



Frodsham Solar Statement of Common Ground with Natural England

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Appendix A - Agreement

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

Natural England

1.1.2 The purpose of this SoCG is to identify areas of agreement and, where appropriate, disagreement, between the parties regarding ecological matters in respect of the Proposed Development. The SoCG clearly sets out the progress made on key issues discussed between the Applicant and Natural England (NE).

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 electricity¹, as well as the storage of approximately 100 MW of electricity in a BESS. The precise generating capacity and 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 The generating capacity is described in terms of the maximum combined capacity of installed inverters (measured in AC)

- 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 of 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 246ha, 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 the former Manchester Ship Canal Dredging Deposit Ground Cells; Cell 2, Cell 3 and Cell 6. The entirety of Cell 2 and Cell 3 form 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 Protos² 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.
- 1.3.8 A detailed description of the Site is provided in **Environmental Statement: Volume 1 Chapter 1: Introduction (APP-034)**.

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

1.4 Status of the SoCG

- 1.4.1 This SoCG has been progressed throughout the examination and the Applicant and Natural England have reached an agreed position on all matters.
- 1.4.2 A signing sheet between the Applicant and NE is provided at Appendix A.

2.0 ROLE OF NATURAL ENGLAND IN DCO PROCESS AND SUMMARY OF CONSULTATION

2.1 Role of Natural England

2.1.1 Natural England (NE) is the government’s adviser for the natural environment in England. NE is an executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs.

2.1.2 NE’s general purpose, as set out in the Natural Environment and Rural Communities Act 2006, 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.

2.1.3 NE has regulatory and licensing responsibilities for biodiversity, designated sites (including SACs, SPAs, Ramsar sites, SSSIs), protected species, and the delivery of nature-recovery.

2.1.4 In the context of the Proposed Development, NE’s role has primarily been to offer advice to the Applicant regarding impacts on the Mersey Estuary SPA, Ramsar site, and SSSI.

2.2 Summary of Consultation Undertaken

2.2.1 The Applicant has been in consultation and engagement with NE from early in the application process. Table 1 summarises the principal meetings and correspondence that have taken place between the Applicant and NE 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 and the scope and approach to the assessments presented in the Environmental Statement and the Information to Inform Habitats Regulations Assessment.

Table 1: Consultation between the Applicant and Natural England

Date	Method of Consultation	Points of Discussion
24th March 2023	NE Discretionary Advice Service (DAS)	A DAS consultation request was sent on 16th November 2022, requesting advice on potential impacts on designated sites and on biological

Date	Method of Consultation	Points of Discussion
	<p>– written response from NE</p>	<p>survey methodology. Information provided included Frodsham Solar Wintering Bird Report by RSK Biocensus dated March 2022 and the Frodsham Wind Farm Post-Construction Ecological Monitoring Report for Year Three 2019 dated June 2020.</p> <p>NE advised that on the basis of the proximity of internationally designated sites to the proposed development a HRA will be required.</p> <p>NE's main concerns were stated to be regarding the proposals relate to impacts on SPA birds, particularly the displacement of species using the site for the overwintering and passage periods. We advise that the HRA will need to assess these impacts.</p> <p>The advice responded to a number of questions raised and set out that:</p> <ul style="list-style-type: none"> - NE agreed with the survey effort and methodology provided. - That the baseline data is considered adequate. - More recent wind farm monitoring data and data from HyNet could inform the assessment. - Bird usage data is important for the assessment and vantage point survey data can help identify bird species present.
<p>7th September 2023</p>	<p>Site visit with representatives from NE and the Applicant team</p>	<p>At the site visit, the parties discussed:</p> <p>The general characteristics of the Site and the suitability of habitats for SPA species. The extent of the site that represented Functionally Linked Land. The opportunity for Cell 3 to provide mitigation habitat.</p>
<p>23rd May 2024</p>	<p>Applicant DAS request</p>	<p>A DAS consultation request regarding the Applicant's Outline Non-Breeding Bird Mitigation Strategy (oNBBS). The first draft of oNBBS provided for comment.</p>
<p>7th August 2024</p>	<p>DAS written advice from NE</p>	<p>NE responded raising some queries over the methods used to establish whether Cell 3 was capable of providing sufficient mitigation. The broad principle of strategy was accepted as</p>

