

Date: 05 March 2026  
Our ref: [REDACTED]  
Your ref: EN010153



[REDACTED]  
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 [REDACTED]

**NSIP Reference Name / Code: EN010153**  
**User Code: FF7113D45**

## **Natural England's advice at Deadline 4**

### **Examining Authority's submission deadline date 5 March 2026**

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 updated advice regarding the submissions made at Deadline 3. In addition, it also includes Natural England's response to the Examining Authority's (ExA) Rule 17 Request for Further Information dated 9 February 2026, and responses on the required actions points from Issue Specific Hearing 2 dated 2 March 2026.

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

Angela Leigh  
Senior Officer for Coastal Planning Casework  
Cheshire to Lancashire Area Team  
[REDACTED]

## PART 1 NATURAL ENGLAND'S ADVICE ON DEADLINE 3 SUBMISSIONS

### Summary of Natural England's advice

- Natural England is satisfied that issues with regards to Internationally and Nationally designated sites can be considered 'green' meaning they have been successfully resolved (subject always to the appropriate requirements being adequately secured).
- Overall Natural England is satisfied with the conclusions of the Habitats Regulations Assessment (HRA) and that providing all proposed mitigation measures are secured by the Development Consent Order (DCO) then we are satisfied there will be no adverse effect on site integrity of the Mersey Estuary Special Protection Area (SPA)/ Ramsar as a result of the development.

### 1.1. Natural England's updated advice on Internationally Designated sites (Green)

- 1.1.1 Natural England welcomes the updated documentation submitted by the applicant, having reviewed the relevant documents Natural England advises that the remaining issues in relation to Internationally designated sites have now been resolved.
- 1.1.2 Natural England advises that on the basis of the details provided within the applicant's HRA we concur with the assessment conclusions that providing that all mitigation measures are appropriately secured by the DCO, we are satisfied the proposal will not result in adverse effects on the integrity (AEoSI) of the Mersey Estuary SPA and Ramsar.
- 1.1.3 It is Natural England's view that the mitigation measures proposed for loss of FLL will reduce the impacts of the proposed development and support a conclusion of no AEoSI. Further clarity on this particular point is provided within Part 2 of this letter.
- 1.1.4 Our updated detailed comments on Internationally designated sites can be found in Table 1 starting on page 7 of this letter.
- 1.1.5 The securing of a long-term management conservation body  
Natural England welcomes the on-going updates from the applicant regarding conversations with RSPB. We are aware through our engagement with the applicant that recent discussion has taken place and that there is continuing support from RSPB for the applicant's proposals at this stage. In view of this, together with the changes the applicant has made to the HRA and oNBBMS regarding securing an appropriate conservation body Natural England is satisfied that this issue can be considered 'green'. We encourage the applicant to continue to share updates on the progression of discussions with RSPB.
- 1.1.6 In-combination effects  
Natural England notes the additional information provided by the applicant with regard to pipeline interactions and welcomes the clarification provided within the HRA.

Natural England is currently reviewing additional information submitted for the Runcorn CO2 Spur Pipeline planning application and is awaiting further internal advice at this time before providing our updated advice on the application to Cheshire West and Chester Council (CWACC).

However, we do consider that based on information provided within the current HRA for the pipeline application (i.e. that the pipeline development will take place ahead of any works within the Non-breeding bird mitigation area (NBBMA)), any construction related in-combination impacts can be appropriately managed with the establishment of a joint working group and detailed Construction Environmental Management Plans to be agreed at the appropriate time as a requirement for both schemes.

Noting that where there is any delay to the pipeline construction and as a result the pipeline works cannot be completed ahead of the NBBMA construction works then this will need to be considered further under a revised HRA for the CO2 pipeline planning application at that time.

Furthermore, the HRA for the pipeline application will consider the operational impacts once the pipeline construction is completed and will need to ensure that there will not be any long-term impacts on the NBBMA as a result. We are therefore satisfied with the information provided in the applicant's in-combination assessment regarding the solar farm development. The NBBMS will include an Adaptive Management Plan (AMP) which provides further certainty regarding any issues that may arise as a result of the pipeline development. Natural England is content that this issue can now be considered 'green'.

