



Frodsham Solar

Applicant Comments on Interested Parties' ISH1 Summaries of Oral Representations

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1.0 INTRODUCTION

1.1 Purpose of this Document

1.1.1 This document provides the Applicant's Comments on Interested Parties' ISH1 Summaries of Oral Representations which were submitted at Deadline 1, as requested by the Examining Authority ('ExA'), as part of the examination of the application for development consent for the proposed Frodsham Solar project (the 'Proposed Development').

1.1.2 This response is issued at Deadline 3 in accordance with the **ExA's Rule 8 Letter [PD-008]** issued on the 16th December 2025.

1.2 Approach

1.2.1 The Applicant has presented responses to the ISH1 Summaries of Oral Representations within **Section 2**.

1.2.2 The documents submitted with the application and at previous examination deadlines are referenced using the reference number assigned by the Planning Inspectorate (PINS) i.e. [APP-XXX].

2.0 APPLICANT RESPONSES TO ISH1 SUMMARIES OF ORAL REPRESENTATIONS

2.1 Overview

2.1.1 The following Interested Parties submitted ISH1 Summaries of Oral Representations at Deadline 1:

- i) Cheshire West and Chester Council (CWCC) **[REP1-047]**;
- ii) Environment Agency **[REP1-049]**; and
- iii) National Highways **[REP1-054]**.

2.1.2 The Applicant has reviewed each of the ISH1 Summaries of Oral Representations to identify areas where it would like to comment or provide further information to benefit the ExA or Interested Parties. The content of the submissions has largely followed through into Written Representations that were submitted at Deadline 1, or responses to the ExA's first written questions, which were submitted at Deadline 2. The Applicant has therefore already provided responses separately within the following documents:

- i) Applicant's Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 **[REP1-033]**;
- ii) Applicant's Response to Written Representations **[as provided alongside this submission]**; and
- iii) Applicant's Comments on Interested Party ExQ1 Submissions **[as provided alongside this submission]**.

2.1.3 The Applicant therefore has no comments to make with regards to the submissions made by the Environment Agency, or National Highways.

2.1.4 In relation to CWCC, the Applicant has limited comments to make that aren't addressed in the documents set out above at paragraph 2.1.2(i-iii), however there are three specific points the Applicant does not believe are addressed through those documents, and which the Applicant has therefore addressed in the table below.

Table 2-1: Response to Cheshire West and Chester ISH1 Summary of Oral Representations

Ref	Comment	Applicant's Response
<p>Agenda Item 5a: Major Replacements during the Operational Phase</p>	<p>Therefore, could the 50% be reduced to 25% and could there be an upper limit. LH considered 25% may be a consideration but some other controls could be locational e.g. any major replacement activities within so many metres of the non-breeding bird and skylark mitigation areas and the river edge could be controlled in more detail.</p>	<p>The Applicant considers that the 50% threshold is an appropriate and proportionate trigger for formal notification to CWCC. The Applicant has prepared a separate Technical Note on Major Replacement Works [REP1-034] which provides a summary assessment of major replacement activities incorporating replacement of up to 50% of the solar panels, and concludes that with the control measures set out in the outline Operational Environmental Management Plan (oOEMP) [REP1-023] in place, significant environmental effects would not occur.</p> <p>The 50% figure was selected deliberately as a precautionary, “out of caution” mechanism to guarantee dialogue and enable CWCC to require additional measures if needed. Reducing the notification trigger to 25% is not necessary because it would capture materially smaller and more routinely manageable replacement campaigns that the oOEMP already controls through its general operational management measures. A 25% threshold would potentially create repetitive approval cycles for activities that are, by design, smaller, more localised and already governed by the oOEMP’s embedded control measures.</p> <p>CWCC’s suggestion that an alternative to reducing the trigger would be to ensure “controls could be locational” is already addressed through the location specific and season specific restrictions secured through the oOEMP [REP1-023].</p> <p>The oOEMP applies explicit spatial controls around the Non Breeding Bird Mitigation Area, including the requirement that any maintenance works on the solar array or inverters and transformers within 180 metres of the NBBMA between November and February are only undertaken following agreement with the Ecological Clerk of Works, and that no works are undertaken within the NBBMA without prior agreement with the managing organisation. In addition, paragraph 2.4.10 of the oOEMP commits to scheduling replacement works so that work activities avoid replacement activities closest to the NBBMA during the core non breeding bird period.</p>

