



The Planning Inspectorate
Temple Quay House
Bristol
BS1 6PN

Our ref: [REDACTED]
Your ref: EN010153
Date: 26 March 2026

To whom it may concern

**ENVIRONMENT AGENCY RESPONSE TO EXAMINING AUTHORITY
QUESTIONS.**

FRODSHAM SOLAR PROJECT, FRODSHAM MARSHES

This response constitutes the Environment Agency's Deadline 5 response to the [ExA Questions](#).

Yours faithfully

[REDACTED]
Planning Specialist

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Examining Authorities Questions

8. The water environment Assessment		
Assessment		
2.8.1	Environment Agency (EA)	Water Framework Directive (WFD) Provide an update on whether the WFD Assessment [REP3-008] and its conclusions, as amended, now accord with NPS EN-1.
EA Response:		
<p>We acknowledged that WFD Assessment [REP3-008] has actioned our Additional Advice (from Appendix B in RR-024) on Water Framework Directive terminology. Given the mitigation and management measures secured in Outline Battery Safety Management Plan [REP4-032], Outline Drainage Strategy [REP4-050], Construction Environmental Management Plan [REP4-026], Operational Environmental Management Plan [REP4-028] and Outline Decommissioning Environmental Management Plan [REP4-030] we are confident in compliance with WFD objectives.</p>		

8. The water environment Assessment		
Flood risk		
2.8.4	EA	Construction compound flood risk impact note Given the applicant's statement in the construction compound flood risk impact note in Appendix F of the applicant's response to ISH2 action points [REP4-055] that the impact of the marginal land raising in the location of the construction compounds has not been factored into the hydraulic modelling, could the EA review the construction compound flood risk impact note and state whether or not it concurs with the applicant's conclusion that floodplain displacement from the construction compounds would not increase flood risk elsewhere?
EA Response:		
<p>The construction compound flood risk assessment in Appendix F indicates that the compounds would result in approximately 320 m³ of lost storage within the present-day design flood extent (0.5% for the Mersey and 1% for the River Weaver).</p> <p>Whilst the applicant has not modelled the effects of the construction compounds on flood risk elsewhere, they have modelled the impact of the operational phase</p>		

on flood risk, which incorporates a total displacement from bridges and solar panel supports of 2,660m³.

The operational phase modelling shows no impacts outside of the proposed development area. On this basis we think the assumption that the construction compound impacts would be less than those for the operational phase is a reasonable one.

10. Compulsory acquisition and related matters

Protective Provisions

2.10.4	EA	<p>Protective Provisions</p> <p>Having regard to your position in respect of the disapplication of flood risk activity permits, are you content with the Protective Provisions for the Protection of the EA at Schedule 23 of the dDCO [REP4-004]?</p>
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EA Response:

For clarity, the EA Protective Provisions at Schedule 23 is used to disapply the Flood Risk Activity Permits (FRAPs).

If issue EA006 is resolved our concerns regarding the disapplication of FRAPs, then we will agree for the EA Protective Provisions at Schedule 23 to remain in the draft DCO [REP4-004] with the below edit.

On reviewing the edited EA Protective Provisions at Schedule 23 in the draft DCO [REP4-004], the Applicant has included the following wording at 'Works not in accordance with this schedule, 5. (4):

- *unless the cessation of the specified works or part thereof would cause greater damage than compliance with the written notice.*

We request this wording be removed.

If the issue EA006 is unresolved at Deadline 6 or 7, we then require the EA protective Provisions at Schedule 23 to be removed from the draft DCO [REP4-004].