, 338708, and 132405.

Tree and shrub planting near to 601936 and 132223.

To consider disapplication of the relevant permitting requirements, we need clarity on all activities proposed within 16 metres of the following flood defence assets:

- Asset ID **601936** (embankment)
- Asset ID **132223** (embankment)
- Asset ID **132643** (embankment)
- Asset ID **174693** (natural high ground)
- Asset ID **132405** (embankment)
- Asset ID **132644** (engineered high ground) - adjacent to 132643.
- Asset ID **338708** (Frodsham pumping station).

Our concern is the risk the project proposes on or near these assets, as they provide flood protection for the Weaver (fluvial) and Mersey (tidal) design flood event which lead to flood depths of circa 1m during the respective design events. This is in contrast to the Ince and Frodsham main rivers where the consequences during the design event predominantly remain in channel according to the modelling.

We have tried to identify the critical assets in this context and all activities within 16 metres of these assets. We welcome the applicant’s input and request they summarise all relevant activities within 16 metres of the above list and whether in their view all key assets have been considered ([Asset Information and Maintenance Programme](#)).

We note there are main rivers which intersect the solar farm, in the context of crossings CP14, CP17, and CP22. We do not consider these construction activities to have significant environmental risk such that we need more information. Additionally, the applicant has provided drawings of the bridge designs and proposed

a methodology for construction. We deem this acceptable in the context of disapplication, however, note that EA007 requires to be resolved.

Latest Protective Provisions Engagement

A meeting was held with the Applicant on the 19 February 2026. The agenda was to discuss the Frodsham Solar Farm DCO application and the Environment Agency Protective Provisions (disapplication of FRAPs).

We outlined to the Applicant the information we required to begin discussions for considering the disapplication of Flood Risk Activity Permits. This information is as follows:

'EA006 (Protected Provisions)

We require further detail on all works proposed within 16 m of the following embankment assets:

- *Embankment Asset ID 601936*
- *Embankment Asset ID 132223*
- *Embankment Asset ID 132643*

We believe the only works in proximity to the assets (within 16metres) above are:

- *Bird screens*
- *Permissive footpaths*
- *Tree planting*

Please confirm that these are the only activities in proximity of 16m to the flood assets stated above.

We require:

- *Plan drawings - showing the precise location of all proposed works relative to the assets (within 16m)*
- *Cross-sections - illustrating levels, interfaces, and any changes to ground conditions*
- *Construction details – outline the construction activities that are taking place on or within 16m of the above assets (are you digging into the asset, including foundations and fixings for the bird screens)*

Any other relevant technical information – we needed to understand how the works will interact with the existing flood defence assets outlined above (when it overtops how is this going to impact flood defence assets or how is debris risk going to managed)'.

We followed up this email on the 24 February 2026, with the request to ensure the additional flood defence assets were included:

- *Embankment Asset ID - 174694* (Please note, this asset is natural high ground)
- *Embankment Asset ID – 174693* (Please note, this asset is natural high ground)

Disapplication Engagement History

The Applicant first expressed an intention to seek disapplication of Flood Risk Activity Permits (FRAPs) in December 2024, we advised that upfront technical information was required to assess the request, including plans, method statements, and details of works within flood defence buffer zones.

Despite multiple exchanges, meetings, and partial submissions between February and October 2025, the information provided remained insufficient, as highlighted in our August 2025 Relevant Representations. We issued a comprehensive list of required information on 24 October 2025 covering embankment works, fencing, and cabling design and methodologies. However, by 15 December 2025 the Applicant had not supplied the requested materials. This led us to conclude that due to environmental risks and the need for greater scrutiny and enforcement, we could not agree to disapply FRAPs under Section 150 of the Planning Act 2008.

EA007

We do not consider this issue resolved.

We are content with the projects proposals for new crossings over main rivers CP14 and CP17. Our issue remains with CP22.

In response to the applicant from document [[REP3-030](#)] 8.17 Statement of Common Ground: Environment Agency - P02 issue EA007, we do not agree with the Applicants intention to retain the asset. When the structure falls into disrepair and requires to be removed or replaced, the crest level of the flood defence will be lowered, resulting in a reduced standard of protection.

