



To whom it may concern,

December 20<sup>th</sup>, 2024

## **Re: Frodsham Solar Farm Development**

The Cheshire Wildlife Trust (CWT) is the region's leading wildlife charity with over 17,000 local members whose views we seek to represent. Following a review of the PEIR, and our meeting on November 18<sup>th</sup> 2024, CWT would like to raise the following points of concern to you about the Frodsham Solar Farm proposal. Some of these points (in italics) have already been brought forward following the first consultation period in July 2023, but we feel they need to be reiterated as we have not been made aware of any satisfactory amendments to the scheme to address them.

The Frodsham, Helsby, and Ince Marshes LWS is a vital site for wildlife around the estuary as it is functionally linked land and provides an ecological buffer for the surrounding industry. As it is increasingly being cut up and encroached on by infrastructure developments, the provision of open areas for birds and other wildlife, as well as the implementation of well-designed and effective ecological mitigation areas and measures, are imperative. We expect any major scheme on this LWS to go above and beyond to ensure that birds are able to thrive in the area and that nature is able to recover. The bare minimum is not enough.

### **LWS**

- The following quote from the PIER is used to justify the development as having no cumulative impacts on the Local Wildlife Site.
  - o 8.11.3 Enhancement measures to be adopted within the Site would result in positive impacts on habitats, which in turn would also benefit the ornithological interest of Frodsham, Helsby and Ince Marshes LWS. As such, the Proposed Development is not anticipated to cumulatively impact upon LWSs, including Frodsham, Helsby and Ince Marshes LWS.
- The quality of the habitats is not the only measure of importance for the Local Wildlife Site. It is also crucial in its provision of open space for birds and other species; this aspect of the site is being largely compromised by this development, and therefore the negative impacts on the site are inevitably massive. This must be taken into account and is the reason why we expect much more mitigation and compensation than is being currently proposed.

## **Birds**

- *Must account for/mitigate for impacts on important birds at the county level, not just birds of the SPA. These include Grey Partridge, Golden Plover, Lapwing, Common Redshank, Black tailed Godwit, Curlew, Whimbrel, Woodcock, Common Snipe, Ruff, Turtle Dove, Short-eared Owl, Cuckoo, Skylark, Common Starling, Tree Sparrow, Linnet, Reed Bunting, Yellowhammer. (July 2023)*
- We expect mitigation and monitoring of **all** ornithological species on this site, even those that are not ‘qualifying species for the SPA’ but are still important at a county level. Populations fluctuate, and those that are of concern today might not be the same that are of concern in a decade. The estuary is important for its assemblage of species, and monitoring only certain species is limited and short-sighted. If the NBBMA is only designed for SPA species, how might this impact other species?
  - o 8.7.28 “Monitoring of key ornithological species (those qualifying species of the Mersey Estuary SPA) within the Main Development Area (including within the NBBMA)”
- *There is a need to ensure surveying best practice is followed (beyond just BNG/habitat assessments) – especially for all relevant bird surveys. (July 2023)*
- It also is essential that the construction timetable maintain open space for birds as they are being displaced.

## **Ecological mitigation areas**

### **Cell 3**

- *Additionality must be provided to compensate for birds of the SPA and the loss of functionally linked land. Using land that is currently compensation for the wind farm in cell 3 is not additional (even if habitats are not functioning well due to drying issues /succession - this is a compliance issue). If scrapes created as mitigation for the wind farm in cell 3 are not functioning well, it is questionable that there is feasibility to create more scrapes in the same area (which would likely not function well too) as mitigation for the solar farm. (July 2023)*
- It is proposed that Cell 3 would be used as the ecological/bird mitigation site for the scheme. The primary issue with this approach is that Cell 3 is already being used as a mitigation area for the Frodsham Wind Farm project, therefore there is no additionality for this Solar Farm project. We understand the reasoning that the habitat itself will be improved through the engineering works to create additional ponds and scrapes and create better habitat for birds; while this is commendable, it cannot be the only mitigation done by the Solar Farm as it does not compensate for the loss of all other habitat in the footprint of the scheme.

### Cells 2 & 5: loss of open space

- *Loss of cells 2 and 5 will require additional mitigation as these were managed to compensate for losses from the wind farm. Additionality is required.*
  - Cells 2 & 5 are proposed to be lost as open space as they are included in the development area, which is a large loss of open space for birds. These areas were specifically set aside for birds in the planning conditions of the Wind Farm application approval:
    - “maintenance of fields over Cells 2 and 5, for the duration of the lifetime of the development, in a condition that is favorable for wintering wader species, including golden plover, lapwing, curlew” (para. 33c of Planning Conditions)
- If planning permission is granted to amend the conditions of the Wind Farm application, these areas must also be compensated for in the form of open space adjacent to the development, ideally near Cell 3, and certainly in strategic locations for birds.
- The improvement of habitat does not make up for loss of open space. When populations are constrained to fragmented and reduced areas, they are more vulnerable to disease, competition for resources, and overcrowding, and are more likely to leave the area. The Mersey Estuary is nationally and internationally designated for its important bird populations, and the encroachment on their land is contrary to the spirit of these protections, particularly because:
    - o 8.8.39 It is relevant that there are no wetland reserves managed for SPA birds along the entire Mersey Estuary (which is highly developed).
  - The Wind Farm took up much of the vertical space available for flying birds, and this Solar Farm will take up much of the ground space available for breeding and foraging birds. In combination, what will be left for them?

### BNG

- *Should be aiming for higher than 10% BNG as this is within the margin of error, and because the proposal would be damaging an LWS. (July 2023)*
- *The British Standard for Biodiversity Net Gain (BNG) state that the mitigation hierarchy must be applied by avoiding priority habitat, i.e. reedbeds. The Good Practice Principles for BNG state that BNG must ‘achieve the best outcomes for biodiversity’. (July 2023)*
- Watercourse units have not been included in the current BNG calculations, and it is imperative that the impacts on ditches and any other watercourses be considered as soon as possible. BNG has not been fully assessed until they are.

- We would also like to point out that the nearby Ince Marshes and Protos areas are considered to be Coastal and Floodplain Grazing Marsh. While the Priority Habitat Inventory does not label most of Frodsham Marshes as such, have surveys been done to assess this independently against the UKHab definitions?
- We would like to remind that the NBBMA **cannot** be used for onsite BNG as it is already being used for ecological mitigation purposes and this would not count as additionality.

### Species

- As active badger setts have been identified in many areas of the site, it is essential that their movement is not in any way restricted across the site, including with any fencing or other impediments.
- Given the declines of water voles in Cheshire, and the fact that the Frodsham site is likely to retain a decent population of them, we expect water vole mitigation and compensation measures to be put in place so as to help reverse local declines, and enable them to thrive on this site. Ditches must be properly assessed, and plans should be made to enhance their habitat and its availability.
- Cell 3 has not been properly surveyed for amphibians and reptiles, which would likely be impacted by the scale of the proposed groundworks.

We trust you will find these comments helpful.

Kind regards,

**Mélusine Velde**

Planning & Advocacy Officer  
Cheshire Wildlife Trust