Date	Method of Consultation	Points of Discussion
		having the ability to provide benefits to SPA-qualifying species.
26 th September 2024	Applicants response to NE DAS	This provided specific responses to questions posed by NE's DAS response. It provided re-calculated bird-day calculations to help determine the extent of mitigation area needed, including peak counts from other data sources (e.g., CAWOS). The response letter also included discussion into the likely betterment achieved from enhancement measures through quality habitat provision, and the commitment for ongoing management and monitoring.
3 rd October 2024	Face-to-face meeting with NE	<p>Joint meeting held between the Applicant, NE, Cheshire West and Chester Council and the Royal Society for the Protection of Birds (RSPB).</p> <p>Discussed key points regarding the oNBBMS, mainly relating to the area required for enhancement to provide alternative habitat for displaced SPA qualifying species. Limitations of the current habitats on Cell 3 were discussed.</p>
23 rd October 2024	Email	Applicant provided full ornithology baseline data report to assist with understanding of bird usage across the Site.
20 th November 2024	Email	Advice on additional matters to be considered in the assessment, including illustrations of bird usage, explanation of how the birds use the site currently, and which waterbird assemblages are present in significant numbers.
21 st November 2024	Teams meeting	Review of written comments provided by NE and discussion on ways to improve data presentation / rationale for the approach undertaken.
11 th December 2024	Teams meeting	Data provided discussed. Basis for using key species as the indicator for mitigation required was explained, but enhancements benefit other species as well. NE request that this is explained in assessment. Request for species by species analysis.

Date	Method of Consultation	Points of Discussion
8 th January 2025	Email	Applicant provided narrative on qualifying bird species usage of the Frodsham Marsh, and 'heat' maps for each species showing usage across the Site.
27 th January 2025	Team meeting with NE	Review of data provided and discussion over approach to NBBMA. Heat maps would assist in understanding usage / distribution across the Site. Discussions over reasons why the enhancements proposed, i.e. creation of wet grassland, would provide significant benefits over the relatively dry grassland present on Cell 3. Additional analysis of why birds found in certain areas requested.
17 th February 2025	Email	Representation of data for the two available survey years by SPA species along with a narrative on habitat condition for key species at the time of surveys. Heat maps provided.
5 th March 2025	Teams meeting	Meeting to discuss data. Agreed that the information provided helped to better explain the rationale for the mitigation area. Agreed that the principle of the NBBMA was sound. Needed assurance on management, outcomes, ability to provide adaptive management, etc. Discussion on conservation organisation managing NBBMA.
13 th August 2025	Teams meeting	Meeting to discuss the content and structure of the application, additional data provided and approach to the HRA.
22 nd September 2025	Email	Applicant provided initial responses to NEs relevant representations for discussion and additional information on noise impacts.
30 th September 2025	Teams meeting	Discussion on the NE relevant representation. Clarification provided on some of the additional data requests from NE and what the Applicant needs to provide. Discussion on the difficulty of defining FLL and the threshold of 1% for further consideration of effects. Discussion on when NBBMA becomes functional, SSSI, New Zealand Pigmy Weed, use of bird day calculations and qualitative justification of the NBBMA.

Date	Method of Consultation	Points of Discussion
7 th October 2025	Email	Applicant provided additional bird data analysis following receipt of most recent WeBS data.
13 th October 2025	Email	Applicant provided a summary position of the discussions and agreements to date on NE relevant representations.
23 rd October 2025	Email	NE provided SSSI citation and mapping. Applicant provided historic maps of the area. The information is not conclusive on the presence of the canal ponds at the time of the citation but it is generally understood they were present.
24 th October 2025	Teams Meeting	Reviewed relevant representation responses. NE provided additional advice on how it would like data presented. Agreements reached on several points. Discussed water balance calculations prepared by Applicant. NE requested additional detail on qualitative justification for NBBMA and commitment to management of NBBMA by nature conservation organisation.
3 rd November 2025	Email	The Applicant provided additional bird data presented in the manner discussed on the 24 th October. The Applicant also put forward a revised option for the positioning of ponds within the NBBMA which will ensure the SSSI features would be retained; allow New Zealand Pigmy Weed to be effectively managed; and provides the same opportunity for management of water within the NBBMA.
10 th November 2025	Email	NE provided comments on the working response of the NE relevant representation following the Applicants responses and the exchange of subsequent information.
26 th February 2026	Teams meeting	Discussion on the remaining points raised by NE in the Written Representation. Discussed the continued attempts to engage further with the RSPB; approach to the consideration of the 'panhandle'; bird day calculations in relation to curlew; bird count mapping discrepancies; agreement on no requirement for derogation report; approach to in-combination assessment of pipeline; adaptive management.

Date	Method of Consultation	Points of Discussion
2nd March 2026	Teams meeting	Update provided in relation to RSPB and review of the changes made by the Applicant to the HRA at Deadline 3.
24 th March 2026	Email and telephone calls	Agreement on including Cell 2 within the NBBMA.