To provide context to the ongoing discussion regarding New Bridge CP22 our responses are as follows:

- Relevant Representation:
 - Setback bridge abutments at-least 2m from the bank top edge and increase the soffit level to at least 0.6metres higher than the top of the bank on both sides of the river. Either through a commitment, or a requirement in the DCO, we require the following:

- Detailed drawings of crossings for each main watercourse (to scale including the design flood level + 600mm above bank level, as stated in guidance).
 - Drawings of existing culverted crossings at CP14 and CP22
- Deadline 1:
 - Designs proposed for CP22 require reprofiling of the embankment crest, with no plan to decommission and reinstate the embankment, we are concerned that it may increase flood risk beyond the lifetime of the development.
 - We would only allow this proposed design if there's a commitment to removing the crossing, and reinstating the embankment crest, during the decommissioning phase. If the Applicant does not wish to remove the CP22, then we'd require a new design to be submitted that doesn't involve altering the embankment crest.
 - To resolve this issue, we require a commitment within the outline Decommissioning Environmental Management Plan (DEMP) that crossing CP17 shall be fully removed, including all superstructure and subterranean elements of the structure. For CP22, if the current design is preferred by the Applicant, then we'd require the same commitment as for CP17, with the additional detail of:
 - reinstating the embankment crest to its original pre-development condition and profile, including soil structure, vegetation, and hydrological characteristics, unless otherwise agreed in writing with the Environment Agency.

The Applicant has proposed localised lowering of the eastern bank for CP22. The applicant submitted to us the document 'Proposed Crossing CP22 Elevation & Sections drawing 14740-WCD-XX-XX-SK-S-003'. We identified this design results in approximately zero freeboard above the Ince and Frodsham fluvial design flood level on the eastern side of the crossing Proposed Crossing CP22.

The applicant has outlined in [\[REP3-021\]](#) 7.5 Outline Construction Environmental Management Plan - P04 (tracked) that:

'At main river crossing CP22 the bridge will be designed and constructed to provide a 300mm freeboard between the bridge soffit and top bank level on the western bank of the crossing. The top of the bank on the eastern bank of the crossing will be lowered locally to accommodate construction with freeboard between the bridge soffit and top bank level set to a maximum practicable separation.'

We acknowledge there are site-specific constraints and the applicant is endeavouring to minimise the loss of floodplain storage for the Mersey Tidal and Weaver design flood events. As this proposed design does not demonstrate to have

600m freeboard above the Ince and Frodsham fluvial design flood level the CP22 design is not acceptable.

However, we are willing to accept a compromise on the freeboard, allowing 300mm for the crossing above the design flood level for CP22 which is a reduction from 600mm freeboard. For context: Within the Flood Risk Assessment [[AS-027](#)] Table 1 of Appendix S Watercourse Crossing Design Justification of the Flood Risk Assessment it is implied that a 600mm freeboard would be applied above the Ince and Frodsham design flood level for crossing point CP22.

To resolve this issue, CP22 design should be updated to include a 300mm freeboard above the design flood level of Ince and Frodsham fluvial model. We anticipate this update will prevent the need to excavate into the northeastern flood asset (eastern bank) and will hopefully address potential legacy issues relating to retention of the crossing after decommissioning.

We request the Applicant ensure the following documents are submitted into the examination:

- Integrity of New Bridges in Flood Event. Document *14740-WCD-XX-XX-TN-S-001*
- The bridge design drawings:
 - Proposed Crossing CP14 Elevation & Sections drawing *14740-WCD-XX-XX-SK-S-002*
 - Proposed Crossing CP22 Elevation & Sections drawing *14740-WCD-XX-XX-SK-S-003*
 - Proposed Crossing CP14 & CP22 Existing Sections drawing *14740-WCD-XX-XX-SK-S-004*
 - Proposed Crossing CP17 Elevation & Sections drawing *14740-WCD-XX-XX-SK-S-005*

EA008

We consider this issue resolved.

Upon reviewing the 6.1 Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water [[APP-042](#)], we raised concern that post-construction water quality monitoring would be inadequate and the 7.6 Outline Operational Environmental Management Plan [[APP-137](#)] and 7.5 Outline Construction Environmental Management Plan [[APP-136](#)] should therefore be updated.

The Applicant has updated Table 5.4 of the 7.5 Outline Construction Environmental Management Plan - P04 (Clean) [[REP3-020](#)], Table 5.4 of the 7.6 Outline Operational Environmental Management Plan - P04 (clean) [[REP3-022](#)], Table 5.4 of

the 7.7 Outline Decommissioning Environmental Management Plan - P04 (clean) [REP3-024]. The Applicant's documents now reflect our requests for regular monthly monitoring through all 3 stages of the proposal. The outline documents also confirm at the detailed design stage the monitoring plan will detail quantity, locations and monitoring methodology.

The Applicant has further included wording to ensure the water samples will be sent to a United Kingdom Accreditation Service (UKAS) accredited laboratory, and where applicable Monitoring Certification Scheme for Equipment (MCERTs) accredited testing will be carried out. The Applicant has also stated they will share the tabulated results of laboratory analysis of water samples and records with the Environment Agency if requested or sent automatically in the event of a pollution incident.

We are satisfied with the above updates made by the Applicant and therefore resolve our concerns.

Additional Issue Specific Hearing request

ExA request:

'To respond whether 6 months regularity for water quality monitoring and monthly thereafter would be sufficient to capture seasonal variations.'

EA Response:

As stated above in our response to EA008, we are satisfied that water quality monitoring during all three phases is committed to. In the documents ([REP3-020](#), [REP3-022](#) and [REP3-024](#)) it states that *"The monitoring plan should provide details of quantity, location and method of monitoring"*. Whilst the frequency of any monitoring will be monthly, the quantity and locations will be agreed post-consent.

The period of time which monitoring will occur to establish the baseline (pre-construction) is currently unknown. It is expected to be for at least six months prior to the construction phase. Monitoring will then continue throughout construction phase, and for six months post-construction.

The purpose of this monitoring is to establish that the mitigation measures, which are used throughout construction are acting as expected, and there are no additional risks from sediment or possible pollutants to the watercourses.

The combination of six-month pre-construction monitoring, continuous monitoring during construction, and six-month post-construction monitoring will be sufficient to identify any water quality trends and confirm that the works have not adversely affected water quality. This post-construction monitoring should demonstrate that water quality is the same, or better, than the baseline which was established pre-construction at the site.

EA010 Flood Risk

We do not consider this issue resolved.

Cable infrastructure being removed at Decommissioning

The Applicant has presented a report titled 'Technical Note Integrity of New Bridges in Flood Event (dated 15 October 2025, ref: [REDACTED])' which considers uplift in the Mersey tidal event and impact from debris. In relation to uplift, the report suggests the following:

- Assumes a design flood level of 5.88m AOD;
- Assumes a bridge deck level between 5.3-5.8m AOD for CP14, CP17 and CP22;
- Based on initial calculation, for a concrete deck option, the self-weight of the bridge deck, and supporting steelwork would be sufficient in resisting the uplift forces on the bridge soffit determined in accordance with CD356 of the Design Manual for Roads and Bridges (DMRB) and Australian Standard AS5100.2 Bridge Design Part 2 Design Loads;
- An alternative open mesh steel grating deck design was considered, but has not been progressed in terms of detailed drawings presented.

The Applicant has updated 7.7 Outline Decommissioning Environmental Management Plan - P04 (clean) [[REP3-024](#)] section 2.4.2 to state:

'cables embedded in watercourse crossings that are to be retained after decommissioning, and cables within 8m of those crossings, will be removed as part of the decommissioning work.'

We are satisfied that cabling within the bridges will be decommissioned.

Deck height of new bridges

The Applicant at Deadline 3 has confirmed in writing document 8.17 Statement of Common Ground: Environment Agency – P02 [[REP3-030](#)] *'the height of the bridge deck will not fall below 5.3m AOD based on current data, with designs to be refined for approval by the EA at the detailed design stage. The Applicant considers that this response will enable this matter to be agreed.'*

We welcome this information; however, we require this information to be confirmed within the control documents. We require the deck height to be a minimum of 5.30AOD. The Applicant has provided a technical note titled 'Integrity of New Bridges in Flood Event', (ref: [REDACTED]). The integrity of new bridges assessment was completed at a deck height of 5.30 – 5.80 AOD.