## **1.2. Natural England's updated advice on Nationally designated sites (Green)**

1.2.1 Natural England welcomes the additional information provided by the applicant with reference to the Mersey Estuary Site of Special Scientific Interest (SSSI). We are satisfied that the information provided overcomes our earlier concerns and the proposed development will not damage or destroy the interest features for which the site has been notified (subject to appropriate mitigation measures being secured). We are satisfied issues relating to Nationally designated sites can now be considered 'green'.

### **1.2.2 Changes to the draft DCO**

In the Applicant Response to Written Representations the applicant states that '*At Procedural Deadline B, the Applicant added article 7(5) to the Draft DCO. The effect of this is to ensure that any details which are approved and relate to the establishment, maintenance, management and monitoring regime for Work No.6C (works to create the NBBMA) to land within the Mersey Estuary SSSI will form part of the management scheme of the SSSI for the purposes of section 28J of the Wildlife and Countryside Act 1981. In practical terms, this means that if the undertaker (and any other party, post the decommissioning of the Proposed Development) wanted to manage the SSSI land in a way that would fall outside of that management scheme then Natural England's consent would be required because the Wildlife and Countryside Act 1981 would apply.*'

Natural England welcomes the information provided by the applicant; we are satisfied with the explanation provided and agree that this requirement is secured by the DCO.

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

Natural England accepts the application to disapply Section 28E of the Wildlife and Countryside Act (1981) on the basis that the draft DCO includes a requirement for consultation with Natural England on the NBBMS and that the works taking place within the SSSI form part of the NBBMS.

1.2.4 Our updated detailed comments on Nationally designated sites can be found in Table 1 starting on page 7 of this letter.

### **1.3. Conclusions**

- 1.3.1. Natural England is now satisfied that issues with regards to Internationally and Nationally designated sites have been resolved.
- 1.3.2. Natural England confirms that we are satisfied that issues within our remit in relation to Internationally and Nationally designated sites, protected species, soils and best and most versatile land, and Biodiversity Net Gain can now be considered as 'Green' issues and have been successfully resolved (subject always to the appropriate requirements being adequately secured).
- 1.3.3 Natural England will continue to engage with the applicant to update and confirm the details within a final Statement of Common Ground.

## **PART 2 NATURAL ENGLAND'S ADVICE ON RULE 17 REQUEST FOR FURTHER INFORMATION**

- 2.1 Natural England notes the issue of the ExA's letter dated 9 February 2026 and the request for further information from RSPB and Natural England (at part d) in their Rule 17 request. Part d) of the ExA's questions asks:

*'Whether the RSPB and Natural England are satisfied, in the exercise of its expertise and knowledge, that the proposed NBBMA would support the applicant's case for 'no' Adverse Effect on the Integrity of the adjacent Special Protection Area.'*

- 2.2 Natural England advises that the applicant has provided sufficient information within their HRA and oNBBMS to demonstrate that the NBBMA will provide suitable mitigation to sufficiently reduce the impacts of the proposed development and thereby avoid an adverse effect on the site integrity of the Mersey Estuary SPA and Ramsar.

Natural England considers that the NBBMA will provide appropriate mitigation for SPA/Ramsar birds that currently utilise the order limits for feeding. The habitat creation works within the NBBMA will support the SPA/Ramsar population via the creation of optimum wet grassland habitat conditions for SPA/Ramsar birds via dedicated water level and grassland management, supporting higher invertebrate availability and creating a reliable feeding resource across the entirety of the non-breeding season in close proximity to the designated sites. The ongoing dedicated habitat management by a conservation body proposed by the oNBBMS and the inclusion of an Adaptive Management Plan provides the required certainty that high quality habitat can be provided over the lifetime of the development.

## **PART 3 NATURAL ENGLAND'S ADVICE ON ISSUE SPECIFIC HEARING 2 ACTION POINTS**

- 3.1 Natural England notes that the ExA has set out a number of action points for Natural England to address following Issue Specific Hearing 2. We provide the following responses to each action point in turn.
- 3.2 Action no.29

NE to provide a clear position in respect of the Mersey Estuary SPA and Ramsar site. In addition, and in respect of the qualifications it made it in response to Question 5.1.3 regarding adverse effects on integrity, provide a clear response setting out its position from scratch.

