Frodsham Solar

Statement of Common Ground with the Environment Agency

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Cubico SUSTAINABLE INVESTMENTS

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1.0 INTRODUCTION

1.1 Purpose of this Document

1.1.1 This is a Statement of Common Ground ('SoCG') made between the following parties:

Frodsham Solar Ltd (hereafter referred to as 'the Applicant')

and

Environment Agency (EA)

1.1.2 The purpose of this SoCG is to identify areas of agreement and, where appropriate, disagreement, between the parties in respect of the Frodsham Solar development (the 'Proposed Development'). The SoCG clearly sets out the progress being made on unresolved issues between the Applicant and the EA. Where matters are yet to be agreed, the parties will continue to work proactively to reach consensus.

1.1.3 The SoCG will be updated as more information becomes available and as a result of ongoing discussions between the Applicant and the EA, and updates will be provided to the Examining Authority (ExA) at subsequent examination deadlines.

1.2 The Proposed Development

1.2.1 The Proposed Development comprises a new solar energy generating station and an associated on-site Battery Energy Storage System (BESS) on land at Frodsham Marsh, Frodsham, Cheshire West and Chester ('the Site'). The Proposed Development also includes the associated infrastructure for connection to the local electricity distribution network, as well as a private wire electricity connection that would enable local businesses to utilise the renewable energy generated by the Proposed Development.

1.2.2 The current design for the Proposed Development would enable the generation of approximately 147 megawatts (MW) of electricity[1], as well as the storage of approximately 100 MW of electricity in a BESS. The precise generating capacity and

[1] *The generating capacity is described in terms of the maximum combined capacity of installed inverters (measured in AC)*

storage capacity will be subject to detailed design, but it should be noted that at present the grid connection offer from the District Network Operator (DNO) is for 100 MW export and 50 MW import. As noted above, the Proposed Development would also be capable of exporting electricity directly to local businesses.

1.2.3 Subject to obtaining the necessary consents, construction is anticipated to commence in January 2028 and be completed in mid to late 2030. The Proposed Development comprises a temporary development with an operational phase of up to 40 years. Decommissioning activities would therefore commence in 2070, 40 years after final commissioning.

1.2.4 The Proposed Development has been divided into the following Work Packages, or 'Works' as follows:

i) Work No. 1 – a ground mounted solar photovoltaic generating station;
ii) Work No. 2 – a Battery Energy Storage System (BESS);
iii) Work No. 3 – an on-site substation (Frodsham Solar Substation);
iv) Work No. 4a – an electrical connection from Frodsham Solar Substation (Work No. 3) to Frodsham SPEN Substation including
v) Work No 4b - a direct private wire connection from Frodsham Solar Substation (Work No. 3) to nearby businesses;
vi) Work No. 5 - works including electrical cables and communication cables connecting Work No. 1 to Work No. 3; Work No. 1 to Work No. 2; and, Work No. 2 to Work No. 3;
vii) Work No. 6a - works to create, enhance and maintain green infrastructure;
viii) Work No. 6b - works to create skylark plots to provide skylark foraging habitat;
ix) Work No. 6c – the creation and management of a Non Breeding Bird Mitigation Area.;
x) Work No. 7 - construction and decommissioning compounds; and
xi) Work No. 8 – works for the improvement, maintenance, repair and use of existing streets, private tracks, public rights of way and access roads.

1.2.5 There are a number of distinct development areas within the Site as follows:

i) The Solar Array Development Area (SADA) that would include solar photovoltaic (PV) modules and support frames, internal access tracks, cabling, inverters,

transformers, the solar array substation (known as the 'Frodsham Solar Substation) and the BESS;

ii) Main Site Access route;

iii) SPEN Grid Connection linking Frodsham Solar Substation to the SP Energy Networks (SPEN) Frodsham Substation

iv) SPEN / National Grid Substation and access to the substation compound

v) Private Wire Connection to local businesses

vi) Non Breeding Bird Mitigation Area (NBBMA)

vii) Skylark Mitigation Area

1.2.6 These areas are illustrated on **ES Vol 3 Figure 1-2: Proposed Development Areas, Environmental Statement: Volume 3 Chapter 1 Figures (APP-105).**

1.2.7 A more detailed description of the Proposed Development is provided within **Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035).**

1.3 The Site

1.3.1 The Site is located approximately 500 m to the north of the centre of Frodsham Town Centre within the administrative areas of Cheshire West and Chester Council (CWaCC), which is the Local Planning Authority (LPA).

1.3.2 The Site is approximately centred on National Grid Reference (NGR) 351000E, 378500N and is located approximately 500 m to the north Frodsham Town Centre at its nearest point.

1.3.3 The Site comprises a single red line boundary that covers all land expected to be included within the Proposed Development, which in total is approximately 337.5 ha. The Solar Array Development Area covers an area of approximately 246 ha, and would be located at the eastern extent of Frodsham and Helsby Marsh, an area of land between the Mersey Estuary and the M56. The northern boundary of the Solar Array Development Area is formed by the River Weaver and the former INEOS Inovyn Dredging Deposit Ground, the north-west boundary by the Manchester Ship Canal, with the Mersey Estuary lying beyond. The western boundary of the Solar Array Development Area is formed by two of the former Manchester Ship Canal Dredging Deposit Ground Cells; Cell 3 and Cell 6. Cell 3 forms part of the NBBMA.

The southern boundary of the Solar Array Development Area is formed by agricultural fields and the M56 motorway.

1.3.4 The Main Site Access is from the west, leading from Pool Lane roundabout. Vehicles accessing the Site would turn onto Grinsome Road (a private road) from Pool Lane roundabout and travel east towards Protos[2] for approximately 1.5 km, routing north at Grinsome Road Roundabout, along Road 1 of Protos. Vehicles would then turn east along Marsh Lane which provides access to Frodsham Wind Farm. The Frodsham Wind Farm access tracks provide access to the Solar Array Development Area. There would be no access to the Site from Frodsham during construction, operation or decommissioning, other than for emergency vehicles, and access to the potential new public car parking area on Moorditch Lane, via Brook Furlong.

