

Our Ref: EN010153/DR/8.2

11 November 2025

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**Application Reference: EN010153**

**Applicant Response to Planning Act 2008 – section 88 and 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – rules 6, 9 and 13 letter**

I write on behalf of Frodsham Solar Ltd (the “Applicant”) in response to the Examining Authority’s (ExA’s) letter dated 08 October 2025 (‘Rule 6 letter’) in respect of Procedural Deadline A. The Applicant’s position regarding the points identified for Procedural Deadline A is set out below.

**Draft Examination Timetable**

The Applicant has reviewed the draft Examination Timetable set out in Annex C of the Rule 6 letter and has the following comments to make.

- 1) The draft examination timetable does not include a requirement for the submission of comments on written representations (WR) or the local impact report (LIR). It is proposed that these are provided at Deadline 3. However, to provide sufficient time to allow the Applicant and other interested parties to prepare responses to these submissions whilst also accounting for how those parties answered first written questions at Deadline 2 (and thus ensuring those responses reflect the most up to date position), the Applicant suggests that Deadline 3 is moved to Wednesday 28 January 2026.
- 2) As a consequence, and to provide sufficient time for the ExA to review the responses to the WR and the LIR prior to further hearing sessions and to set agendas, it is proposed that the time reserved for the second set of hearings is moved to Tuesday 10 February to Thursday 12 February 2026, with the accompanied site inspection occurring on the 12 February 2026 if this is required.
- 3) As a result of this move, it is also proposed that Deadline 4 is moved to Wednesday 20 February 2025. While this reduces the time period between the end of the second set of hearings and Deadline 4, eight days is considered sufficient to prepare these submissions whilst still giving a week for the ExA to finalise its second written questions.
- 4) The Applicant does not propose any changes to the draft programme following Deadline 4.
- 5) The Applicant notes that the submission of matters referred to in Annex E includes the submission of Statements of Common Ground (SoCG). However, the draft timetable also separately provides for submission of draft SoCGs at Deadline 4 and final SoCG at Deadline 5.
- 6) Having considered the timetable as a whole, and accounting for the commentary above, the Applicant proposes to submit draft SoCGs at Deadlines 1 (so the ExA is clear on the position with parties prior to Christmas) and 3 (to account for all parties having had the chance to consider each other’s initial submissions) and to submit final SoCGs at Deadline 5, if this is agreeable to the ExA.
- 7) The Applicant is proposing to make additional submissions at Procedural Deadline B as set out below.
- 8) The Applicant also respectfully requests that the submission time for deadlines is altered to 23:59 on the relevant deadline date, to enable the most robust and up to date position to be put forward at each deadline.

## **Procedural Deadline B**

Procedural Deadline B requires the submission of a draft SoCG with Natural England (NE) and updated/new documents capturing ongoing discussions with NE.

Since acceptance the Applicant has held two meetings with Natural England and has supplied additional data to resolve a number of the issues identified in the NE Relevant Representation (RR-12).

The Applicant is therefore proposing to submit the following documents at Procedural Deadline B:

- 1) Revised Information to Inform Habitats Regulations Assessment
- 2) Revised Outline Non Breeding Bird Mitigation Strategy (which forms Appendix B to the Outline Landscape and Ecology Management Plan)
- 3) Revised Outline Construction Environmental Management Plan

The Applicant will also provide a draft SOCG with Natural England, which focuses on setting out the position in relation to the Issues identified in RR-12.

In addition to the above, the Applicant intends to provide the following documents by Procedural Deadline B, as they are likely to be sufficiently progressed to assist the ExA in preparing for the Preliminary Meeting and Issue Specific Hearing 1.

