



Adequacy of Consultation Representation Proforma

Under *Section 55(4)(b) of the Planning Act 2008* (PA2008) the Planning Inspectorate, on behalf of the Secretary of State, must take any adequacy of consultation representation (AoCR) received from a local authority consultee into account when deciding whether to accept an application for development consent, and this will be published should the application be accepted for examination.

An AoCR is defined in s55(5) in PA2008 as “a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48”.

Project name	Frodsham Solar Farm
Date of request	2 June 2025
Deadline for AOCR	16 June 2025
Return to	FrodshamSolarFarm@planninginspectorate.gov.uk

Please complete the proforma outlining your AoCR on the above NSIP.

Local Authority	Cheshire West and Chester Council
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In the opinion of the local authority, has the applicant complied with the legislative requirements listed below?

Please note that this is specifically about the statutory consultation(s) undertaken.

Assessment of Compliance - Required	
S42 Duty to consult	Yes
S47 Duty to consult local authority	Yes
S48 Duty to publicise	Yes

If you would like to give more detail on any of the above, please do so below.

Please keep it as succinct as possible and refer to facts and evidence related to consultation, rather than the merits of the application.



Additional comments - <i>Not compulsory</i>	
S42 Duty to consult	<p>The Applicant's Consultation Report is considered to cover the relevant matters to demonstrate compliance with Section 42.</p> <p>Given that this is EIA development, it is noted that in accordance with Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs), the Applicant sought a screening opinion from the Secretary of State prior to formal consultation under Section 42 of the Planning Act 2008.</p>
S47 Duty to consult local authority	<p>The Applicant prepared a draft statement of community consultation and consulted with Cheshire West and Chester Council (CWCC) on its preparation as required under Section 47, and it is considered the Applicant had regard to CWCC's response (CWCC letter of 5 May 2023). The Applicant published its Statement of Community Consultation (SoCC) in May 2023, (prior to the Phase 1 non-statutory consultation phase) and the Applicant consulted CWCC on 15 October 2024 with a draft addendum to the SoCC prior to publishing the addendum and commencing the statutory Phase 2 consultation.</p> <p>It is understood from the Applicant's submission that the consultation was carried out as described.</p> <p>As a general point CWCC acknowledge the positive and proactive approach taken by the Applicant to pre-application consultation. It has been helpful to have the Phase 1 non-statutory consultation, leading up to the Phase 2 statutory consultation; and it was also appropriate for the programme of statutory consultation period to extend beyond the minimum 28-day period, particularly given the volume of additional material associated with the Preliminary Environmental Information Report (Oct 2024) (PEIR) at this second stage.</p>
S48 Duty to publicise	<p>The Applicant's Section 48 Notice is considered to cover the relevant matters.</p> <p>Whilst there is no reason to doubt that the Applicant published all the notices as referred to in Table 8.1 of the consultation report EN010153/DR/5.1], the first extract of the notice under Section 3 of the Consultation Report Appendix 7: Section 48 Consultation Materials (May 2025) [EN010153/DR/5.2] is assumed to be a copy of the notice in The Guardian (31 October 2024) as it does not appear to be specifically identifiable / labelled.</p>