1.3.5 The Manchester Ship Canal forms the northern boundary of the Site and is separated from the Mersey Estuary by Frodsham Score, a 100-200 m wide strip of low-lying marshland. The Mersey Estuary and Frodsham Score are designated as a Special Protection Area (SPA), SSSI and Ramsar site. The SSSI also covers a strip of land approximately 100m wide on the southern side of the Manchester Ship Canal, the eastern 500m of which lies within the Site. The Solar Array Development Area is also designated as a Local Wildlife Site (Frodsham, Helsby and Ince Marshes Local Wildlife Site) and as Green Belt.

1.3.6 Neither the Site nor the immediate surrounding area is covered by any statutory landscape designations, e.g. National Parks or National Landscapes (formally referred to as Areas of Outstanding Natural Beauty (AONB)). There are no designated heritage assets within the Site.

1.3.7 The eastern half of the Site lies within Flood Zone 3a, which benefits from flood defences along the River Weaver. The Manchester Ship Canal Dredging Deposit Ground Cells in the western half of the Site are raised and so lie within Flood Zone 1.

[2] *A significant strategic development site with the benefit of planning permissions for a range of energy generation and resource management businesses*

1.3.8 A detailed description of the Site is provided in **Environmental Statement: Volume 1 Chapter 1: Introduction (APP-034)**.

1.4 Status of the SoCG

1.4.1 This SoCG is a 'live' document that will be updated and amended as the project progresses. It identifies the matters relating to the Proposed Development that have been agreed between the parties, the matters under discussion, together with other matters not agreed. It is intended that it will be finalised and signed by the Applicant and the EA as requested by the Examining Authority during the Examination of the submitted application.

1.4.2 A signing sheet between the Applicant and the EA is provided at Appendix A.

2.0 ROLE OF THE ENVIRONMENT AGENCY IN DCO PROCESS AND SUMMARY OF CONSULTATION

2.1 Role of the Environment Agency

2.1.1 The EA is a regulator and statutory consultee as prescribed under Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).

2.1.2 The EA is responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea, and a range of other environmental matters such as waste regulation, treatment of contaminated land, water quality and resources, and fisheries and biodiversity.

2.2 Summary of Consultation Undertaken

2.2.1 The Applicant has been in consultation and engagement with the EA from early in the application process. Table 1 summarises the principal meetings and correspondence that have taken place between the Applicant and the EA in relation to the Proposed Development. This does not seek to include every correspondence between the parties but identifies those which have informed the approach to the design of the Proposed Development, the drafting of the draft DCO and the scope and approach to the assessments presented in the Environmental Statement, Flood Risk Assessment and Drainage Strategy, Outline Flood Warning and Evacuation Plan and the Information to Inform Habitats Regulations Assessment.

Table 1: Consultation between the Applicant and the Environment Agency

Date	Method of Consultation	Points of Discussion
10/02/2023	Letter	EA response to initial pre-application advice request to inform scoping and initial flood risk assessment
27/05/2024	Email	Provision of preliminary Flood Risk Assessment and the Stage 1 Geo-Environmental Assessment for Frodsham Solar to EA for review.
10/06/2024	Teams meeting	Introduction of the project to the National Infrastructure Team

Date	Method of Consultation	Points of Discussion
18/06/2024	Email	EA Fisheries response to recording of briefing meeting. Identified need to consider eels in the ditches if these are to be affected. Need for fish capture / relocation for NBBMA works.
19/06/2024 – 20/06/2024	Email	Exchange on agreement of climate change assumptions, overhead clearance assumptions for River Weaver, and permit exemptions.
25/06/2024	Email	Provision of the draft WFD assessment for review by the EA.
27/06/2024	Email	Agreement on H++ scenario not being a design level.
28/06/2024	Email	Requirement for permitting.
01/07/2024	Email	EA provide formal response to draft FRA
05/07/2024	Teams Meeting & Email	Meeting to discuss the development impact on fisheries, soil management and creation of the NBBMA. EA provide written response to Stage 1 Geo-Environmental Assessment.
15/07/2024	Email	Letter response to the EA from the Applicant responding to matters raised from review of the FRA.
07/2024	Email	Exchange on the appropriate approach to management of excavated soils and permitting requirements.
23/07/2024	Email	EA provide formal response to draft WFD assessment.
01/08/2024	Email	EA response to the Applicant's response to the EA review of the FRA.
07/08/2024	Email	Agreement on potential use of DoWCoP for management of soils from the NBBMA works.

Date	Method of Consultation	Points of Discussion
29/08/2024	Email	Provision of technical notes on access crossings and flood compensatory storage.
04/10/2024	Email	EA response to technical notes on access crossings and flood compensatory storage.
11/11/2024	Teams meeting	Discussion on model scenarios, resilience via joint probability flood modelling, access considerations in flood event, bridge crossings, offsite impact consideration from flood water displacement.
11/2024	Email	Further correspondence exchanges on use of DoWCoP
19/12/2024	Email	EA provide Section 42 response to the Applicant.
07/01/2025	Email	EA provide letter disagreeing with use of DoWCoP
03/02/2025	Email	EA provide standard protective provisions if intending to dissapply flood risk activity permits.
14/02/2025	Teams meetings	Review of flood modelling and actions arising from Section 42 response. Discussion on approach to modelling for bridges, integrity of flood defences and approach to pumping failure. Meeting on fisheries and biodiversity – agreement on providing necessary controls for eels, fish rescue etc. Assessment based on assumed presence.
19/03/2025	Email	EA issue response on waste management agreeing to use of DoWCoP or proceeding with Deposit for Recovery permit.
29/07/2025	Teams meeting	Approach to management of pumping station, agreement on approach to waste management as set out in the application, discussion on modelling in FRA and requests for more details in relation to bridge crossings. Agreement on site visit.

