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## Development Management

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Date: 5 March 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 comments in relation to Deadline 4 (5 March 2026).

The Council's submissions for Deadline 4 comprise this letter and the following:

- summary of oral representations made on behalf of the Council at the compulsory acquisition hearing (CAH1) held on 24 February 2026 and the issue specific hearing 2 (ISH2) held on 24 to 26 February 2026
- Cheshire West and Chester Council's further comments submitted at Deadline 4 (including comments on deadline 3 submissions) (CWCC D4)
- other information requested by the ExA for deadline 4
  - CWCC's written responses to the CAH1 and ISH2 Action points (including Appendix A)

## Cumulative and in-combination impacts of the proposed development

The Council's covering letter to the Deadline 3 submission [**REP3-045**] highlighted issues with the cumulative and in-combination impacts of the proposed development; and the Technical Note on Pipeline Interactions [**REP1-041**]. The Council noted its concerns over the appropriateness of imposing planning conditions to link the programmes for Frodsham Solar and the Runcorn CO2 spur pipeline to avoid significant EIA effects, and that an alternative control (e.g. legal agreement) would be needed.

The Council continues to work with the Applicant to find a way for development consent to be granted while still protecting the European site's and following the HRA principles, taking a precautionary approach at each stage of the HRA process.

During ISH2 the Applicant confirmed the intention to submit an assessment to cover the phasing scenarios of cumulative developments, including the prospect of the Runcorn CO2 spur pipeline being installed post completion of the NBBMA for Frodsham Solar, which is welcome. Albeit the Applicant noted that their position has not changed, and that control over the spur pipeline works would be a matter for the Council to control via planning condition.

At ISH2 the Applicant rejected a potential proposition relating to a Grampian style requirement on the Frodsham Solar DCO to the effect of not implementing the authorised development unless the Runcorn CO2 spur pipeline had been installed in the NBBMA (or it was established that the pipeline was no longer progressing).

It is clear that the Applicant does not intend to progress a legal agreement as one potential route to address the impasse relating to in-combination concerns.

The Council will continue to consider the options. However, achieving control via a two-stage process, and further HRA if appropriate at the condition discharge stage, appears unlikely to satisfy the requirements of the Habitat Regulations. The potential for additional/exacerbated adverse impacts on the European site associated with sequential phasing of the pipeline project shortly after the NBBMA being established is a situation already identified and should be addressed at this stage of assessment.

In the absence of a legal agreement, the Council considers that one option may be to introduce a requirement in the DCO to restrict any further development, works or activities within the NBBMA (and the associated Cells 1 and 2 within the SADA), other than those permitted as part of the adaptive management under the oNBBMS [**REP3-032**] and those for the authorised development, for a given period following the NBBMA being notified/accepted to the Council as being functional. The period would need to be informed by the HRA which the applicant is currently updating. It is envisaged that this would be in the order of 24 months from the NBBMA being established as functional.

The above additional requirement / article 38 Planning permission etc of the draft DCO [**REP2-002**] would need to be drafted/amended to ensure the temporary restriction on development being carried out in the NBBMA would be enforceable, and this would need to restrict development carried during the relevant period under planning permissions granted before the coming into force of the Order, as well as those coming in after.

The additional requirement referred to above, could be drafted to dis-apply the temporary restriction and allow specified works to be carried out in the period subject to approval by the Council.

The Council has not raised the above with Applicant as yet, but in a spirit of seeking a mutually acceptable solution, it is raised as a point for consideration at Deadline 4, so that both the Applicant

and Liverpool Bay CCS Ltd in particular have the opportunity to discuss this further and comment for Deadline 5.

The Council remains concerned that an adverse effect on the European site's integrity cannot be ruled out beyond all reasonable scientific doubt.

### **Comments on earlier Deadline submissions**

As noted in earlier correspondence e.g. the Council's covering letters of 10 November 2025 to Procedural Deadline A submissions [**PD1-003**] and 28 January 2026 for the Deadline 3 submissions [**REP3-045**], the condensed examination timetable, together with the volume of additional documentation and changes to submitted documents has continued to place pressure on the Council's ability to review and comment on documentation to assist the ExA. The Council has prioritised responding to the ISH2 Action points, and efforts to resolve key outstanding areas of concern (e.g. the cumulative issues). The Council will prioritise responses to the next set of the ExA's written questions for Deadline 5.

As a general point, many of the Council's original comments made at the Relevant Representations stage [**RR-037**] are outstanding and not-resolved, although efforts by the Applicant to provide responses on some aspects are acknowledged and welcome.

The comments in Cheshire West and Chester Council's further comments submitted at Deadline 4 (CWCC D4) are additions to the comments made previously and should not be read as replacing those comments (except where that is clear from the context). For ease of reference some of the comments made at Deadline 3 are provided (highlighted in grey) within the submission.

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

Yours faithfully

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*Principal Planning Officer*