

1 SUMMARY OF WRITTEN REPRESENTATION

1.1 Frodsham Solar (the "Project") will connect into NGET's Frodsham 400kV substation and will affect NGET's existing infrastructure and land interests, which are located within and in close proximity to the proposed Order Limits.

1.2 Discussions on the Protective Provisions are ongoing between NGET and the Applicant, and these are not yet agreed. NGET will provide a version of Protective Provisions it requires to be included in the Order at Deadline 3 identifying the difference of position with the Applicant, if agreement has not been reached by that deadline.

1.3 The Applicant seeks permanent acquisition of rights in relation to the whole of NGET's 400kV Frodsham Substation to facilitate its connection and to deliver other proposed works (as detailed below), as well as over the access road into the Frodsham Substation. NGET needs to ensure the safety and integrity of its existing infrastructure at Frodsham Substation and access to the substation must be maintained at all times via the access road. NGET requests the Applicant remove the extent of its substation from the compulsory acquisition powers shown on the Land Plans. It is also essential that NGET has continued access to its tower bases which fall within the draft Order Limits to maintain and inspect the towers and overhead lines. Currently, it is not clear whether or how this access will be maintained.

1.4 Until these issues are resolved to NGET's satisfaction, they amount to a material detriment to NGET's undertaking pursuant to section 127 of the Planning Act 2008.

WRITTEN REPRESENTATION ON BEHALF OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC ("NGET")

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2 INTRODUCTION

- 2.1 This written representation is submitted on behalf of National Grid Electricity Transmission Plc ("**NGET**") in respect of Frodsham Solar (the "**Project**"), and in particular NGET's existing infrastructure and land interests which are located within and in close proximity to the proposed Order Limits.
- 2.2 The Project will connect into NGET's existing Frodsham 400kV substation. The Applicant is seeking temporary and permanent rights over several plots owned by, or containing, NGET rights and assets including those shown on sheets 3, 4 and 5 of the Land and Crown Land Plans [APP-008] and Works Plans [APP-009].
- 2.3 As set out below, there are a number of issues, on which NGET is liaising with the Applicant, which remain outstanding, and until these are resolved to NGET's satisfaction, these issues amount to a material detriment to NGET's undertaking pursuant to section 127 of the Planning Act 2008.

3 NGET'S STATUTORY DUTIES

- 3.1 As a responsible statutory undertaker, NGET's primary concern is to meet its statutory obligations and to ensure that any development does not adversely affect those statutory obligations. NGET has a duty to protect its position in relation to infrastructure and land which is within or in close

proximity to the draft Order Limits. Additionally, NGET must protect any future proposed infrastructure.

- 3.2 NGET will therefore require appropriate protection for retained apparatus, including compliance with relevant standards for works proposed within close proximity of its apparatus.
- 3.3 NGET's rights of access to inspect, maintain, renew and repair such apparatus must be maintained at all times and access to inspect and maintain such apparatus must not be restricted. Further, where the Applicant intends to acquire land or rights, or interfere with any of NGET's interests in land or NGET's apparatus, NGET will require appropriate protection. Further discussion and agreement with the Applicant is required in relation to the impact on its apparatus and rights.

4 EXISTING NGET APPARATUS

- 4.1 As set out in NGET's relevant representation dated 27 August 2025 [RR-021] NGET owns and operates the following assets that are located within or in close proximity to the Order Limits for the Project. These assets form an essential part of the electricity transmission network in England and Wales. The details of the electricity assets impacted are as follows:
 - 4.2 Substations:
 - (a) Frodsham 275kV Substation
 - (b) Frodsham 400kV Substation
 - (c) Associated overhead and underground apparatus including cables
 - 4.3 Overhead Lines ("OHL"):
 - (a) YY 400 kV OHL Frodsham – Rocksavage
 - (b) 4ZF 275 kV OHL Fiddlers Ferry – Frodsham 1 Fiddlers Ferry – Frodsham 2
 - (c) 4ZE 400 kV OHL Capenhurst – Frodsham 1 Capenhurst – Frodsham 2
 - (d) Associated cable fibre
 - 4.4 Cable Apparatus:
 - (a) Frodsham – Weaver 33kV underground cable

5 FUTURE NGET APPARATUS

- 5.1 The Mersey Ring Upgrade project could be impacted by the Project but it is in its early stages and impacts cannot be certain at this point in time. Details of the Mersey Ring Upgrade project are set out in National Energy System Operator's "Beyond 2030" document published in March 2024.
- 5.2 Other than the Mersey Ring Upgrade there are no known new NGET infrastructure projects that interact with the Project at this time, however, NGET requests that all existing and future assets

are given due consideration given their criticality to distribution of energy across the UK as well as the fundamental role they play in the achievement of net zero by 2050.