Date	Method of Consultation	Points of Discussion
26/08/2025	Email	EA provide relevant representation
19/09/2025	Teams meeting	Joint meeting with CWACC to discuss emergency flood warning evacuation plan.
29/09/2025	Email	Applicant provides initial responses to EA relevant representations
03/10/2025	Site Visit	EA site visit
20/10/2025	Teams meeting	Meeting to review relevant representation response and Applicants' initial responses to the matter raised.
10/2025-11/2025	Email	Exchanges on resolution/provision of additional information relating to matters raised in the relevant representations.
26/01/2026	Teams Meeting	Discussion on the approach to the remaining outstanding issues. The majority of issues appear now to be resolved. Agreed to continue discussion on approach to FRAP and PPs.
19/02/2026	Teams Meeting	Meeting regarding Protective Provisions and disapplication of FRAP. EA requested some additional details to allow discussion to continue.
Marh 2026	Email	The Applicant has exchanged emails with the EA in relation to remaining matters requiring in agreement, in particular in relation to FRAP disapplication and the design of CP22.

3.0 MATTERS OF AGREEMENT AND DISAGREEMENT

3.1.1 ~~At this juncture t~~The Applicant has structured the matters for agreement based on the issues raised by the EA within its Relevant Representation (RR-024). Table 2 provides a summary of the current position between the parties in relation to specific matters that have been under discussion ~~to date~~throughout the examination period. The table sets out issues that are 'agreed', 'not agreed' or are 'under discussion'.

3.1.2 Where a matter is not represented in the table, it should be assumed that it is either: (i) agreed between the parties and has never required detailed discussion; or, (ii) not relevant to the discussion between the parties.

~~3.1.3 Where relevant, Column 2 of Table 1 provides cross references to the EA Relevant Representation which relate to the particular topic / matter identified. In respect of the Applicant's position, reference should be made to the Section 2.2 of the Response to Local Planning Authority and Statutory Environmental Body Relevant Representations (PD2-027) for additional detail on the information that has been exchanged between the parties on these topics / matters.~~

Table 2: Position between the Applicant and the Environment Agency on matters of discussion / consultation

Ref.	Matter	EA Position	Applicant Position	Status
Topic(s): Draft Development Consent Order				
001	The Applicant's approach to getting approval for the Surface Water Drainage Strategy. *EA Issue ID: EA001*	The EA request to be listed as a relevant authority for Requirement 11(1) Surface Water Drainage Strategy.	Requirement 11(1) of Schedule 2 of the draft DCO was modified at Procedural Deadline B (PD2-005) so that the relevant planning authority shall approve the scheme in consultation with the lead local flood authority and the Environment Agency. The Applicant understands this matter is now resolved and can be marked as agreed.	Matter Agreed
002	The Applicant's approach to getting approval for the Construction Groundwater and Surface Water Management Plan. *EA Issue ID: EA002*	The EA request to be listed as a relevant authority for the approval of Requirement 11(3) Construction Groundwater and Surface Water Management Plan.	Requirement 11(3) of Schedule 2 of the draft DCO (PD2-005) was modified at Procedural Deadline B (PD2-005) so that the relevant planning authority shall approve the scheme in consultation with the lead local flood authority and the Environment Agency. The Applicant understands this matter is now resolved and can be marked as agreed.	Matter Agreed

Ref.	Matter	EA Position	Applicant Position	Status
003	The scope of permitted preliminary works. *EA Issue ID: EA003*	The EA request that "remedial work in respect of any contamination or other adverse ground conditions" is removed from the permitted preliminary works list, and that such works are undertaken with controls that apply at commencement (i.e., controls within Requirement 12 and 17 apply).	Requirement 12(4) of Schedule 2 of the draft DCO (PD2-005) identifies that 'commence' includes any permitted preliminary works comprising above ground site preparation for temporary facilities for the use of contractors and site clearance (including vegetation removal and demolition of existing buildings and structures) and remedial work in respect of any contamination or other adverse ground conditions where this relates to Work no. 6C. As such a CEMP for these phases of work is required prior to them being undertaken. **ES Volume 2 Appendix 2-3 (APP-052)** also confirms that the Ground Conditions Investigation and Assessments Strategy requirement, Requirement 17 of Schedule 2 of the draft DCO (PD2-005) must be discharged prior to undertaking any permitted preliminary works under the category of "Remedial work in respect of any contamination or other adverse ground conditions". Ground Conditions Investigation and Assessments Strategy is defined in Requirement 1 of Schedule 2 of the draft DCO (PD2-005) and covers remediation.	Matter Agreed

Ref.	Matter	EA Position	Applicant Position	Status
			As such, no change is needed to the definitions. Following discussion with the EA in respect of this response, it is understood that they are satisfied with this response and agree that no change is required to the draft DCO.	
004	The Applicant's approach to the Unexpected Contamination Protocol within the draft DCO and oCEMP. *EA Issue ID: EA004*	The EA request additional detail is provided for the unexpected contamination protocol within the draft DCO or the oCEMP. The wording is set out in the EA's Relevant Representation **[RR-024]**.	The approach to managing Unexpected Contamination Protocol is included in paragraph 4.1.24 of the Outline Construction Environmental Management Plan (oCEMP) submitted at Procedural Deadline B (PD2-015). Requirement 12(2)(c) of Schedule 2 of the draft DCO (PD2-005) requires this to be developed in detail and to be in substantial accordance with the oCEMP. The Environment Agency must be consulted on the full CEMP and the documents listed in Requirement 12(2) prior to its approval by the relevant planning authority. The Applicant has included the wording proposed by the Environment Agency in Table 5-5 of the (oCEMP) (PD2-015). Following discussion with the EA in respect of this response, it is understood that they are satisfied with this response and agree that no	Matter Agreed