Any other comments	<p>Please see CWCC's letter of 3 March 2025 provided to the Applicant in response to the Applicant's Frodsham Solar Early Adequacy of Consultation Milestone (February 2025) document. The Applicant provided an update of the milestone document (March 2025) in response to CWCC's comments; and a final version is included in Appendix 1 Statement of Compliance [EN010153/DR/5.2] to the Frodsham Solar Consultation Report (May 2025).</p> <p>The Consultation Report appears to adequately summarise representations made for the purposes of the pre-application consultation, with regard being given to the responses summarised in the report.</p> <p>From CWCC's perspective, the comments made in correspondence to the Applicant on 18 December 2024 provided in response to the statutory consultation under Section 42 including comments on the PEIR appear to have been adequately summarised.</p> <p>The Location, Order Limits and Grid Co-ordinates Plan includes amendments to the extent area of the Proposed Development following statutory consultation on the PEIR.</p> <p>The Area for Potential Skylark Mitigation plots (some 30ha) shown in the PEIR (Figure 2-3a) Illustrative Environmental Masterplan Key Plan has been reduced to 5.58ha as shown on in the Outline Landscape and Ecology Management Plan (Figure A1.1 Rev P01) [EN010153/DR/7.13] and ES Volume 3 Figure 1-2 [EN010153/DR/6.3]. This change is relevant to the earlier comments/concerns relating to how the Skylark mitigation area would compensate for displaced Skylarks.</p> <p>Note: Whilst the reduced area is referenced in the ES Ch2 Proposed Development, there are references in other documents submitted with the DCO application that continue to reference a larger area: e.g. the Information to Inform Habitat Regulations (para. 3.1.9) still refers to the Skylark Mitigation Area being 30ha) [EN011053/DR/5.3] and the Consultation Report (May 2025) Para 11.1.2 (1st bullet point) refers to 28ha of Skylark Mitigation Area [EN010153/DR/5.1].</p> <p>The Applicant has proposed an increased height of the solar panels in areas of the Site that are sensitive to flooding, to ensure the equipment remains above predicted flood levels. This change was highlighted to</p>
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the Council on 3 March 2025, (with Frodsham Solar Technical Note 02 (February 2024) ES Vol 2 Appendix 6-11 [EN010153/DR/6.2] and associated updated photomontages. The amendment being an increase in the base level from 6.34m AOD to 6.52m AOD (with a maximum panel height rising from 3.5m to 4m above ground level on affected areas of the Proposed Development).

CWCC confirmed (5 March 2025) that from the updated photomontages, in principle, there is agreement with the supporting Technical Note 02; Landscape and visual implications, Conclusion (1.2.9) that it is likely: "There will be no material difference in the landscape and visual effects of the PEIR Layout and those of the Revised Layout". However, it is noted that others may wish to comment on such change.

The extent to which the Applicant has had regard to the consultation responses (Section 49 of the Planning Act 2008) is likely to be the subject of further comment at Examination stage.

[REDACTED]
Development Manager
Frodsham Solar

info@frodshamsolar.co.uk

Development Management

Planning Service
Cheshire West and Chester Council
The Portal
Wellington Road
Ellesmere Port
CH65 0BA

Tel [REDACTED]

Our ref: 23/01780/SCO

Your ref: EN010153

Please ask for: [REDACTED]

Email: [REDACTED] [cheshirewestandchester.gov.uk](mailto:[REDACTED]@cheshirewestandchester.gov.uk)

Web: cheshirewestandchester.gov.uk

Date: 3rd March 2025

Dear [REDACTED]

STATUTORY CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008
PRE-APPLICATION PUBLICITY IN ACCORDANCE WITH SECTION 48 OF THE
PLANNING ACT 2008 AND REGULATION 13 OF THE INFRASTRUCTURE PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017

Proposal: Solar energy generation station and associated on-site Battery Energy Storage System (BESS) ("Frodsham Solar") on land at Frodsham Marsh, Frodsham, Cheshire West and Chester

Applicant: Frodsham Solar Limited

Thank you for your e-mail of 17 February 2025 and the accompanying Frodsham Solar Early Adequacy of Consultation Milestone (February 2025) document.

As a general point, Cheshire West and Chester Council acknowledge the positive and proactive approach taken by the Applicant to pre-application consultation. It has been helpful to have the Phase 1 non-statutory consultation, leading up to the Phase 2 statutory consultation; and it was also appropriate for the programme of statutory consultation period to extend beyond the minimum 28-day period, particularly given the volume of additional material associated with the Preliminary Environmental Information Report (Oct 2024) (PEIR) at this second stage. Indeed, even with the extended period, it has been



Cheshire West
and Chester

challenging to provide the level of detailed response to the consultation that would be preferable (as indicated in CWCC's letter of 18 December 2024 in response to the Section 42 consultation and the PEIR).