3.0 MATTERS OF AGREEMENT AND DISAGREEMENT

- 3.1.1 The Applicant has structured the matters for agreement based on the issues raised by NE within its Relevant Representation (RR-012). Table 2 provides a summary of the position between the parties in relation to specific matters that have been under discussion during the examination. 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.

Table 2: Position between the Applicant and Natural England on matters of discussion / consultation

Ref.	Matter / Topic	Natural England Position	Applicant Position	Status
1.	Timing and Functionality of Mitigation Delivery (NBBMA) <i>NE Relevant Representation references: NE01</i>	NE requires the NBBMA to be constructed and functional before any development begins across all array areas.	Applicant has committed to establishing the NBBMA before construction begins on the solar array. Agreed that once physical works on NBBMA are completed and the area is cleared of machinery and personnel i.e. free from construction-related disturbance, the NBBMA is considered to be functional for the purposes of then starting construction on the solar array. This is reflected in the Outline Construction Environmental Management Plan. NE reference NE01 is resolved.	Agreed
2.	Definition and Assessment of Functionally Linked Land (FLL) <i>NE Relevant Representation references: NE02, NE03, NE06, NE08, NE11, NE12</i>	NE disagrees with the applicant's definition of FLL (based on 0.5% of GB population). Instead, it should use >1% of SPA population to determine significance. The HRA must assess the entire SADA as FLL and update the assessment accordingly.	Applicant has provided additional data analysis and identified where usage exceeds 1% of SPA population for further assessment. This has been undertaken for the entirety of the SADA. NE references NE02, NE03, NE06, NE08, NE11, NE12 are resolved.	Agreed

Ref.	Matter / Topic	Natural England Position	Applicant Position	Status
3.	<p>Assessment Methodology and Data Presentation (Bird Counts & Tables)</p> <p><i>NE Relevant Representation references: NE04, NE05, NE47, NE29, NE07</i></p>	<p>NE calls for clearer presentation of survey data, including combined peak counts, 5-year SPA means, and species significance tables. Tables require revision for clarity and accuracy. Summary tables should show % of SPA population affected. Qualifying species for the Ramsar site need correcting.</p>	<p>Applicant has updated the Information to Inform Habitats Regulations Assessment based on comments and provided additional data analysis. Identified errors have been corrected.</p> <p>NE references NE04, NE05, NE07, NE29 and NE47 are resolved.</p>	Agreed
4.	<p>Species Coverage in Assessment and Mitigation</p> <p><i>NE Relevant Representation references: NE17, NE38, NE41</i></p>	<p>NE states the HRA and mitigation plans should consider all relevant SPA bird species, not just lapwing, curlew, and golden plover. Tables and mitigation summaries should reflect this broader scope.</p>	<p>Applicant has updated the Information to Inform Habitats Regulations Assessment based on comments and considered all SPA bird species in mitigation assessment.</p> <p>NE references NE17 NE38 and NE41 are resolved.</p>	Agreed
5.	<p>Mitigation Area Design and Habitat Suitability</p> <p><i>NE Relevant Representation references: NE18, NE19, NE42, NE43, NE46,</i></p>	<p>NE questions the adequacy of habitat proposed within the NBBMA. More explanation on the species it will provide mitigation for and the basis of uplift in habitat quality to support birds displaced from within the SAADA.</p> <p>NE55 and NE56 within the Written Representation document discusses sward heights and grassland management.</p>	<p>The Applicant has updated the Information to Inform Habitats Regulations Assessment to provide additional analysis on the usage of the Site by all species of the SPA. It also now describes how the mitigation proposed would be suitable for these species and the basis for the conclusion that the enhancement of the habitats in the NBBMA would be sufficient to mitigate birds displaced. The oNBBMS has also been updated</p>	Agreed

Ref.	Matter / Topic	Natural England Position	Applicant Position	Status
			<p>to provide additional description of how the NBBMA would be created and managed. The Applicant has confirmed its intention that the NBBMA will be managed by RSPB and should this not be possible, a suitably experienced and reputable nature conservation organisation which would be subject to written approval of Natural England.</p> <p>The Applicant has amended the oNBBMS to reflect the advice on sward heights and grassland management.</p> <p>NE references NE18, NE19, NE42, NE43 and NE46, and NE55 and NE56 of the Written Representations are resolved.</p>	
6.	<p>Noise and Disturbance Impacts (Construction and Operation)</p> <p><i>NE Relevant Representation references: NE20-NE24, NE26</i></p>	<p>NE requests evidence-based noise assessment using LAeq and LAm_{ax} mapping in 5dB increments. Protocols for monitoring bird responses and adaptive management are required.</p>	<p>Additional information has been provided to NE during the pre-examination stage to resolve the issue raised in relation to noise.</p> <p>NE references NE20-NE24, NE26 are resolved.</p>	Agreed

