



Frodsham Solar Covering Letter

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**Planning Act 2008; and Infrastructure Planning (Applications:
Prescribed Forms and Procedure) Regulations Regulation 5(2)(q)**

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Planning Act 2008 – Application for a Development Consent Order for Frodsham Solar

Application Reference: EN010153

On behalf of Frodsham Solar Ltd (the “Applicant”), I am pleased to enclose an application for a Development Consent Order (“DCO”) pursuant to section 37 of the Planning Act 2008 (the “PA 2008”) for the proposed Frodsham Solar (the “Proposed Development”).

Subject of the Application

The Application seeks development consent to construct, operate, maintain and decommission a ground-mounted solar photovoltaic electricity generating station and an associated Battery Energy Storage System (“BESS”), together with all necessary supporting infrastructure. The Proposed Development would have an export capacity of approximately 147 megawatts (MW) of renewable electricity and a BESS with a storage capacity of around 100 MW, to be located on Frodsham Marsh, Frodsham, Cheshire West and Chester. The scheme is located entirely within the administrative area of Cheshire West and Chester Council. Electricity generated by the solar farm would be transmitted to the local electricity distribution network via a new connection to the SP Energy Networks’ Frodsham Substation. The operational life of the Proposed Development is expected to be up to 40 years, after which the installation would be decommissioned and the site restored in accordance with a decommissioning environmental management plan.

This Application is necessary because the Proposed Development qualifies as a Nationally Significant Infrastructure Project (NSIP) under sections 14(1)(a) and 15(1) and (2) of the PA 2008, being an onshore generating station in England with a capacity exceeding 50 MW. As such, the decision on whether to grant development consent will be made by the Secretary of State for Energy Security and Net Zero. The NSIP and associated development are described in Schedule 1 of the Draft DCO [EN010153/DR/3.1], and Chapter 2 of the Environmental Statement [EN010153/DR/6.1].

The location of the Proposed Development and its Order Limits is shown on the Location, Order limits and Grid Coordinates Plan [EN010153/DR/2.1]. The Proposed Development will be located within the Order Limits (the land shown on the **Works Plans** [EN010153/DR/2.3] within which the Proposed Development will be carried out). Land within the Order Limits is known as the ‘Site’.

Application Fee and Documentation Enclosed

A fee of £8,946 has been submitted by BACS transfer to the account of the Planning Inspectorate 29th May 2025 in respect of this Application. One complete electronic copy of the full DCO application submission has been provided to the Planning Inspectorate via the agreed file transfer method (a secure SharePoint upload), in accordance with the Planning Inspectorate’s guidance. In line with the requirements of Advice Note Six: Preparation and Submission of Application Documents, a GIS shapefile showing the Order Limits of the Proposed Development was supplied to the Planning Inspectorate on 16th May 2025 – this date being more than 10 working days prior to the submission of the Application. A **Guide to the Application** [EN010153/DR/1.3] describing all documents within the Application is included, along with an **Application Document Tracker** [EN010153/DR/1.5] that will be updated over the course of the Examination. A completed Appendix 1: Acceptance application index spreadsheet has also been provided.

A completed **Section 55 Checklist [EN010153/DR/1.5]** is also enclosed with this Application to assist the Planning Inspectorate in undertaking the acceptance checks required by section 55 of the PA 2008. The Applicant requests that the Planning Inspectorate does not publish certain sensitive documents (identified as confidential in the document tracker) in accordance with the Infrastructure Planning (Publication and Notification of Applications etc.) Regulations 2013 or any of the application documents before the application is formally accepted for examination.

Application Formalities

This DCO Application is made in the form required by section 37(3)(b) of the PA 2008. The application documents comply with the requirements of section 37 of the Act and with those set out in the relevant regulations and guidance, including:

- i. The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the “APFP Regulations”);
- ii. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the “EIA Regulations”);
- iii. The Department for Levelling Up, Housing and Communities (DLUHC) – Planning Act 2008: Guidance on the pre-application stage for Nationally Significant Infrastructure Projects (April 2024);
- iv. The DLUHC – Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects (April 2024);
- v. The DLUHC – Planning Act 2008: Nationally Significant Infrastructure Projects – Application form guidance (June 2013); and
- vi. The Planning Inspectorate – Nationally Significant Infrastructure Projects: Advice on the Preparation and Submission of Application Documents (January 2025).