With regard to Sections 42 (Duty to consult), 45 (Timetable for consultation), 47 (Duty to consult local community) and 48 (Duty to publicise) of the Planning Act 2008 it is considered that the Applicant has carried out adequate pre-application consultation in accordance with the statutory provision.

Given that this is EIA development, it is noted that in accordance with Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs) the Applicant sought a screening opinion from the Secretary of State prior to formal consultation under Section 42 of the Planning Act.

The Applicant published the Statement of Community Consultation in May 2023 (as required by S47 of the Planning Act 2008 and Reg 12 of the EIA Regs). This followed consultation on a draft SoCC in April/May 2023, with comments on the draft SoCC from CWCC (letter of 5 May 2023), and the Applicant provided CWCC with a Statement of Community Consultation (SoCC): Cheshire West and Chester Council Feedback & Response (June 2023). It is noted that CWCC raised points relating to the lack of certain details relating to the project at this early stage of non-statutory consultation, and that this could hinder the quality of the consultation responses.

Whilst such details were not incorporated into the SoCC / Phase One consultation, the Phase 2 consultation with the PEIR provided more detail of the Project as it evolved through the design process, thereby providing consultees with more detail to comment on.

One aspect that has not been advanced during the pre-application stage is the provision of a draft of the Development Consent Order (e.g. in terms of identifying the extent/nature of non-planning consents that may be included, and any use of compulsory purchase powers).

Phase One Community Consultation for Frodsham Solar ran for seven weeks from 1st June to 13 July 2023.

An addendum to the SoCC was published in October 2024 prior to the Phase Two consultation.

Phase Two Community Consultation for Frodsham Solar (including the PEIR) ran for six weeks from 7th November to 19th December 2024.

The Applicant has continued to engage with non-statutory consultation with key stakeholder, as indicated by the focused design review sessions (Jan 2025) referred to at the end of Table 1 of the early AoCM report.

CWCC's case officer and the Applicant's representatives have held regular progress meetings throughout the pre-application consultation period.

Further comments on the Early Adequacy of Consultation Milestone (February 2025) document follow under each chapter heading:

Chapter 1 – Introduction and Overview

In relation to para 1.10, generally CWCC have no concerns with regards the adequacy of consultation at this stage. The comments in this letter should be referenced.

CWCC have yet to see the details of consultation responses provided to the Applicant and cannot yet comment in terms of how the Applicant has had regard to the relevant responses to publicity and consultation as required by Section 49 of the Planning Act 2008. However, it does appear from the amendments made to date and other comments, that the Applicant is having due regard.

Chapter 2 - Pre-application consultation and engagement

With regard to Table 1 in Chapter 2:

31 Oct 2024 - correction is needed regarding statement that *'Neither Cheshire West and Chester Council nor Halton Borough Council provided feedback on the approach set out within the SoCC addendum'* Cheshire West and Chester Council provided feedback by e-mail on 29th October 2024 to confirm: i) Comments in the CWCC letter of 5 May 2023 continued to apply; and to note the updated parliamentary constituencies (Weaver Vale constituency being replaced with new constituencies, and the south side of the Mersey now mainly being within Runcorn and Helsby constituency).

Chapter 3 Statement of Community Consultation – February 2025

Para 3.17 – correction needed as per comments above i.e. CWCC provided comments by e-mail on 29th October 2024 recommending updating the parliamentary constituency details.

Table 5: SoCC commitments and Applicant compliance, as set out in the SoCC published in May 2023

CWACC made comments on the draft SoCC in the letter of 5 May 2023. It should be noted that Table 5 does not provide a detailed response to CWCC's comments. It may be simplest to just cross this with the *Statement of Community Consultation (SoCC): Cheshire West and Chester Council Feedback & Response (June 2023)* referred to above.

Column 1 of Table 5 jumps from 1. Introduction to 4. Our Public Consultation Process. Section 3 Frodsham Solar has been omitted. CWCC made comments on this section in the letter of 5 May 2023. It is not clear why Column 1 omits sections.