- 1) Response to Cheshire West and Chester Council's Relevant Representation (RR-037)
- 2) Response to National Highways' Relevant Representation (RR-031)
- 3) Response to the Environment Agency's Relevant Representation (RR-024)
- 4) Updated DCO in clean and track changes to reflect the responses that will be in the above documents.
- 5) Revised Outline Construction Environmental Management Plan
- 6) Revised Outline Operational Environmental Management Plan
- 7) Revised Decommissioning Environmental Management Plan
- 8) Revised Outline Landscape and Ecology Management Plan.
- 9) Revised Outline Construction Traffic Management Plan
- 10) Revised Outline Public Rights of Way Management Plan

The Applicant will also submit updated Land Plans and Book of Reference (and accompanying schedule of changes as requested in Annex E) at Procedural Deadline B to correct a typographical error that has been identified.

As per the ExA's requests in Annex E of the Rule 6 Letter, the above will be accompanied by an updated version of the Application Document Tracker.

Furthermore, the Applicant can confirm that all other Relevant Representations will be responded to at Deadline 1, as per the draft Examination timetable.

## **Requests to Speak at the Preliminary Meeting and Issue Specific Hearing 1**

The Applicant will attend the Preliminary Meeting and will be represented by myself, [REDACTED] of Cubico Sustainable Investments, and [REDACTED] of Pinsent Masons.

We await the detailed agenda for Issue Specific Hearing 1 (ISH1) to confirm the attendees who will speak for the Applicant. However, at this point in time we envisage the following speakers:

- 1) Cubico Sustainable Investments: [REDACTED]
- 2) Pinsent Masons: [REDACTED].
- 3) Axis: [REDACTED]
- 4) WaterCo: [REDACTED]

As advised previously, the Applicant's ecological and ornithological expert is not available to attend ISH1. As such, while we will endeavour to assist the ExA with any procedural queries on these topics at the Preliminary Meeting or ISH1 we will be unable to respond to any technical ecological or ornithological questions.

### **Suggested Locations for Accompanied Site Inspection**

The ExA has requested that suggested locations for the Accompanied Site Inspection be provided at Procedural Deadline A. However, it is also noted that Deadline 1 lists out the 'Applicant's Proposed Itinerary for an Accompanied Site Inspection'. The Applicant is therefore not proposing any locations at this stage and will respond following receipt of requests from Interested Parties should additional locations be deemed helpful for the ExA to visit.

### **Annex E**

The Applicant notes the trackers requested in Appendix E and makes the following comments:

In respect of the request for a Other Consents Tracker (item 8 of Annex E), the Applicant's position is that none of the consents listed in its Other Consents and Licences Statement (APP-127) are required to be obtained in the Examination period, and would be obtained pre or during construction, as appropriate. The Applicant therefore does not at this stage propose to submit an Other Consents Tracker at any stage into the Examination process.

In respect of the trackers/updates requested at items 5, 6 and 9, the Applicant can confirm that to the extent that any side agreements are to be progressed, this will primarily be with the Statutory Undertakers referred to within the Protective Provisions (although discussions to date indicate that there may be limited need for this). As such, it is the Applicant's intention to add a column tracking any such Side Agreements within the overall SU Tracker requested by item 6. That will be one tracker covering all of the matters requested by the ExA in that item.

Above and beyond this, the Applicant notes that it is also progressing an Agreement with Eni, the progress of which will be able to be noted in the requested SoCG with that party. Separately it is also progressing detailed negotiations on a property-led agreement with the Innovyn parties, the progress of which will be able to be recorded in the Applicant's submissions (beginning with its response to their Relevant Representation).

Finally, in respect of an Agreement with the local planning authority, the Applicant is currently discussing with CWaCC whether one is in fact needed, and what shape it should take (including whether or not it would be a section 106 Agreement or a section 111 Agreement). Updates on this matter will be provided through the SoCG with CWaCC.

Please do not hesitate to contact the undersigned if you have any questions or require any further information.

Yours sincerely



**Development Manager on behalf of Frodsham Solar Limited (FSL)**

FSL is a Cubico Sustainable Investments owned company