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		<p>In relation to the Skylark Mitigation Area, replacement works themselves are also committed to being undertaken in a phased and sequential manner, so that disturbance is confined to a limited area at any given time and is not spread across the Site simultaneously (as per paragraphs 2.4.8 and 2.4.9 of the oOEMP). This inherently allows the Applicant, in consultation with the Ecological Clerk of Works, to programme works so that more sensitive locations, including the Skylark Mitigation Area, are avoided at sensitive times where required.</p> <p>For receptors associated with the “river edge” and other watercourse features, the oOEMP contains operational controls that are explicitly directed at protecting watercourses and water dependent species.</p> <p>Taken together, these measures already provide a locationally responsive framework for managing replacement activity, with the 50% notification threshold operating as the additional safeguard for major replacement campaigns by requiring a Council approved package that can incorporate any further location specific measures that are justified at that time.</p>
	<p>In terms of the replacement of habitats impacted by below ground works, this may affect the target condition of the grassland. It takes 7 years to get to target condition, and this may affect the biodiversity net gain calculation.</p>	<p>The Applicant notes CWCC’s point that any future below-ground works (including for cable maintenance) could, depending on scale and method, temporarily affect the condition of grassland habitats and therefore has the potential to interact with the “time to target condition” assumptions applied in the BNG calculation.</p> <p>The BNG Report records a 7-year time to target condition for modified grassland to reach “good” condition (Table 5.1) and explains that target condition assumptions are underpinned by the management and monitoring commitments in the outline Landscape and Ecology Management Plan [REP1-028].</p> <p>The Applicant’s position is that re-excavation of underground cabling during operation is expected to be highly unlikely and, where intervention is required, it would generally be capable of being undertaken without widespread excavation in accordance with the control measures set out in</p>

Ref	Comment	Applicant's Response
		<p>the oOEMP [REP1-022], oLEMP [REP1-028], and outline Soil Management Plan [REP1-026].</p> <p>The Applicant has set out in the Applicant's Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP1-033] that the cabling arrangement largely runs above ground attached to panels and enters conduits at row ends, such that "restringing within conduits would avoid excavation", and that any localised below-ground cabling works would be in neutral or modified grassland rather than beneath hedgerows, trees or reedbeds.</p> <p>The realistic scope for any operational cable-related excavations is expected to be extremely limited in footprint and duration. Where any excavation is nonetheless required, the Applicant would adopt working methods intended to minimise effects on habitat condition, consistent with the project's wider soil and habitat management approach. This would include careful stripping, storage and replacement of the turf/topsoil profile within the working width, reinstatement immediately following the works, and reseeded/aftercare where necessary to return the disturbed area to the intended habitat condition trajectory, supported by the monitoring and remedial/contingency approach described in the oLEMP [REP1-028].</p> <p>In these circumstances, and given the limited scale and low likelihood of such events, the Applicant does not consider that potential cable maintenance excavations would materially affect the headline BNG outcome reported for the Proposed Development, noting that habitat delivery, management and monitoring commitments are secured through the oLEMP [REP1-028].</p>
	<p>In notifying the CWCC, what does this entail as CWCC would rather have a discussion and comment on/approve mitigation strategies and have controls over frequency and location of the replacement activities e.g. there could be a</p>	<p>The control measures set out in the oOEMP [REP1-023] would apply to operational maintenance and periodic replacements as a matter of course, irrespective of the scale of works. This is therefore regardless of whether the panels to be replaced are 1% of the total, 49% of the total, or all of the panels.</p>

Ref	Comment	Applicant's Response
	<p>scenario where 49% of the panels are replaced in 1 month and then 49% in the next month and CWCC would need to consider the impact of this.</p>	<p>The additional "notification" mechanism is intended to secure CWCC's ability to discuss and approve the management measures and programming where replacement activity is of a scale that is properly regarded as "large scale".</p> <p>Recognising CWCC's concern about the replacement of 49% of the panels one month, and then replace 49% of the panels the next month, the Applicant has updated paragraph 2.4.7 of the oOEMP [as updated alongside this submission] to state that the notification must be made for any replacement activities "<i>which involve replacement of more than 50% of the solar panels within the Proposed Development over a 12 month period within either a single campaign or over multiple campaigns.</i>" (additional text underlined).</p>