- 5.3 NGET must ensure adequate protection for its future projects both in terms of protection for future assets and future land and rights for the delivery of these projects.
- 5.4 NGET will co-operate on co-ordination in respect of any future projects and would request that the Applicant does likewise in line with good practice and the policy considerations in the updated Energy National Policy Statements.

6 **PROTECTIVE PROVISIONS**

- 6.1 A form of protective provisions for the benefit of NGET (the "**Protective Provisions**") has been included by the Applicant in Schedule 21 of the draft Development Consent Order (the "**Order**") for the Project [APP-015], and it is noted that some updates were subsequently made to the Protective Provisions by the Applicant.
- 6.2 NGET has been liaising with the Applicant in relation to the Protective Provisions and discussions on these are ongoing, however there are a number of aspects that are not considered acceptable and that do not reflect NGET's standard approach and, as such, the Protective Provisions are not yet agreed.
- 6.3 NGET requests that the Applicant continues to engage with it in relation to how the Applicant's works pursuant to the Order (if made) will ensure protection for retained NGET assets, along with facilitating all future access and other rights as are necessary to allow NGET to properly discharge its statutory obligations. Without inclusion of acceptable protective provisions, serious detriment would be caused to NGET's undertaking as well as to other third-party projects that are reliant on NGET's infrastructure, including the Project itself. NGET will keep the Examining Authority updated and NGET will provide a version of Protective Provisions it requires to be included in the Order at Deadline 3 identifying the difference of position with the Applicant, if agreement has not been reached by that deadline.

7 **WORKS WITHIN FRODSHAM SUBSTATION**

- 7.1.1 The Promoter seeks permanent acquisition of rights in relation to the whole of NGET's 400kV Frodsham Substation to facilitate its connection and to deliver other proposed works (as detailed below) as well as over the access road into the Frodsham Substation. NGET needs to ensure the safety and integrity of its existing infrastructure at Frodsham Substation and have control of how the Promoter would be undertaking its works within this area due to it being an operational site. It also needs to ensure that access to the Frodsham Substation is maintained at all times via the access road.
- 7.1.2 The proposals for the Project include the provision of green infrastructure within the boundary of Frodsham Substation. This is shown on Sheet 5 of the Works Plans [APP-009] and the works (Work No. 6A) are described in Schedule 1 of the Order as follows:

"Work No. 6A— green infrastructure works including—

- (i) planting of native species hedgerows, individual trees and grassland;*
- (ii) creation of open water habitats and reedbeds;*
- (iii) improvements to existing public rights of way;*
- (iv) creation of skylark habitat;*

- (v) creation of permissive paths;
- (vi) fencing, gates, boundary treatment and other means of enclosure;
- (vii) laying down of internal access tracks;
- (viii) improvement, maintenance repair and use of existing streets and private tracks;
- (ix) car park;
- (x) signage and information boards;
- (xi) bird hides and screens;
- (xii) benches;
- (xiii) viewing areas; and
- (xiv) bike stands".

7.1.3 NGET strongly objects to these works which would interfere with the operation of NGET's substation and compromise NGET's ability to properly discharge its statutory functions. Consequently, amendments will be required to the proposals to remove these works from the Frodsham Substation boundary and relocate them elsewhere if necessary.

7.1.4 The works within Frodsham Substation also include construction, maintenance and decommissioning compounds, which are also shown on Sheet 5 of the Works Plans [APP-009] and the works (Work No. 7) are described in Schedule 1 of the Order as follows:

"Work No. 7—construction, maintenance and decommissioning compounds including—

- (a) areas of hardstanding;
- (b) car park;
- (c) site and welfare offices, canteens and workshops;
- (d) area to store materials and equipment;
- (e) storage and waste skips;
- (f) area for download and turning;
- (g) security infrastructure, including camera, perimeter fencing and lighting;
- (h) site drainage and waste management infrastructure (including sewerage); and
- (i) electricity, water, waste water and telecommunications connections."

7.1.5 The works within Frodsham Substation also include the electrical connection works, which are shown on Sheet 5 of the Works Plans [APP-009] and the works (Work No. 4A) are described in Schedule 1 of the Order as follows:

"Work No. 4A—works to create an electrical connection from Work No. 3 to Frodsham SPEN Substation including—

(i) above ground and below ground 132kV electrical and communication cables connecting Work No. 3 to the Frodsham SPEN Substation;

(ii) pylons; and

(iii) works to the Frodsham SPEN Substation to facilitate connection of the authorised development to the Frodsham SPEN Substation;"

7.1.6 To facilitate these works, the Order includes rights to be compulsorily acquired by the Applicant across NGET's 400kV Frodsham Substation site, as shown on sheet 5 of the Land and Crown Land Plans [APP-008] and set out in outline in Schedule 7 and described as follows: "SPEN connection cable rights and SPEN substation connection rights." This includes the following:

"SPEN connection cable rights" means rights over land to, for the purposes of the authorised development and in connection with the authorised development:

(a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain underground and above ground electrical cables, earthing cable, optical fibre cable, data cable, telecommunications cable and other apparatus, pylons and works associated with such cables and pylons including bays, ducts, protection and safety measures and equipment, and other apparatus and structures;

(b) remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface or form a temporary compound) for all purposes in connection with the authorised development; and

(c) restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove the planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development.

"SPEN substation connection rights" means rights over land to, for the purposes of the authorised development and in connection with the authorised development:

(a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical cable, earthing cable, optical fibre cable, data cable, telecommunications cable and other services, works associated with such cable including bays, ducts, protection and safety measures and equipment, and other apparatus and structures and to connect such cable and services to the SPEN Frodsham substation;

(b) install, use, support, protect, inspect, alter, remove, replace retain, renew, improve and maintain public sewers and drains and drainage apparatus and equipment;

(c) remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface or form a temporary compound) for all purposes in connection with Work No. 4A;

(d) restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove the planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development; and

(e) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain soft landscaping and biodiversity measures.

7.1.7 It is essential that the proposals do not prevent NGET from being able to fulfil its statutory duties to operate and maintain assets and connect customers at this site. NGET is liaising with the Applicant in respect of the impact of these works, and NGET requests that the Applicant remove the extent of its operational substation which sits predominantly over plot 5-17 and 5-18 from the compulsory acquisition powers shown on the Land Plans, for the reasons set out above and as there is no need for the Applicant to have compulsory acquisition powers over NGET's existing operational substation in order to facilitate the connection. Any such works within the existing substation are governed by the connection agreement. We await sight of updated Land Plans and Work Plans to address these issues.

7.1.8 In relation to all other plots outside the existing operational substation boundary NGET has asked the applicant to submit applications under NGET's use of land process to seek shared rights for access/construction/cabling. These applications have been submitted and are ongoing. NGET will continue to liaise with the Applicant on this matter.

8 NGET ACCESS TO TOWER BASES

8.1.1 It is essential that NGET has continued access to its tower bases which fall within the draft Order Limits to maintain and inspect the towers and overhead lines and that this is maintained during the construction and ongoing operation of the Project. Currently, it is not clear whether or how this access will be maintained. For example, Sheet 5 of the Works Plans [APP-009] appears to show existing access routes to tower bases as being severed by the construction of the Project (Works No. 1 and 5).

8.1.2 NGET requests that the Applicant continues to liaise with it to ensure the necessary access rights will be available to NGET throughout the construction and ongoing operation of the Project.

9 CUMULATIVE IMPACTS - HYNET NORTH WEST HYDROGEN PIPELINE AND RUNCORN CARBON DIOXIDE SPUR PIPELINE

9.1 NGET has raised concerns about the cumulative impacts of the Project along with the proposed HyNet North West Hydrogen Pipeline (the "**HyNet Pipeline**"), and the proposed Runcorn Carbon Dioxide Spur Pipeline (the "**Runcorn Pipeline**") in its earlier relevant representations, and in particular the cumulative impacts of the three projects on the access road to NGET's Frodsham Substation. This is a critical access road and it is essential that any access required by the projects is coordinated to minimise disruption to the operation of the Frodsham Substation.

9.2 NGET is aware that the development of the HyNet Pipeline proposals is currently paused, but that the Applicant is in discussions with the promoters of both the HyNet Pipeline and the Runcorn Pipeline. It is essential that the Applicant continue to liaise with the promoters and also NGET to mitigate the cumulative impacts of the proposed projects.

9.3 Notwithstanding the discussion on this matter which took place at Issue Specific Hearing 1 on 2 December 2025, NGET remains concerned about this matter and would welcome further discussion with the Applicant to understand its proposals to minimise disruption to the access road to the Frodsham Substation and ensure the protection of the associated overhead and underground apparatus including cables.

10 NEXT STEPS

10.1 Until the issues highlighted above (including in relation to the order powers and works within the Frodsham Substation boundary, access to NGET's tower bases, and use of the access road to the

Frodsham Substation), are resolved to NGET's satisfaction, these issues amount to a material detriment to NGET's undertaking pursuant to section 127 of the Planning Act 2008.

- 10.2 NGET will continue to liaise with the Applicant on the matters above with a view to reaching a satisfactory agreement during the Examination process and will keep the Examining Authority updated in relation to these discussions.
- 10.3 NGET reserves the right to make further representations as part of the Examination process in relation to specific interactions with any NGET assets or projects identified during the Examination process, and as negotiations continue, and in respect of the Protective Provisions. NGET also reserves the right to request to attend a Compulsory Acquisition hearing.

Bryan Cave Leighton Paisner LLP

For and on behalf of National Grid Electricity Transmission Plc

22 December 2025