



The Planning Inspectorate
Temple Quay House
Bristol
BS1 6PN

Our ref: OR-0001976
Your ref: EN010153
Date: 15 April 2026

To whom it may concern

ENVIRONMENT AGENCY DEADLINE 6 RESPONSE.

FRODSHAM SOLAR PROJECT, FRODSHAM MARSHES

This letter constitutes the Environment Agency's Deadline 6 response.

We have reviewed the documentation submitted at Deadline 5. 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:](#)
 - A summary of our position

Yours faithfully


Planning Specialist

Direct e-mail NITeam@environment-agency.gov.uk

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

EA006

We consider this issue resolved, subject to the removal of our Protective Provisions under Article 43, SCHEDULE 23 of the draft DCO at Deadline 6.

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 worked with the Applicant to try and resolve this issue, unfortunately we cannot agree to disapply the FRAPs due to insufficient information being provided. To resolve this issue, the Applicant has agreed to remove our protective provisions from the draft DCO at Deadline 6.

Additional commentary

While we have not agreed to disapply the FRAP for the Frodsham Solar Project, this position should not be interpreted as a refusal of the project's permits in principle. Our response relates solely to the request to disapply the FRAP legislation within the Development Consent Order (DCO).

Due to the works proposed as part of the development, and the environmental constraints on site, we require a particular level of detail to allow the disapplication of FRAP legislation. At this stage of the planning process, this level of detail is not available. The additional information necessary to inform a permit application is unlikely to be provided until the detailed design stage. As such, we are unable to agree to the requested disapplication.

We wish to emphasise the distinction between the planning and permitting regimes, which operate under different legislative frameworks and assessment thresholds. Permit applications require a greater level of technical detail than is typically available at the planning stage. It is during the detailed design phase that the Applicant will be in a position to compile and submit the appropriate information to support an application for the relevant permits under the Environmental Permitting Regime. Any permit application will be assessed and determined on its own merits at the appropriate time.

Notwithstanding the above, at this stage in the planning process, we are content with the project's proposals and confirm that all planning-related matters raised in our Relevant Representation for the Frodsham Solar Project have now been resolved.

EA007

We consider this issue resolved subject to the Applicant submitting documentation at examination Deadline 6.

Our issue concerned the crossing design CP22, as it did not provide appropriate 300mm freeboard above the design flood event (1% AEP plus 67% CC - higher central allowance). We are content with the crossing designs for CP14 and CP17.

Outside of the examination, the Applicant has engaged with us to resolve this outstanding issue for CP22. The Applicant has proposed an alternative CP22 crossing design with supporting information for our approval (ref.14740-WCD-XX-XX-SK-S-006 P02, dated 23 March 2026). This design includes a raised crossing providing a 300mm freeboard from the base of the bridge steels to the in-channel flood level (flood level of 4.76m Above Ordnance Datum). They have also demonstrated that the raised road levels will not increase flood risk elsewhere.

The alternative bridge design and supporting information provided is sufficient to resolve our concerns regarding issue EA007. We are therefore content to agree this issue as resolved, subject to the submission of the alternative CP22 bridge design and supporting documentation at Deadline 6.

EA010

We consider this issue resolved.

The Applicant has updated the [\[REP5-021\]](#) 7.5 Outline Construction Environmental Management Plan P06 (Clean) to include the following wording:

'The soffit of the main river crossings will not fall below 5.3m AOD based on current data, with designs to be refined for approval in writing by the Environment Agency at the detailed design stage. Should the detailed design work show the soffit below 5.3m AOD an updated technical note 'Integrity of New Bridges in Flood Event' must be completed at the new deck height and submitted for approval by the Environment Agency in writing'

The inclusion of the above wording in the oCEMP resolves our concerns.

APPENDIX B – Summary of our Position

Subject	Relevant Rep Reference	Deadline: 6
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	Issue Resolved
Flood Risk	EA007	Issue Resolved
Water quality	EA008	Issue Resolved
Flood Risk	EA009	Issue Resolved
Flood Risk	EA010	Issue 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