Ref.	Matter	EA Position	Applicant Position	Status
			change is required to the draft DCO or the oCEMP.	
005	The Applicant's approach to getting approval for fencing under Requirement 10 of the draft DCO. *EA Issue ID: EA005*	The EA has concerns about fencing in proximity to main rivers and/or flood defences which may preclude access for maintenance and thereby increase flood risk. The EA request to be consulted on any fencing and other means of enclosure plans.	Requirement 10 of Schedule 2 of the draft DCO was modified at Procedural Deadline B (PD2-005) so that the planning authority shall approve the scheme in consultation with the Environment Agency. Although the Applicant has made this change for clarity, it should be noted that Schedule 23 of the draft DCO B (PD2-005) contains protective provisions which require the undertaker to obtain approval for any work within the specified distances of flood defences, this would include fencing. The Applicant understands this matter is now resolved and can be marked as agreed.	Matter Agreed
006	The Applicant's approach to disapplication of Flood Risk Activity Permits through the draft DCO. *EA Issue ID: EA006*	The EA note that under Part 2 Principal Powers 7(1) that following provisions will be disapplied: (d) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of	~~This matter is being discussed with the EA. The Applicant notes that in its experience the Agency is requesting more information than is usually requested at this stage of the DCO process to agree to the disapplication. Whilst it is continuing to discuss what information it can provide at this stage,~~	Under Discussion ~~Applicant and EA have agreed to convene a meeting between legal representatives to try and reach an~~

Ref.	Matter	EA Position	Applicant Position	Status
		authority) to the Water Resources Act 1991(d); (e) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(e) in respect of a flood risk activity only; The explanatory memorandum states that the disapplication of (d) is for flood risk only. The EA cannot agree to the disapplication of FRAPs at this stage, due to a lack of detail relating to method statements, drawings and an inappropriate development on a flood defence asset. The EA is considering its position on whether the protective provisions for the EA at Schedule 23 of the draft DCO provide sufficient protection to allow disapplication of the FRAPs. At Deadline 4 the EA set out that there are main rivers which intersect the solar farm, in the context of crossings CP14, CP17, and CP22. The EA do not consider these construction activities to have significant environmental risk such that we need more information.	~~this is matter that may need to be explored in Examination.~~ ~~The Applicant considers there to be sufficient control in the protective provisions afforded to the EA within Schedule 23 of the draft B (PD2-005), to provide adequate control such that the FRAP can be disapplied with confidence that the environment will be sufficiently protected. The Applicant notes that the protective provisions used are the Environment Agency's 'standard' Protective Provisions which it requests for all DCO projects. The EA have commented that it only requests additional information where projects that seek to disapply Flood Risk Activity Permits.~~ ~~The Applicant will continue discussions on this matter with the EA.~~ The Applicant has adopted the standard Protective Provisions provided by the EA, subject to some very minor changes to correct spellings or points of clarification. The Applicant has provided the information requested by the EA in relation to flood assets which have the	~~agreed position prior to Deadline 4.~~ The Applicant awaits comments from the EA on the submissions made after Deadline 4.

Ref.	Matter	EA Position	Applicant Position	Status
		The EA has requested details of interactions with a series of flood defence assets listed out in their D4 submission.	potential to be affected by the Proposed Development.	
Topic(s): Water Quality and Resources				
007	The Applicant's approach to water quality monitoring. *EA Issue ID: EA008*	The EA has concerns about insufficient post-construction water quality monitoring and request that water quality monitoring should take place during construction, and immediately following the completion of construction works. Monitoring should reflect any locational variation in the site, seasonal variation and weather variation, where possible.	Table 5-4 of the oCEMP (PD2-005) sets out that water quality baseline will be established prior to the construction works commencing, with confirmatory water quality data obtained at agreed periods during, and immediately following completion, of the works. The oCEMP was updated at Procedural Deadline B (PD2-005) to require the monitoring positions and parameters of testing to be set out in the CEMP. ~~The Applicant will continue to engage with the EA on this matter.~~ The Applicant has added additional detail into the monitoring column of the oCEMP, oOEMP and oDEMP reflecting the requests made by the EA at Deadline 3.	Matter Agreed~~Under discussion~~
008	The Applicant's approach to managing risks of chemical and	The EA has concerns about the risk of chemical and fuel spillages near sensitive	Table 5-5 of the oOEMP was updated at Procedural Deadline B (PD2-017) to	Matter Agreed

Ref.	Matter	EA Position	Applicant Position	Status
	fuel spillages during the operational phase. *EA Issue ID: EA020*	water receptors during the operational phase. The EA requests that Table 5-5 of the outline OEMP is updated to ensure that waterbodies are adequately protected from leaks and spillages from chemicals or fuels. The outline CEMP makes it clear that bunded locations are still 10m from watercourses, and will be covered where possible to prevent the accumulation of rainwater. The EA request a consistent approach be taken and both the outline CEMP and outline OEMP to be aligned.	reflect the same requirements as the oCEMP. The Applicant understands this matter is now resolved and can be marked as agreed.	
009	The Applicant's water resources assessment.	The EA considers the Applicant's water resources assessment to be adequate. The matter is marked as agreed in Appendix D of the EA's Relevant Representation **[RR-024]**.	The Applicant notes the EA's position.	Matter Agreed
010	The Applicant's approach to groundwater monitoring.	The EA considers the Applicant's proposed approach to a groundwater monitoring plan to be appropriate.	The Applicant notes the EA's position.	Matter Agreed
011	Abstraction and Discharge Permits	Section 9.8.17 of ES Chapter 9 states that canal pools to the north of Cell 3 may be drained to facilitate the construction of	The Applicant notes this requirement. The potential requirement for a Water Discharge Activity Permit is	Matter Agreed