Ref.	Matter / Topic	Natural England Position	Applicant Position	Status
7.	Lighting and Visual Disturbance <i>NE Relevant Representation references: NE25</i>	NE supports a sensitive lighting strategy but requests its application across the entire development area, not just NBBMA.	The Information to Inform Habitats Regulations Assessment sets out that the sensitive lighting strategy will be adopted across the whole project. This control has been included in the Outline Construction Environmental Management Plan, Outline Operational Environmental Management Plan and the Outline Decommissioning Environmental Management Plan. NE reference NE25 is resolved.	Agreed
8.	Operational and Recreational Disturbance <i>NE Relevant Representation references: NE27, NE28</i>	NE notes intermittent human and vehicle presence must be included as operational disturbance. Consider that proposed recreational mitigation (screening, path design, bird hides, etc) is sufficient to manage additional recreational pressure. Require adaptive monitoring of disturbance for long-term sufficiency.	The Information to Inform Habitats Regulations Assessment has been updated to include consideration of vehicle presence. Requirement for monitoring of effectiveness of recreational disturbance mitigation and adaptive management requirements have been included in the Outline Operational Environmental Management Plan. NE references NE27, NE28 are resolved.	Agreed
9.	Long-term Management, Governance, and Conservation Oversight	NE agree with the need for a qualified conservation body to manage the NBBMA long-term. Long term	The Applicant has been in discussions with the RSPB regarding a potential role to manage the NBBMA. Appendix	Agreed

Ref.	Matter / Topic	Natural England Position	Applicant Position	Status
	<p><i>NE Relevant Representation references: NE09, NE30, NE37, NE44, NE48</i></p>	<p>management requirements are essential for the success of the NBBMA.</p>	<p>D of the Response to Local Planning Authority and Statutory Environmental Body Relevant Representation (EN010153/DR/8.5) contains a letter setting out RSPBs intent to fulfil the role of the conservation organisation for the NBBMA. The Applicant has outlined the limitations to managing the Site beyond the 40-year operational period due to landownership restrictions.</p> <p>The RSPB submitted a representation to the ExA [REP4-067] confirming their continued intent to manage the NBBMA subject to agreeing the structure of a conservation delivery partnership.</p> <p>NE references NE09, NE30, NE37, NE44, NE48 are resolved.</p>	
10.	<p>Canal Pools – Assessment and Risks</p> <p><i>NE Relevant Representation references: NE40, NE45</i></p>	<p>NE seeks further assessment of Canal Pools' bird use and effective management of New Zealand Pigmy Weed.</p>	<p>The Information to Inform Habitats Regulations Assessment has been updated to include additional assessment of the use of the canal pools by SPA birds. The oNBBMS sets out the approach to the retention of the pools in the SSSI and the requirement for the management of New Zealand Pigmy Weed. The requirement for an Invasive Non-Native Species (INNS) Management</p>	Agreed

Ref.	Matter / Topic	Natural England Position	Applicant Position	Status
			<p>Plan, and specifically a New Zealand Pygmyweed Control and Management Strategy for the NBBMA, is controlled via the oCEMP.</p> <p>NE references NE40, NE45 are resolved.</p>	
11.	<p>In-Combination and Cumulative Effects</p> <p><i>NE Relevant Representation references: NE34, NE35, NE36, NE49</i></p>	<p>NE requests review of in-combination impacts with other regional projects (Hydrogen Pipeline, Runcorn Spur Pipeline, Frodsham Wind Farm). Overlaps may cause cumulative disturbance or affect NBBMA timing and function.</p>	<p>The Information to Inform Habitats Regulations Assessment has been updated to include additional data now available for the Runcorn Spur Pipeline. The oCEMP has been revised to include the creation of a Joint Working Group with the developers of the Runcorn Spur Pipeline and the HyNet Hydrogen Pipeline. The Applicant has confirmed that the pipeline, once in place, would not affect the functioning of the NBBMA.</p> <p>NE references NE34, NE35, NE36, NE49 are resolved.</p>	Agreed
12.	<p>SSSI</p> <p><i>NE Relevant Representation references: NE15, NE16, NE52, NE53 and NE54</i></p>	<p>Clarity on the ongoing management of the features of the SSSI within the site should be provided, and how these relate to the mitigation of the Proposed Development.</p>	<p>The works to be undertaken in the SSSI have been clarified in the oNBBMS. The features of the SSSI would be retained. The contribution that the management of features within the SSSI makes to the</p>	Agreed