It would be useful to include in the Adequacy of Consultation Milestone a list of the consultees (statutory from Column 1 of Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regs), that were consulted, along with a list of the non-statutory consultees.

It would be useful to include/identify a specific response in the Adequacy of Consultation Milestone in relation to actions taken in respect of the e-mail from PINS 22 May 2024 relating to The Infrastructure Planning (Miscellaneous Provisions (MP)) Regulations 2024 – Section 42 consultation, and the advice to review the transitional provisions in Reg 4 of the MP Regs 2024, together with the amendments to the APFP Regs, and consider whether any new or different consultation bodies should be included.

Chapter 4 Consideration of Feedback

This section is relatively short, and it is acknowledged that the Applicant is still in the process of considering the responses received through consultation, and that a Consultation Report will be submitted as part of the DCO application.

It may help to expand Chapter 4 with a table of more of the key changes made to the Project as a result of the consultation; especially if there is limited time to publishing a Phase Two Consultation Summary Report (similar to the Phase One summary).

There is still some lack of clarity in terms of the relationship between the Frodsham Solar Project and Frodsham Windfarm and the requirements of the windfarm consent, in terms of how the DCO would interact with the consent, as both projects continue to operate.

More information on draft DCO control documents at an early stage would be welcome.

One of my colleagues in Communities and Engagement is contacting the local councillors to confirm if there are any comments they would wish to make in relation to the consultation carried out, and I will let you know if there is any feedback to report.

I trust that these comments are of some assistance.

Yours sincerely



Principal Planning Officer

[REDACTED]

From: [REDACTED]
Sent: 05 March 2025 11:20
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED] of infrastructure in Flood Zone 3

Dear [REDACTED]

Thank you for sending the Technical Note 02 Landscape and visual implications of revised layout (Feb 2024) (3272-01-TN02) with the updated Zone of Theoretical Visibility (ZTV) modelling and sample photomontages in response to the increase in height from 3.5m to 4m above ground level, located within Flood Zone 3.

Following consultation with [REDACTED] (Landscape Architect), I can confirm that from the updated photomontages, in principle, there is agreement with the supporting Technical Note 02; Landscape and visual implications, Conclusion (1.2.9), that it is likely that there will be no material difference in the landscape and visual effects of the PEIR Layout and those of the Revised Layout.

It would probably be useful to add to the documentation a drawing to delineate where the parameters for the panels are proposed up to 3.5m and where they are proposed up to 4m under the revised layout. In addition, I think it would make the impact of the changes (or lack of) even clearer if a drawing to highlight the areas where the Zone of Theoretical visibility is extended by virtue of the increased height to 4m. At 1.2.4 of the Technical Note it says that there is no influence upon the overall extent of theoretical visibility, it may be useful to demonstrate this with an overlay plan to highlight differences (or the lack of).

Regards

[REDACTED]
Principal Planning Officer

From: [REDACTED]@axis.co.uk>
Sent: 03 March 2025 12:03
To: [REDACTED]@cheshirewestandchester.gov.uk>
Cc: [REDACTED]@cubicoinvest.com>
Subject: Frodsham Solar - Modifications to height of infrastructure in Flood Zone 3

[REDACTED]

As discussed in the last catch up call. One of the few modifications which has arisen from the consultation on the PEIR is that the EA have requested that the panels and sensitive electrical infrastructure is raised above the flood design level. This has resulted in the panels and the Power Conversion Units (PCUs) being raised in the eastern half of the site. This has resulted in the panels being raised by approximately 500mm and the PCUs approximately 300mm. We have tested the impact of this via re-running the Zone of Theoretical Visibility modelling and also preparing some sample photomontages. These demonstrate that this minor change in height is not material to the findings presented in the PEIR and so we are not proposing any wider consultation this matter.

We have prepared the attached technical note and have uploaded the ZTVs and montages here for your information: [Submission Layout](#)

I would appreciate it if you could review this information and let me know if you have any comments.

Regards



Director

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