Ref.	Matter	EA Position	Applicant Position	Status
		the mitigation area in Cell 3. Discharges to the Manchester Ship Canal will need to be assessed to ensure suspended solids are not being added to the environment during construction. A Water Discharge Activity Permit will therefore be required. If any abstractions needed for the purpose of firewater do not exceed 20m3 per day, then an abstraction will not be required. If an abstraction of greater than 20m^3 is needed, then please contact the Environment Agency for instructions on how to apply for an abstraction licence.	recognised in the **Other Consents and Licences Statement (APP-127)**.	
Topic(s): Water Quality and Resources, Flood Risk and Drainage, Ecology and Biodiversity				
012	The Applicant's approach to designing watercourse crossings. *EA Issue ID: EA007*	The EA has concerns about the position of bridge abutments and soffit levels, and that these will reduce conveyance of water during high flow conditions, preclude access to, and threaten the stability of the riverbanks. The EA request that a soffit level at least 0.6metres is provided from the bank top, as set out in the Standard rules SR2015 No 28 guidance. The EA require a 2m offset for the abutments to ensure that geomorphological processes aren't impacted.	The Applicant has provided the EA with additional technical information including a technical note and cross-sections, and has undertaken a site visit alongside the EA to discuss the issue. The Main River bridge crossings CP14 and CP17 will be constructed to provide a 600mm freeboard between the bridge soffit and top bank level, and abutments set 2m back from the bank, in line with the EA's requests. This change has not been made at CP22, as there is insufficient space to	Under discussion EA Agreed on design of CP14 and CP17 – still reviewing CP22.

Ref.	Matter	EA Position	Applicant Position	Status
		The EA has requested that the Applicant demonstrates that 300mm freeboard form the sofit of the bridge to design flood levels would be provided at CP22.	enable a 600mm freeboard. However, it was agreed with the EA that the reduced freeboard provided for by the Applicant in the design would still provide betterment at this existing crossing by providing a new clear span bridge which is currently culverted. Schedule 23 of the draft DCO provides protective provisions for the protection of the Environment Agency. These protective provisions require the Applicant to submit and obtain approval of the bridge crossings (as a specified work) prior to the commencement of their construction. At present the EA have not agreed to the protective provisions. -Table 5-4 of the oCEMP was revised at Procedural Deadline B (REP2-015) to include the above design requirements for the main river bridges such that the above design parameters are secured by the DCO. ~~The Applicant understands this matter is now resolved and can be marked as agreed.~~ The Applicant is preparing additional drawings relating to CP22 to try and	

Ref.	Matter	EA Position	Applicant Position	Status
			reach an agreed position on the bridge design.	
12(a)	The Applicant's approach to the design of the BESS Compound and Substation	The EA raised a number of points relating to the design of the BESS and Substation Compound within ~~Appenix~~Appendix B of Comments on Relevant Representations and any additional submissions [REP1-050].	The Applicant has responded to the points raised by the EA and has made a number of revisions to the Outline Battery Safety Management Plan, the oCEMP, oOEMP and oDEMP. ~~The Applicant therefore considers that the concerns of the EA have been addressed.~~ The Applicant acknowledges 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. The Outline Battery Safety Management Plan has been amended to set out that if a battery storage area is provided external to the BESS compound, that it shall be impermeable, covered and bunded. Any battery storage areas will be confirmed as part of the detailed design.	Matter Agreed (subject to EA review of Deadline ~~3~~5 submissions)
Topic(s): Flood Risk and Drainage				

Ref.	Matter	EA Position	Applicant Position	Status
013	The Applicant's approach to the Flood Warning and Evacuation Plan. *EA Issue ID: EA009*	The EA has concerns that there is a risk that Flood events may cut off workers unaware of rising water or compromise emergency services' access. Safe refuge areas must be distributed across all parcels which have the potential to become dry islands. Bridges may become submerged in a flood event, therefore this risk needs to be considered in more detail within the assessment of evacuation routes. The EA welcome the consideration of safe refuge areas, however the finished floor level (FFL) should be designed to the H++ level, This is a resilience measure and proposed in the absence of dry egress routes. The applicant needs to consider the duration of the flood event. The EA note the additional public rights of way (PROW) proposed. The risk to members of the public may also need to be considered within the evacuation plan.	A meeting with the EA and the CWACC Local Emergency Planning Team was held on 19th September 2025 where it was confirmed that: • The site is not permanently staffed. Engineers would visit site 1 – 2 times a week to undertake maintenance and checks. • EA, Met Office and local Council flood and weather warnings will be signed up to and taking a precautionary approach, no staff will attend site during an EA Flood Alert or Flood Warning, or during a Met Office Amber Weather Warning. Therefore, there will be no staff on site to evacuate when flooding occurs. • Any staff already on site will evacuate on receipt of flood / weather warnings, or if flooding occurs without warning. • Safe refuge areas on site are provided as a last resort and failsafe. Any permissive paths would be closed on receipt of weather / flood warnings (with signage put up to alert the public).	Matter Agreed