Ref.	Matter / Topic	Natural England Position	Applicant Position	Status
			<p>mitigation of the Proposed Development has been clarified.</p> <p>The Applicant has confirmed how Article 7(5) would protect the conservation status of the SSSI in relation to impacts from the Proposed Development and provide longer term security on the management of the SSSI following decommissioning of the Proposed Development.</p> <p>NE references NE15, NE16, NE52, NE53 and NE534 are resolved.</p>	
13.	Biodiversity Net Gain (BNG) <i>NE Relevant Representation references: NE57</i>	NE welcomes the applicant's 10% BNG commitment and recommends securing it in the DCO for at least 30 years with adaptive monitoring and adherence to Defra metric guidance.	No further comment at this stage.	Agreed
14.	Impact Pathways <i>NE Relevant Representation references: NE10</i>	NE is satisfied that the correct potential impact pathways have been identified in the Information to Inform Habitats Regulations Assessment.	No further comment at this stage.	Agreed
15.	Screening of impacts and assessment of Midlands Meres and Mosses Phase 1 and Phase 2 Ramsar sites.	NE agrees with the screening outcomes presented in the Information to Inform Habitats Regulations Assessment. NE is satisfied with the conclusions in the HRA with regards to the Midlands Meres and	No further comment at this stage.	Agreed

Ref.	Matter / Topic	Natural England Position	Applicant Position	Status
	<i>NE Relevant Representation references: NE13, NE50, NE51</i>	Mosses Phase 1 Ramsar. This site can be ruled out from further assessment.		
16.	Air Quality <i>NE Relevant Representation references: NE32</i>	NE is satisfied with the information provided with regards to air quality and agrees with the conclusions in the Information to Inform Habitats Regulations Assessment in relation to this matter.	No further comment at this stage.	Agreed
17.	Collision risk and glint and glare <i>NE Relevant Representation references: NE33</i>	NE is satisfied with the information provided with regards to collision risk and glint and glare presented in the Information to Inform Habitats Regulations Assessment.	No further comment at this stage.	Agreed
18.	Protected species <i>NE Relevant Representation references: NE55</i>	NE has no specific comments to make regarding protected species noting that there are no protected species licensing requirements at this stage.	No further comment at this stage.	Agreed
19.	Agricultural Land Classification and Peat <i>NE Relevant Representation references: NE 56</i>	NE have no concern with regards to loss of best and most versatile agricultural land and no concerns regarding impacts to restorable deep peat.	No further comment at this stage.	Agreed

Ref.	Matter / Topic	Natural England Position	Applicant Position	Status
20.	Timing of Construction Works <i>NE Relevant Representation references: NE14</i>	NE require additional information on the nature of works proposed within the NBBMA in March and October to determine if mitigation measures proposed are sufficient.	The Information to Inform Habitats Regulations Assessment has been updated to include additional consideration of the use of the Site by birds in the months either side of the core non-breeding bird period.	Agreed
21.	Landscape and Visual Impact	Natural England do not consider that there are any issues relevant to this project in relation to remaining matters within our remit (including nationally designated landscapes, ancient woodland and ancient/veteran trees or connecting people with nature (National Trails, open access land and England coast Path)).	The Applicant notes this comment.	Agreed
22.	MHRA – Measurable Targets <i>NE Written Representation references: NE57</i>	Whilst Natural England welcomes that targets will focus on habitats (and this should include habitat quality as well as habitat extent), there will still be a requirement to monitor bird usage of the mitigation area. This should be clearly outlined within the oNBBMS.	The Applicant has included a requirement for bird monitoring within the oNBBMS.	Agreed
23.	HRA_ No Adverse Impacts on Integrity	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	The Applicant modified the Works Plans, the oNBBMS, the oLEMP and the relevant management plans to secure the inclusion of Cell 2 within the NBBMA.	Agreed

Ref.	Matter / Topic	Natural England Position	Applicant Position	Status
		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. This conclusion is reliant on Cell 2 being integrated into the NBBMA.		

Appendix A - Agreement

FRODSHAM SOLAR LTD:

Name: ██████████

Signature: _____
Position: Cubico UK Development Lead

On behalf of: Frodsham Solar Ltd

Date: _____

Name: ██████████

Signature: _____
Position: Cubico Head of UK Development

On behalf of: Frodsham Solar Ltd

Date: _____

Natural England:

Name:

Signature:

Position:

On behalf of:

Natural England

Date:
