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By email only

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## Development Management

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Your ref: EN010153 (Reference **FROD-065**)

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Date: 28 January 2026

Dear Team,

### Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

#### Application by Frodsham Solar Ltd (the applicant) for an order granting development consent for Frodsham Solar (EN010153)

Further to the 'Rule 8 letter' dated 16 December 2025 (**PD-008**), I am writing on behalf of Cheshire West and Chester Council as the host local authority with the responses for Deadline 3.

As indicated in correspondence on 10 November 2025 [PD1-003], the Examination period of around 4 ½ months was likely to place pressure on the Council's resources to meet the deadlines. Due to the limited time between Deadline 2 (19 January 2026) and Deadline 3 (28 January 2006), and the volume of new/ updated documentation to review, following the already intensive work required to achieve the Deadline 2 submissions, the Council has directed its limited resources to prioritising responses to key documents, and even then it has only been practical to carry out partial review of documentation within the limited timeframe. In particular, it has not been practical to review the Applicant's response to the ExAs first written questions [REP2-003] at this Deadline.

The Council's submissions for Deadline 3 comprise this letter and the following:

- 1) **CWCC D3(A)** - Cheshire West and Chester Council's further comments submitted at Deadline 3 – 28 January 2026 in response to the Applicant's Response to the Local Planning Authority Relevant representations contained in PD2-027 "8.5 Response to Local Planning Authority and Statutory Environmental Body Relevant Representations"
- 2) **CWCC D3(B)** Cheshire West and Chester Council's comments on the Applicant's following submissions:

i) Procedural Deadline B documents (where extant):

Reference	Submission Document	Comment
PD2-009	Information to Inform Habitats Regulations Assessment (P03)	Initial comments are provided in CWCC D3(A)). A full review, co-ordinating with the later submissions, has not been practical for Deadline 3. Therefore, comments will be provided in conjunction with comments on any without prejudice derogation submission at Deadline 3a (17 February 2026) if that is acceptable for the ExA.
PD2-021	Outline Public Rights of Way Management Plan (P02)	Comments provided
PD2-028	Outline Flood Warning and Evacuation Plan	No comments
PD2-030	Hydraulic Modelling Report Addendum	No comments (defer to Environment Agency)
PD2-031	Draft Development Consent Order – Schedule of Changes	Only comment is in relation to updating the tracker (REP-002) (to refer to submission at Deadline 1 – REP1-030)
PD2-032	Updated BNG Metric Spreadsheets	Unable to comment in full at the present time. Excel format, and habs plans and condition assessments as requested are required

ii) the Applicant's following Deadline 1 submissions (where relevant to CWCC):

Reference	Submission Document	Comment
REP1-001	8.11 Deadline 1 Cover Letter	Noted
REP1-002	1.5 Application Document Tracker - P04	Update tracker [REP1-002] (to refer to draft DCO schedule of changes document submission at Deadline 1 - REP-030)
REP1-003	2.2 Land and Crown Land Plans - P03	No comments (as more for information)
REP1-004	3.1 Draft Development Consent Order - P04	Comments provided (and comments in CWCC D3(A))
REP1-006	3.2 Explanatory Memorandum - P03	No comments (as more for information)
REP1-008	4.3 Book of Reference - P04	No comments (as more for information)
REP1-010	4.4 Land and Rights Negotiations Tracker - P02	No comments (as more for information)
REP1-012	6.2 Env Statement: Vol 2 Appendix 2-3: Permitted Preliminary Works - P02	Comments provided (and comments in CWCC D3(A))
REP1-014	7.1 Design Parameters Statement - P02	Comments provided (and comments in CWCC D3(A))
REP1-016	7.2 Commitments Register - P03	No comments (as more for information)
REP1-018	7.4 Outline Construction Traffic Management Plan - P03	Comments provided

REP1-020	7.5 Outline Construction Environmental Management Plan - P03	Initial comments provided (and comments in CWCC D3(A)); any further comments to follow
REP1-022	7.6 Outline Operational Environmental Management Plan - P03	Initial comments provided (and comments in CWCC D3(A)); any further comments to follow
REP1-024	7.7 Outline Decommissioning Environmental Management Plan - P03	Initial comments provided (and comments in CWCC D3(A)); any further comments to follow
REP1-026	7.10 Outline Soil Management Plan - P02 (clean)	Comments provided
REP1-028	7.13 Outline Landscape and Ecology Management Plan - P03	Initial comments provided (and comments in CWCC D3(A)); any further comments to follow
REP1-030	Draft DCO Schedule of Changes - P02	No comments (as more for information)
REP1-031	8.10 Schedule of Land Rights Changes - P02	No comments (as more for information)
REP1-032	8.12 Applicant's Response to Other Relevant Representations - P01	No comments (as more for information)
REP1-033	.13 Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1	No comments (as more for information) (comments relating to post hearing responses will be picked up separately)
REP1-034	8.14 Technical Note on Major Replacement Works - P01	Initial comments provided (and comments in CWCC D3(A)); any further comments to follow
REP1-035	8.15 Note on updated National Policy Statements EN-1, EN-3, and EN-5 - P01	Comments provided
REP1-036	8.16 Statement of Common Ground with Cheshire West and Chester Council (CWCC) - P01	For discussion with Applicant / update on progress to be provided
REP1-037	8.17 Statement of Common Ground with the Environment Agency - P01	No comments (as more for ExA information)
REP1-038	8.18 Statement of Common Ground with National Highways - P01	No comments (as more for ExA information)
REP1-039	8.19 Statement of Common Ground with Liverpool Bay CCS Limited - P01	No comments (as more for ExA information) (However see also TN on Pipeline Interactions [REP1-041])
REP1-040	8.20 Statement of Commonality - P01	Comment on community benefit fund
REP1-041	8.21 Technical Note on Pipeline Interactions	Initial comments provided (and comments in CWCC D3(A)); any further comments to follow
REP1-042	8.22 Note on updated Construction Resourcing Schedule - P01	Initial comments provided (and comments in CWCC D3(A)); any further comments to follow