The Applicant has outlined '*the design will be refined at detailed design stage*'. If the detailed design outlines the new bridge deck height will be below 5.30AOD, then we would require an updated technical note 'Integrity of New Bridges in Flood Event' that would assess the integrity of the bridges at the new bridges deck heights.

To resolve this issue, we request:

- The Applicant includes the wording '*the height of the bridge deck will not fall below 5.3m AOD based on current data, with designs to be refined for approval by the EA at the detailed design stage.*' Within the oCEMP, Commitment Register or draft DCO.
 - Should the Applicant include wording that outlines if at detail design stage the deck height will fall below 5.30AOD, then an updated technical note 'Integrity of New Bridges in Flood Event' will be completed at the new deck height and submitted for EA approval.

For the avoidance of doubt, please note this is specific to bridge uplift and freeboard is not considered in this resolution.

EA014 Flood Risk

We consider this issue resolved.

We were concerned the clearance of the overhead cable where it crosses the River Weaver had not been defined. It was therefore unclear if there would be sufficient space for emergency works to flood defence assets.

The Applicant has provided in a drawing in *Appendix A Simplified Illustrative Drawing of Overhead Cable Crossing of River Weaver* at deadline 3 in 8.28 Applicant Response to Written Representations [[REP3-041](#)]. This drawing shows a sufficient offset of 12m the overhead cabling and the flood defence asset. Our concern is therefore resolved.

EA015 Flood risk

We consider this issue resolved

For clarity, we have two separate issues that have developed after further discussions in relation to EA015. We have titled the issues as *EA015(a)* and *EA015(b)*.

EA015(a)

We are satisfied and consider EA015(a) resolved at Deadline 1.

EA015(b)

We consider this issue resolved.

In the *Additional comments* section of EA015 of our relevant representation [[RR-024](#)], we were concerned that new walkways were proposed on the crest of a flood asset.

The Applicant has included the below wording within the 7.5 Outline Construction Environmental Management Plan [[REP3-021](#)], specifically in Table 5-4: Summary of the construction mitigation and management measures – Flood Risk, Drainage and Surface Water:

‘The following details shall be provided to the Environment Agency for any works proposed within 8 metres of any fluvial defence and 16 metres of any tidal defence:

- 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)
- Construction methodology for all works within the buffer zones, including:
 - Sequence of works (including temporary works).
 - Plant and machinery to be used (and associated loading).
 - Access routes used.
- 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.
- 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.
- 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.’
- Where relevant, details of protective measures to prevent erosion or washout associated with footpaths or viewing areas (e.g., surface treatments, reinforcement, drainage measures).

This wording resolves issue EA015(b), and therefore EA015 in its entirety.

APPENDIX B - Our advice to the Applicant regarding water quality

We are pleased to see the Applicant has acknowledged and addressed our advice regarding water quality that was provided in our latest response [[REP1-050](#)]. We recommend the Applicant provides further clarification on one matter relating to our water quality advice.

Damaged or end of life batteries

The Applicant outlined in ISH2 that information on damaged/end of life battery storage will be provided at detailed design, which we acknowledge. The Environment Agency is named in Requirement 7 Battery safety management of the DCO, and can review any further information post-consent. We recognise that designs of BESS and batteries are rapidly developing and the Applicant requires flexibility.

We recommend that there is acknowledgement that batteries can cause chemical pollution and present a fire risk if not managed appropriately that could cause a decrease in water quality if any surface runoff becomes contaminated.

We advise the Applicant, where a battery storage area is provided external to the BESS unit, that it should be impermeable, covered and bunded. However, it may be more appropriate to store damaged/end of life battery within the BESS until they can be removed from site. We recommend that a sentence acknowledging that battery storage will be confirmed as part of the detailed design is added to section 2.6.11 of the 7.8 Outline Battery Safety Management Plan - P02 (tracked) [[REP3-027](#)].

APPENDIX C – EA Summary of Position

Subject	Relevant Rep Reference	Deadline: 4
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	Issue 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	Issue Resolved
Flood Risk	EA015	Issue 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