The Proposed Development is Environmental Impact Assessment (“EIA”) development. An **Environmental Statement [EN010153/DR/6.1/6.2/6.3]** accompanies this Application in accordance with the EIA Regulations. In advance of submission, the Applicant obtained a Scoping Opinion from the Secretary of State, and the environmental assessments presented in the Application reflect the scope of matters identified. It has been confirmed with the Planning Inspectorate that the Application documents will be published on the National Infrastructure Planning website as soon as practicable after the acceptance of the Application (with any necessary redactions or confidential material identified), and the Applicant will likewise publish the application documents on its project website upon acceptance. All application documents have been prepared to meet the applicable statutory requirements and guidance as noted above.

As required under Regulation 5(3) of the APFP Regulations, all plans, drawings or sections required to be provided by paragraph (2) of Regulation 5 of the APFP Regulations are no larger than A0 size, are drawn to an identified scale (not smaller than 1:2500) and, in the case of plans, show the direction of north. The exception to this is that some figures provided in relation to Regulation 5(2)(l)(ii) vary in scale due to the size of the Scheme. Context would be lost from these figures if they were to conform to the scale requirements required under Regulation 5(3).

The Planning Inspectorate has published guidance on the Use of artificial intelligence in casework evidence (September 2024). The Applicant can confirm that it has not used AI to create any of the application documents or images within the application.

Scheme Description

The Proposed Development comprises a new ground-mounted solar farm and on-site battery storage facility on Frodsham Marsh, near the town of Frodsham in Cheshire. The Site lies entirely within Cheshire West and Chester and predominantly consists of low-lying marshland that is currently used for agricultural purposes. The scheme will involve the installation of solar photovoltaic (“PV”) modules arranged in arrays across the Site, along with associated inverters, transformers, internal access tracks, cabling and electrical infrastructure, and a new Frodsham Solar Substation within the Site that will house control equipment and connect to the BESS. The BESS will consist of battery units and associated power conversion systems, to enable storage of energy and export to the grid when needed.

The generating capacity of the solar array is anticipated to be approximately 147 MW (export AC capacity), although as is standard practice the DCO will not fix an upper capacity limit so as to allow the final installed capacity to be optimised within the assessed parameters. The battery storage system is designed for an output of around 100 MW and will facilitate the storage of electricity for export during periods of high demand or when the solar array is not generating. Electricity generated will be transmitted via a new 132 kV grid connection linking the on-site substation to the existing

SP Energy Networks Frodsham Substation, located on the northern bank of the River Weaver. This grid connection will involve the installation of above and underground cables (and minor works within the substation) and is included as part of the Proposed Development. In addition, the scheme design makes provision for a private wire connection to enable electricity to be supplied directly to nearby industrial and business consumers, thereby supporting local businesses with locally generated clean power.

Construction of the Proposed Development is expected to commence in 2028, subject to the grant of development consent, with the solar farm and BESS becoming fully operational by mid-2030 with partial commissioning and power export scheduled from mid-2029. The installation is intended to operate for up to 40 years with decommissioning therefore expected to commence on or before 2070. At the end of this operational period, the Applicant will decommission the solar farm and battery facility. All above-ground infrastructure would be removed and the land restored in accordance with a decommissioning environmental management plan secured by a requirement in the DCO.

Need for the Project

There is a clear and urgent need for new renewable energy infrastructure in the UK to help address the climate change emergency, meet Net Zero 2050 targets, and bolster national energy security. The Proposed Development will make a significant contribution toward these objectives by delivering a large-scale source of clean, low-carbon electricity. The Frodsham Solar Farm is expected to generate enough renewable electricity to power approximately 40,000 homes annually, cutting greenhouse gas emissions by displacing fossil-fuel generation and supporting the decarbonisation of the electricity supply. This contribution aligns with the UK Government's energy policy goals. In December 2024 the Government published the Clean Power 2030 Action Plan. This includes a target that Britain's electricity demand should be met entirely by "clean" generation by 2030, with at least 95% coming from low-carbon technologies. To achieve this the Action Plan sets an ambition of reaching 45-47 GW of solar power by 2030. Based upon a current installed capacity of 16.6 GW (in Q2 of 2024), this will require installing well over 4 GW of new solar each year on average.

By enabling delivering 147 MW of new renewable generation capacity in 2030, the Proposed Development would play an important part in fulfilling these national policy objectives and in supporting the North West region's transition to a low-carbon future. It will also improve energy resilience by providing domestically generated power and enhancing the diversity of the energy mix. A comprehensive account of the need and benefits of the project is set out in the **Planning Statement [EN010153/DR/5.6]**, demonstrating that the Proposed Development is both necessary and urgent in the context of national policy and will deliver substantial public benefits in terms of renewable energy generation and carbon reduction.

Furthermore, the Energy NPSs and other national energy policy set out the government's aims to provide secure and affordable energy supplies whilst decarbonising the energy system. This is in order to enable the UK to achieve its legally binding commitment to reduce carbon emissions and achieve net zero carbon emissions by 2050; as well as provide a resilient and low cost energy network for the future. The Government recognises that the need to deliver these aims and commitments is immediate and therefore renewable energy NSIPs, including large scale solar projects, need to be delivered urgently. It has therefore identified that low carbon renewable developments, such as the Proposed Development, are 'critical national priority' infrastructure.

Consent Flexibility

The design of the Proposed Development has been developed to a sufficient level of detail to allow a robust Environmental Impact Assessment and thorough examination of the Application. However, certain aspects of the design are not yet fixed, and the Applicant, therefore, seeks a degree of flexibility in the DCO, in line with established practice for NSIPs. The approach to flexibility has had full regard to the Planning Inspectorate's Advice Note Nine: Using the Rochdale Envelope (March 2025). In particular, the Environmental Statement ("ES") has been prepared on the basis of a defined design envelope – considering the reasonable worst-case parameters for each element of the Proposed Development where flexibility is required. ES Chapter 2: The Proposed Development **[EN010153/DR/6.1]** describes the key parameters for the design, and the assessments in each technical chapter of the ES have evaluated the likely significant effects on that basis. This ensures that any potential environmental effects of the Proposed Development, within the range of possibilities, have been properly assessed and reported.

It is the Applicant's view that the inclusion of controlled flexibility in the draft DCO is both necessary and appropriate, given the rapid evolution of solar PV and battery storage technologies. Allowing minor adjustments in detailed design (within the assessed parameters) will enable the project to utilise the best available technology and achieve optimal efficiency at the time of construction, without exceeding the environmental envelope assessed in the ES. The **Design Approach Document [EN010153/DR/5.8]** and the **Design Parameters Statement [EN010153/DR/7.1]** set out the design principles and maximum parameters for the development, thereby clearly defining the scope of the consent and ensuring that the Proposed Development, as built, will remain within the consented envelope. The draft DCO includes requirements that fix these key design parameters and require the final detailed design to be in accordance with the design principles, providing certainty that the flexibility sought will not lead to any unforeseen or unassessed effects.

Compulsory Acquisition

The Application includes a request for powers of compulsory acquisition to acquire the land and rights necessary to construct, operate and maintain the Proposed Development, as well as powers for the temporary use of land (e.g. for construction compounds and working areas). The **Book of Reference [EN010153/DR/4.3]** and the **Land and Crown Land Plans [EN010153/DR/2.2]** identify all land interests that would be affected. The **Statement of Reasons [EN010153/DR/4.1]** provides the justification for the compulsory acquisition powers sought, explaining why the land and rights in question are required for the Proposed Development and how the tests of section 122 of the PA 2008 are met. A **Funding Statement [EN010153/DR/4.2]** is also included, which demonstrates that adequate funding is likely to be available to enable the compensation payable in respect of any compulsory acquisition to be paid. These documents have been prepared in accordance with the APFP Regulations (in particular the requirements of Regulation 5(2)(d) and 5(2)(h)) and with regard to the relevant government guidance (namely DLUHC's Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (September 2013)).

The Applicant has taken a proportionate approach to land acquisition and has been actively engaging with landowners to secure voluntary agreements wherever possible. As explained in the **Statement of Reasons [EN010153/DR/4.1]**, at the point of submission, the Applicant has entered into option agreements or agreements in principle with the majority of the landowners required to deliver the Proposed Development. The principal need for compulsory acquisition powers in this Application relates to the off-site cable route and associated rights needed to connect the solar farm to the SP Energy Networks Frodsham Substation, and for certain areas required for highway access improvements or environmental mitigation where full agreement with landowners has not yet been finalised. The Applicant will continue to negotiate in good faith with all affected landowners and stakeholders throughout the DCO process. It is the Applicant's intention that, if agreements are reached and maintained, it would not exercise any compulsory acquisition powers granted by the DCO in areas where the land or rights are secured by agreement, but it has applied for them to ensure that the scheme can still be delivered even if there were to be a breach of those agreements. In summary, the compulsory acquisition powers sought in the DCO are no more than necessary and are sought only to the extent that the development cannot reasonably be delivered without them.