REP1-043	8.23 Technical Note on Peat Resources - P01	Comments provided
REP1-044	8.24 Statutory Undertaker Negotiations Tracker - P01	No comments (as more for information)

iii) the Applicant's following Deadline 2 submissions:

Reference	Submission Document	Comment
REP2-003	8.25_Applicant Responses to ExA First Written Questions	Unable to review in time for Deadline 3. Comments to follow

**Please note:** CWCC D3(A) and CWCC D3(B) need to be read in conjunction. There are comments made in the Council's response to the relevant representations document PD2-027 contained in CWCC D3(A) that relate to the documents in CWCC D3(B).

The Council has the following additional comments/ updates to make:

- The Council has agreed with the Applicant some minor revisions to Schedule 25 Protective Provisions for the Protection of Drainage Authorities.
- The Council has agreed with the Applicant that no amendments are necessary on Schedule 26 Protective Provisions for the Protection of Highway Authorities.
- The Council and the Applicant are continuing to progress a Planning Performance Agreement (PPA) for the discharge of requirements. The Applicant provided comments on the draft PPA on 27.01.2026. The Council will keep the ExA informed of progress.
- The Council is working on providing comments back to the Applicant on the draft statement of common ground (SOCG) between the Applicant and the Council and will keep the ExA informed of progress.
- The Council has requested that the BNG Metric Spreadsheets in original Microsoft Excel format (xls) be formally submitted for the Examination, along with the following:
  - UK habs plans pre and post development
  - baseline and proposed habitat condition assessments (in original Microsoft Excel format (.xls))

in order to properly assess the BNG submission.

- The Council notes Natural England's [Q4.4.2 REP2-009] & Cheshire Wildlife Trust's [REP1-068] and [REP2-011]) comments with respect to the approach adopted for Cleve Hill Solar Park DCO, and agrees with the concerns in applying the approach to Frodsham Solar. In the absence of a robust approach, the Council is concerned that there is insufficient evidence to conclude that the development is able to demonstrate no adverse effects on site integrity of the Mersey Estuary SPA and Ramsar site.

- There are a number of other key points to make at this stage in the Examination:
  - As the examination proceeds, the Applicant has provided various submissions to address specific points/issues and the information provided is welcome. However, the assessment of changes needs to be carried out within the Environmental Statement (ES) and/or Information to Inform the Habitats Regulation Assessment, to ensure these assessments are robust. The Applicant is encouraged to review this and provide updates in the form of an ES addendum (or such other form as required by the ExA). Examples of matters that need to be assessed in the ES include the updates on major replacement, decommissioning and cumulative impacts.
  - In order to assist the ExA in carrying out the necessary assessments on the proposed development, there needs to be clarity over the definitions of measures of mitigation, compensation and enhancement. It is acknowledged that the Council has used the terms assigned by the Applicant, however, it would like to make the representation at this stage. It would assist if the Applicant could provide a summary of its proposals in relation to each category, so that there is clarity over the role of various elements/ interventions.
  - One of the important elements of EIA and HRA process is consideration of the cumulative and in-combination impacts of the proposed development; and the Technical Note on Pipeline Interactions [REP1-041] provides commentary on two of the projects identified for inclusion in such assessment; one being the Runcorn Spur Pipeline. The Applicant refers to the Council's role determining that application and if appropriate applying planning conditions to ensure ecological impacts are managed. The Council considers that notwithstanding the potential control to be exercised by the Council, the Frodsham Solar development needs to be robustly assessed for all relevant scenarios. The Council has responsibility to determine the Runcorn Spur Pipeline application on its merits, and a decision on any appropriate planning conditions or legal agreements/S106 planning obligations would form part of that consideration. However, it seems clear that the imposition planning conditions to link the programmes for the two projects to avoid significant EIA effects (as acknowledged in the above technical note at paragraph 4.10) would be unlikely to meet the relevant tests for the imposition of planning conditions. Hence why the Council has suggested the Applicant considers a legal agreement involving LBCCS, especially in light of the fact that the Applicant acknowledges that it has sufficient control over the site.

The Council will continue to progress discussions with the Applicant to resolve outstanding matters.

Yours faithfully

  
*Principal Planning Officer*