Ref.	Matter	EA Position	Applicant Position	Status
			The areas of safe refuge (raised inverter / transformer areas) are set 600mm above the Mersey 0.5% AEP plus Upper End climate change flood level. They are also above all fluvial and tidal breach flood levels. Further raising i.e. above a H++ event is not considered necessary (as the H++ event is not a design flood event) as discussed in the meeting and subsequently agreed with the EA. The outline Flood Warning and Evacuation Plan was updated at Procedural Deadline B to reflect the outcomes of the meeting with CWACC Emergency Planning Team and the EA and is provided as document PD2-028 (noting that this is a revision of the outline Flood Warning and Evacuation Plan included as Appendix M to the Flood Risk Assessment (AS-027). The Applicant understands this matter is now resolved and can be marked as agreed.	
014	The Applicant's approach to designing watercourse crossings. *EA Issue ID: EA010*	The EA has concerns about the risk of the site not remaining operational in some design event scenarios, due to bridges being submerged and debris damaging crossings and embedded cables. Potential legacy issues with	The proposed main river bridge crossings will be designed with a soffit level 600mm above the top of bank level, and bridge abutments will be set 2m back from the bank, except for CP22 where maximum practicable	~~Under Discussion~~Matter Agreed (subject to EA review of

Ref.	Matter	EA Position	Applicant Position	Status
		cabling in crossings if not removed during the decommissioning phase. The EA note that the Internal Drainage Board will need to be consulted on proposed crossings over non-main rivers.	clearance above the bank will be provided (as outlined in response to EA Issue ID: EA007). The Applicant has provided a technical note to the EA which considers the integrity of the proposed bridges in flood events in relation to uplift of the bridge deck, impact from floating debris and protection of service ducts. This sets out that: 1. The self weight of the bridge deck, and supporting steelwork would be sufficient in resisting the uplift forces on the bridge 2. The self weight of the abutments in combination with the dead load only reactions of the bridge structure, would be sufficient in restraining the overturning and sliding of the bridge deck against impact loading 3. Service ducts would be suspended from the underside of the cross beams (within the total structural depth of the bridge and so would be protected from direct impact from large items of floating debris There is not an Internal Drainage Board in this location. However,	information submitted at Deadline 5) ~~The Applicant has amended the oDEMP to confirm cables will be removed and that the height of bridge deck soffits will be 5.3mAOD 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.~~

Ref.	Matter	EA Position	Applicant Position	Status
			CWACC as the Lead Local Flood Authority has been consulted by the Applicant and has provided a Relevant Representation. CWACC has not raised any concerns with the proposed approach to crossings of the ordinary watercourses on the site. ~~The Applicant has shared the design details with the EA and is awaiting a response.~~The Applicant has amended the oCEMP ~~and Design ParamtersParameters Statement~~ to include "*the height of the bridge deck will not fall below 5.3m AOD based on current data, with designs to be refined for approval in writing by the EA at the detailed design stage. If at the detailed design stage the deck height would fall below 5.30AOD, then an updated technical note 'Integrity of New Bridges in Flood Event' must be submitted for approval by the EA in writing.*""	
015	The Applicant's approach to managing the risk from flooding.	The EA request the following details to be included within the oCEMP, oOEMP and oDEMP:	The Outline Flood Warning and Evacuation Plan (PD2-028) requires site management and operatives to register to receive EA Flood Alerts /	Matter Agreed~~Under Discussion~~

Ref.	Matter	EA Position	Applicant Position	Status
	EA Issue ID: EA011	• regular condition surveys of the flood assets • after a flood event, bridges will need to be inspected for damage and remediated • Cables within crossings should be removed as part of the DEMP to prevent legacy maintenance issues	Warnings and Met Office Weather Warnings. The plan also sets out that no site operatives should be on site when an EA Flood Alert, Flood Warning or Met Office Amber or Red Weather Warnings are in place. Should a flood or weather warning be received when operatives are on site, then immediate evacuation should take place. Operatives should not travel to site when flood or weather warnings are in place. The oOEMP has been updated at Procedural Deadline B (PD2-011) to ensure that flood defences are inspected annually and any defects are reported to the Environment Agency. Additionally, after a flood event, bridges will need to be inspected for damage and repaired as necessary. These measures are secured in Table 5-4 of the Outline Operational Management Plan (PD2-018) Paragraph 2.4.2 of the Outline Decommissioning Management Plan (PD2-019) confirms that cables would be removed from the Site as part of the decommissioning works where this results in the best environmental outcome, balancing the impact of disturbance from cable recovery	

Ref.	Matter	EA Position	Applicant Position	Status
			against the sustainability benefits of recycling the cables. The oDEMP will be updated at Deadline 1 to confirm that this analysis will include analysis of groundwater impacts. The Applicant will continue discussions on this matter with the EA.	
016	The Applicant's approach to designing panel supports with consideration of flood risk. *EA Issue ID: EA012*	The EA has concerns that panel support frames could destabilise during times of flood in turn increasing debris and flood risk to others. The EA request that the Applicant reviews the velocity, depth, and hazard data from the detailed hydraulic modelling, to confirm that the solar panel support frames can withstand the forces that would be placed on them during a flood event.	ES Volume 1 Chapter 2 describes the piling options available for the solar panel supports in paragraphs 2.4.19 – 2.4.22. The final design will be subject to detailed geotechnical investigation and assessment. However, as set out in the ES there are a variety of piling options available that will provide the necessary structural resilience during a flood event. The panel supports will be designed so that they are structurally resilient to the estimated flood depths and velocities. The requirement for this to be undertaken at the detailed design stage is secured within Table 5-4 of the Outline Construction Environmental Management Plan (REP2-015). The Applicant will continue discussions with the EA on this matter.	~~Under discussion~~Matter Agreed