Habitats Regulations Assessment

The Application includes a Report to Inform Habitat Regulations Assessment **[EN010153/DR/5.3]**, which provides sufficient information to enable the Secretary of State to make an appropriate assessment of the implications of the Proposed Development on any European site to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 (the "Habitats Regulations") applies, as required by Regulation 5(2)(g) of the APFP Regulations. This Report has been prepared in accordance with the Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments (March 2025).

The report identifies all relevant European sites potentially affected by the Proposed Development and sets out the screening undertaken for the purposes of the Habitats Regulations. Where likely significant effects could not be ruled out, those effects have been further assessed in the report. The Applicant's appropriate assessment, set out in the report, concludes that there will be no adverse effects on the integrity of European sites as a result of the Proposed Development.

Other Consents

There are certain additional consents and licenses that will be required to construct and operate the Proposed Development which fall outside the DCO process. These may include, for example, environmental permits, protected species licences, and highways approvals, among others. The Applicant has identified the likely requirements and is

engaging with the relevant consenting bodies (such as the Environment Agency, Natural England, and the local highway authority) to ensure that all necessary parallel consents will be secured at the appropriate time. Full details of all other consents and licences that are expected to be obtained separately (and which are not being sought through the DCO) are provided in the **Other Consents and Licences Statement [EN010153/DR/5.5]**. This statement lists the consents anticipated, the regulating authorities, and the current status or plans for obtaining each consent. The Applicant will coordinate the DCO application with these other consent processes to avoid any impediments to timely project delivery. Notably, no impediments have been identified that would prevent the implementation of the Proposed Development, and the Applicant is not aware of any reason why the necessary supplementary consents or licences would be withheld in due course.

Pre-Application Consultation

The Applicant has carried out extensive pre-application consultation on the Proposed Development, in accordance with the requirements of the PA 2008 and relevant guidance, to ensure that the views of local communities, stakeholders, and statutory consultees have been taken into account. As required by section 37(3)(c) of the PA 2008, a detailed **Consultation Report [EN010153/DR/5.1]** accompanies this Application, providing a full account of the consultation activities undertaken under sections 42, 47, and 48 of the Act. This includes consultation with prescribed bodies and statutory consultees (section 42), the local community and persons living in the vicinity of the Site (section 47, following a Statement of Community Consultation agreed with the host authority), and the publication of notices in local and national media (section 48) advertising the proposed application.

The statutory consultation for the Frodsham Solar Farm was conducted between 7th November and 19th December 2024, exceeding the minimum 28-day period as prescribed by the Act, to allow the public and consultees ample time to engage and respond. The Applicant held public exhibitions and briefing events in the local area (including in Frodsham and surrounding communities) and provided information on the project website, ensuring that people had various opportunities to learn about the proposals and provide feedback. Additionally, regular meetings were held with Cheshire West and Chester Council and other relevant local authorities, as well as technical stakeholders (for example, National Highways, the Environment Agency, Natural England, and others) to discuss and refine aspects of the proposal. All feedback received through both the non-statutory (informal) and statutory consultation stages has been carefully considered by the Applicant. In response to the consultation input, a number of changes and refinements were made to the Proposed Development prior to finalising this Application – these are documented in the Consultation Report. The Consultation Report also contains a Consultation Appendices document **[EN010153/DR/5.2]** which includes copies of the consultation materials, notices, and a record of the responses received, along with the Applicant's consideration of and responses to the key issues raised.

The Applicant is satisfied that the consultation undertaken fulfils the requirements of sections 42, 47, and 48 of the PA 2008, and has had careful regard to the feedback in accordance with section 49 of the Act.

Conclusion

On behalf of Frodsham Solar Ltd, we kindly request that the Planning Inspectorate now proceeds to examine this Application under section 55 of the PA 2008 and, in due course, accepts it for examination. We believe that the Application is comprehensive and meets all applicable submission standards. We look forward to receiving confirmation of the acceptance of the Application in due course and to engaging with the Examining Authority through the DCO examination process.

Please do not hesitate to contact me or the undersigned representative of the Applicant if you have any questions or require any further information regarding the Application. We would be happy to assist the Planning Inspectorate in any way necessary to facilitate the acceptance and examination of the Frodsham Solar Farm DCO application.

Yours sincerely



Mark Flaherty
Development Manager on behalf of Frodsham Solar Limited (FSL)
FSL is a Cubico Sustainable Investments owned company