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Date: 26 March 2026
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By Email Only:
frodshamsolarfarm@planninginspectorate.gov.uk

Dear Sir/Madam

Application by Frodsham Solar Limited for an order granting development consent for Frodsham Solar [PINS Ref. EN010153]

As you will be aware, we are instructed to act on behalf of INOVYN Chlorvinyls Limited ("**ICL**") (IP Ref. F40047B6B).

We write in order to respond to the Examining Authority's ("**ExA**") Written Questions 02 [PD-016] ("**ExQ2**") – in particular, **ExQ2: 2.10.3 (Option Agreement and Deed of Easement)** which is directed to both the Applicant and ICL.

Please provide an update on negotiations in respect of INOVYN Chlorvinyls Limited's interests.

In our letter dated 5 March 2026 – submitted at Deadline 4 – we confirmed that detailed comments on the draft Option Agreement and Deed of Easement were returned to the Applicant's property solicitors on 2 March 2026 and that their comments in response were awaited. This remains the case.

In the absence of a concluded agreement between our client and the Applicant, we are instructed to put forward a set of proposed amendments to the draft Development Consent Order ("**dDCO**")¹, which we foreshadowed at the Compulsory Acquisition Hearing on 24 February 2026². The details of these amendments are contained in the enclosed table.

The enclosed table is split into two options, with the first set of amendments (**Option 1**) applying in circumstances where the power of compulsory acquisition conferred under Article 21 of the dDCO is not granted over the land at Frodsham Marsh which is within ICL's freehold ownership (this being plots 5-3 and 5-4³) (referred to hereinafter as the "**ICL Land**"). Option 1 represents our client's primary position, it being considered that the Applicant has failed to make out a compelling case for the compulsory and permanent acquisition of the ICL Land.

We turn now to the second set of amendments. These amendments (**Option 2**) are intended to apply where the Applicant is granted the power of compulsory acquisition over the ICL Land but, in line with the submissions made on our client's behalf, the power is limited to the

¹ We have had regard to the Deadline 4 version of the dDCO (EN010153/DR/3.1) [REP4-004].

² Please see the summary of our oral representations, made on behalf of ICL and submitted following the Compulsory Acquisition Hearing on 24 February 2026 [REP4-072].

³ As shown on Sheet 5 of the Land and Crown Land Plans P04 (EN010153/DR/2.2) [REP4-002].

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creation and acquisition of new rights and restrictions under Article 23 of the dDCO. Option 2 is put forward 'in the alternative', but without prejudice to ICL's primary position.

Should there be any queries, please do not hesitate to contact our Samantha Grange (Legal Director) of this office (contact details on page 1 of this letter).



EVERSHEDS SUTHERLAND LLP