Ref.	Matter	EA Position	Applicant Position	Status
017	The Applicant's design parameters for the string inverters. *EA Issue ID: EA013*	The EA request clarification on Table 2-2 of ES Vol 1 Chapter 2 which suggests a freeboard of 600mm for string inverters, whilst ES Vol 3 Figure 2-5b suggests a freeboard of 200mm.	The Applicant can confirm that the 600mm freeboard set out in Table 2-2 of ES Vol 1 Chapter 2 is applicable. The Applicant understands this matter is now resolved and can be marked as agreed.	Matter Agreed
018	The Applicant's approach to the design of the overhead cable across the River Weaver. *EA Issue ID: EA014*	The EA has concerns that the height for the above ground cable crossing of the River Weaver is undefined, and that consequently it is unclear whether there would be sufficient space for emergency works to the flood assets.	The Applicant has reviewed the guidance provided by the Environment Agency in relation to exempt flood risk activities. Section 2 refers to Electrical cable service crossing over a main river (FRA2). It states that for a 132kV power line the vertical clearance above bank or flood bank crest level must be 12m and the horizontal clearance of any tower or support landward from the top of the bank of the main river must be 15m. As set out in paragraph 4.4.2 of the outline Landscape and Ecology Management Plan (PD2-023) a 16m buffer would be applied to watercourse defence structures, as such the horizontal clearance requirement would be met. In relation to the vertical clearance the supporting trident poles would be up to 15m in height as set out in the **Design Parameters Statement**	Matter Agreed~~Under Discussion~~ ~~The Applicant has provided additional detail requested by the EA. The information indicates that the cable heights are above or very close to the height where a permit would not be required. Further discussion to be undertaken with the EA following their review of the Applicants Deadline 3~~

Ref.	Matter	EA Position	Applicant Position	Status
			(APP-132). As noted in Table 5-7 of the Outline Construction Environmental Management Plan (PD2-015) the overhead cabling between the Site and SPEN Frodsham Substation will be no lower than the existing bridge 300m downstream of the cable crossing, which as noted in paragraph 2.4.101 of **ES Volume 1 Chapter 2: The Proposed Development (APP-035)** is 12.2m. The flood defence crest lies at circa 7.2m AOD and the land on the western side (where the overhead line support pole would be located) is at circa 4.9m AOD. As such, the cable crossing the flood defence would be capable of achieving a vertical clearance in excess of 12m as illustrated in Appendix A of Applicant Response to Written Representations [REP3-041].~~.~~ ~~The Applicant will continue discussions on this matter with the EA.~~	~~submission. But is it is considered this matter is close to being resolved.~~
019	The Applicant's approach to the design of the Proposed Development at flood assets. *EA Issue ID: EA015*	The EA has concerns about proposals which could alter flood assets, including a water storage area, new footpaths, and planting.	The Applicant has confirmed with the EA that it is not creating a water storage area on an EA flood asset and this point is now agreed. The only location where the Applicant is proposing a new footpath on a flood	~~Under discussion~~Matter Agreed

Ref.	Matter	EA Position	Applicant Position	Status
			defence is the permissive path along the northern boundary of Cell 1, shown as permissive path B on Figure 1 of the Outline Landscape and Ecology Management Plan (PD2-023). In this location the flood defence is the raised ground formed by the Manchester Ship Canal Dredging Deposit Ground. The **Design Approach Document (APP-130)** sets out that for the more distant sections of route (such as permissive path B), the paths may simply be grassed or possibly gravel if conditions underfoot require. To avoid disturbance to birds, bird screening measures may be erected along sections of this route. The cross sections shown on the Illustrative Masterplans (see section 2 and 4 on Figure A1.3 of the Outline Landscape and Ecology Management Plan (PD2-023) demonstrate there is quite a substantial gap between the crest of the raised land and the proposed solar array fence line (15-20m). Therefore, there is considered to be the ability to provide sufficient setback from the crest of the raised land to avoid impacting the flood defence function of the raised land in this location.	

Ref.	Matter	EA Position	Applicant Position	Status
			Schedule 23 of the draft DCO contains provisions which require the undertaker to obtain approval for any work within the specified distances of flood defences. However, at present the EA have not agreed to the protective provisions. Furthermore, the flood defences would be inspected annually for damage. On this basis, it is considered possible to provide permissive path B without detriment to the flood defence function of the raised ground in this location, and the EA consideration of the detailed design of these works is secured via the draft DCO. The EA have agreed in correspondence that subject to the Applicant specifying within the oCEMP details specific to any works proposed within the vicinity of fluvial or tidal defences, that this matter is resolved. The Applicant ~~will~~ has amended the oCEMP to include the recommended details in the oCEMP at Deadline ~~2~~3.	
020	The drainage of the Frodsham Marshes.	The EA has concerns about the ongoing maintenance and management of the Frodsham Pumping Station.	The LPA has been consulted on the risk of surface water flooding and has not raised any concerns in this regard.	Matter Agreed

Ref.	Matter	EA Position	Applicant Position	Status
	EA Issue ID: EA016		The Proposed Development has been designed to be resilient to flooding by raising the sensitive equipment located within the flood zone above the predicted design flood levels stipulated by the Environment Agency. It has been agreed with the Environment Agency that as the design flood is based on a scenario where the pumping station isn't operational that the assessment is appropriately conservative with respect to flood risk. The Applicant understands this matter is now resolved.	
021	The Applicant's approach to mapping within the FRA. *EA Issue ID: EA017*	The EA request that the FRA needs to be updated to ensure wet/dry areas are added to the depth difference mapping. If there is no change in flood extent between the baseline and with development scenarios, this should be made clear within the FRA.	It has been agreed with the Environment Agency that the flood depth difference mapping provided in Appendix K of the Flood Risk Assessment (AS-023) shows areas where flood extents have increased and where flood depths increase. There are no areas of increased flood extent as a result of the Proposed Development. The Applicant understands this matter is now resolved and can be marked as agreed.	Matter Agreed