**In Natural England's response to Question 5.1.3 it was our intention to confirm that we agreed with the conclusions of likely significant effects and no Adverse Effect on Site Integrity (AEoSI) for those impact pathways that that did not relate to issues that we considered required further information (as outlined within our Written Representation).**

**For clarity, Natural England has reviewed the additional information provided by the applicant at deadline 3 and so can update our position and confirm that we now agree with all the conclusions of likely significant effect and no adverse effect on site integrity as set out by the applicant in their HRA.**

- 3.3 Action no.32 NE to set out its position on what constitutes mitigation and compensation, and why it considers, in the HRA context, the proposals from the applicant are not to be viewed as compensation.

**Natural England notes that under the Habitats Regulations (2017) the applicant has proposed mitigation via the creation of the NBBMA.**

**Mitigation measures are those that are relied upon to avoid adverse effects on site integrity over the full lifetime of a plan or project. Mitigation measures are considered within the Appropriate Assessment stage of the Habitats Regulations Assessment. However compensatory measures are not to be taken into account at the appropriate assessment stage and will only be considered where Regulation 64 is triggered and the competent authority cannot ascertain no adverse effect to the integrity of a European site.**

**The measures proposed by the applicant within the NBBMA in the appropriate assessment are considered to be mitigation as they will reduce the impacts of the loss of FLL on the SPA/Ramsar population and so avoid an adverse effect on site integrity.**

- 3.4 Action no. 34 NE and RSPB to watch the recordings for this session and respond, as necessary, to any comments on any matters that are felt necessary from any party making oral representations.

**Natural England asks the ExA to clarify any further questions they may have in relation to ISH2 and if required direct us to appropriate timings of recordings where they consider additional advice is required.**

- 3.4 Action no. 35 Can Natural England confirm their position that, if a conservation body for NBBMA is not secured at the close of the examination (albeit with letters of support and intent), the position regarding AEoI would remain the same.

**Natural England welcomes the commitment from the applicant to secure an appropriate conservation body to manage the NBBMA. We are now satisfied that both the applicant's HRA and the oNBBMS sets this out clearly. We are satisfied that this commitment supports the conclusions of no adverse effect on site integrity and consider our position would remain the same if a conservation body is not fully secured by the end of the examination.**

- 3.5 Action no. 40 NE to provide its position regarding disapplication of section 28E of the Wildlife and Countryside Act 1981.

**Natural England notes that the applicant has provided the clarity we asked for regarding the disapplication of section 28E of the Wildlife and Countryside Act 1981, and we are now satisfied with this approach.**

- 3.4 Action no.41 Provide an opinion regarding whether the baseline ornithological surveys are complete/ sufficient enough for the applicant's conclusions to be robust.

**Natural England is satisfied that the baseline ornithological surveys are sufficient to support the applicant's conclusions.**

## **Table 1 Natural England’s detailed advice**

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

- Information to Inform Habitats Regulations Assessment Dated January 2026 Document reference EN010153/DR/5.3 (HRA)
- Outline Non-breeding Bird Mitigation Strategy (Previously included as appendix B of the outline Landscape and Ecology Management Plan REP1-028) Dated January 2026 Document reference EN010153/DR/8.32 (oNBBMS)
- 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 January 2026 Document reference EN010153/DR/3.1
- Applicant Response to Written Representations Dated January 2026 Document Reference EN010153/DR/8028
- Technical Note on Pipeline Interactions Dated December 2025 Document Reference EN010153/DR/8.21

<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	<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 Table 6.2 European sites qualifying features	<p>Natural England notes that the HRA has been updated to take account of our comments, we note that passage features for the Ramsar have been updated.</p> <p>The applicant should note that redshank and shelduck have also been included as wintering features, however there are only dunlin, pintail and teal. Please see <a href="https://jncc.gov.uk/jncc-assets/RIS/UK11041.pdf">https://jncc.gov.uk/jncc-assets/RIS/UK11041.pdf</a> for further detail.</p> <p>We consider a further correction can be made to the text to ensure the correct features have been listed and this issue is resolved.</p>	Green	
NE15		HRA 8.2.31 Habitat Loss – FLL	Natural England welcomes the clarification from the applicant on the inclusion of Article 7(5), we are satisfied with this approach.	Green	Article 7(5) regarding the management scheme for