Ref.	Matter	EA Position	Applicant Position	Status
022	The Applicant's approach to calculating lost floodplain volume from new watercourse crossings. *EA Issue ID: EA018*	The EA would like the Applicant to clarify whether the volume lost because of new crossings and abutments is included within the FRA. If this isn't included, please confirm the impact that these would have on flood risk over and above the modelling assessment that has already been undertaken.	The design of the access crossings, with abutments set 2m from the riverbank, will entail some minimal ground level raising (for the bridge access ramp). In response to the EA's comments, the Applicant has undertaken additional modelling Hydraulic Modelling Report Addendum (PD2-030). The modelled results for the Mersey Estuary model show that, accounting for this ground raising that, as reported in the Application, there is still negligible change in flood risk elsewhere when the Proposed Development scenario is compared with the baseline scenario. The modelled results for the River Weaver model show that there is no increase in flood risk elsewhere when the proposed development scenario is considered. The hydraulic modelling report, and modelling data, has been shared with the Environment Agency. The Applicant will continue discussions on this matter with the EA.	Matter Agreed ~~Under Discussion~~

Ref.	Matter	EA Position	Applicant Position	Status
023	The Applicant's approach to managing the risks from tidal flooding. *EA Issue ID: EA019*	The EA has concerns about how long water would remain on site in a tidal design event and requests the Flood Warning and Evacuation Plan is updated. The EA requests that detail is added to the Flood Warning and Evacuation Plan regarding how long flood waters would remain on-site in the tidal design scenario, and how long someone could potentially be cut-off from egressing the site, if they were to be located at a refuge point during the tidal design event. This information will help to understand the practicalities of using refuge points, rather than maintaining access off site during times of flood. It would be useful also to have an awareness of river levels on the Mersey and the flood line telephone number. This information should be added to the Flood Warning and Evacuation plan, and consultation should be sought with the local planning authority's emergency planning department.	Workers will not attend the site during a flood alert, warning, or amber weather warning. Therefore, there will be no workers to evacuate in the event of flooding. Following a tidal flood event, flood water could remain on site for over 12 hours. In the unlikely event a worker needs safe refuge on a raised inverter / transformer platform during flooding, rescue by emergency services would be required. The Outline Flood Warning and Evacuation Plan has been updated at Procedural Deadline B (PD2-028) to include additional information on egress routes and the timings involved in leaving the site and the timings associated with predicted flood events. The Applicant has met with the CWACC Emergency Planning Team and the Cheshire Fire and Rescue Service to describe the approach adopted to flood warnings and evacuations. Some minor additions to the Outline Flood Warning and Evacuation Plan were proposed by CWACC and these have been adopted in the updated plan (PD2-028). It was agreed with both parties	Matter Agreed

Ref.	Matter	EA Position	Applicant Position	Status
			that the measures proposed within the plan are appropriate and proportionate to the risks presented by the Proposed Development. The Applicant understands this matter is now resolved and can be marked as agreed.	
Topic(s): Ecology and Biodiversity				
024	The planting specification within the oLEMP. *EA Issue ID: EA021*	The EA has concerns about inclusion of Reed Canary Grass within the oLEMP as it can become dominant along watercourses in some circumstances, lowering biodiversity of watercourses in the riparian zone.	Reed Canary Grass (Phalaris arundinacea) has been removed from the planting specification of the Outline Landscape and Ecology Management Plan (PD2-023). The Applicant understands this matter is now resolved and can be marked as agreed.	Matter Agreed
025	The Applicant's approach to managing Invasive Non-Native Species (INNS), including through an INNS Management Plan.	The EA consider the Applicant's approach to assessing potential impacts of INNS and to controlling impacts through the proposed INNS Management Plan to be adequately addressed. Control measures are secured by the requirements of the final oCEMP, oOEMP and oDEMP. The matter is marked as agreed in Appendix D of the EA's Relevant Representation **[RR-024]**.	The Applicant notes the EA's position.	Matter Agreed

Ref.	Matter	EA Position	Applicant Position	Status
026	The Applicant's scope and methodology for protected species surveys, as relevant to the EA's remit.	The EA consider the Applicant's approach to protected species surveys to be adequate to inform an assessment of impacts and effects. The matter is marked as agreed in Appendix D of the EA's Relevant Representation **[RR-024]**.	The Applicant notes the EA's position.	Matter Agreed
027	The Applicant's approach to assessing impacts to fish, and providing mitigation including the proposed Fish Rescue Plan.	The EA agree with the Applicant's approach to assessing impacts to fish, and support the requirement for a Fish Rescue Plan to be provided with the final Construction Environmental Management Plan. The matter is marked as agreed in Appendix D of the EA's Relevant Representation **[RR-024]**.	The Applicant notes the EA's position.	Matter Agreed.
Topic(s): Waste				
028	The Applicant's approach to preparing a Material Management Plan, as set out in the outline Soil Management Plan	The EA agree with the Applicant's approach to the Material Management Plan required for construction, which is secured by the outline Soil Management Plan. The matter is marked as agreed in Appendix D of the EA's Relevant Representation **[RR-024]**.	The Applicant notes the EA's position.	Matter Agreed
Topic(s): Cumulative Effects				

Ref.	Matter	EA Position	Applicant Position	Status
029	The Applicant's approach to cumulative effects assessment.	tbc	The Environment Agency have not provided any further comments on cumulative or in-combination effects within the Deadline 1 or Deadline 2 responses and no concerns were raised at ISH1. The Applicant understands that the Environment Agency is satisfied with the Applicant's approach to cumulative effects assessment. ~~This row has not yet been discussed with the Environment Agency, and will be prior to Deadline 3.~~	Matter Agreed~~Under Discussion~~

Appendix A - Agreement

FRODSHAM SOLAR LTD:

Name: _____

Signature: _____

Position: _____

On behalf of: Frodsham Solar Ltd

Date: _____

ENVIRONMENT AGENCY:

Name: _____

Signature: _____

Position: _____

On behalf of: Environment Agency

Date: _____