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		construction and operational			the works within the SSSI.
NE16		HRA 8.2.33 Habitat Loss – FLL construction and operational	Natural England welcomes the clarity the applicant has provided regarding the disapplication of Section 28E of the Wildlife and countryside Act (1981) and we are satisfied that Article 7(1)(f) is included in the draft DCO.	Green	
NE17		HRA Table 8.2 Summary of species habitat requirements , distribution and additive mitigation	Natural England is satisfied with the summary given in Table 8.2, recognising that full detail has been provided within Tables 5.5 and 5.14.	Green	
NE18		HRA 8.2.37 Habitat Loss – FLL construction and operational	Natural England has reviewed the additional information provided within the HRA and notes that our main concerns have been addressed. Overall we agree with the conclusions stated here that the loss of FLL will not result in an adverse effect on site integrity. The conclusions are subject to all mitigation measures being adequately secured within the DCO and supporting documents.	Green	Requirement 9.
NE29		HRA 8.2.13 Habitat loss	Natural England welcomes the updates the applicant has made to the oNBBMS.	Green	
NE30		HRA 8.2.25 Habitat loss	Natural England welcomes changes the applicant has made to the HRA and oNBBMS and is satisfied that	Green	

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			<p>this confirms the applicant's intention to secure an appropriate conservation body for the management of the NBBMA.</p> <p>We note that there are current conversations taking place with RSPB regarding them taking on his role, we welcome updates on how conversations are progressing with RSPB but are satisfied that should matters not progress any further with RSPB that there is sufficient wording now within the HRA and oNBBMS to secure an appropriate conservation body. The securing of an appropriate conservation body is essential to provide the required certainty to ensure the success of the overall mitigation package for SPA/Ramsar birds.</p>		
NE35		HRA In-combination effects Ref 78 Runcorn Spur Pipeline	Natural England welcomes the additional information provided by the applicant, we are satisfied that this matter is now resolved.	Green	
NE36		HRA 9.1.8 Conclusion standalone and in-combination	Natural England agrees with the overall conclusions of the HRA.	Green	
NE43		oLEMP Appendix B	Natural England welcomes the additional information provided by the applicant. We are satisfied with the applicant's explanation.	Green	

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		3.1.7 ONBBMS Overview			
NE44		oLEMP Appendix B 3.3.1 Main Components of the ONBBMS	Natural England welcomes the changes made with regards to the securing of a conservation body.	Green	
NE46		oLEMP Appendix B Annex A SPA Species Required Mitigation Habitat Calculations ('Cleeve Hill Approach')	<p>We note that the applicant has provided justification regarding the use of the 1000 bird-days/ha reference for curlews.</p> <p>As stated previously within our response to EXA Q1 Natural England considers that the application of the Cleeve Hill approach is not sufficiently robust to be relied upon within the HRA to demonstrate the required area of mitigation. The applicant has provided an explanation regarding the inclusion of the calculations and this is accepted.</p>	Green	
NE48		ES Chapter 8 Ornithology 8.7.18	Natural England is now satisfied with the information provided to support this statement within the ES.	Green	

<b>Table 1: Natural England's detailed advice</b>					
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NE54	<b>National designated sites</b> • <b>Mersey Estuary SSSI</b>	ES Chapter 8 Ornithology 8.7.29 Incorporated Mitigation	Natural England notes that the applicant has provided commentary on the error in the ES chapter. We welcome the clarity the applicant has provided on this matter.	Green	
NE55		oLEMP Appendix B 4.4.11 Grassland management	Natural England welcomes the changes to the specifications regarding grassland management.	Green	
NE56		oLEMP Appendix B 4.4.14 Grassland management	Natural England welcomes the changes to the specifications regarding grassland management	Green	
NE57		HRA 8.2.27 Habitat Loss (Loss of FLL): Construction and Operation	Natural England welcomes the inclusion of monitoring of bird usage; this will help inform the management of the NBBMA.	Green	