



Application by Frodsham Solar Limited (the applicant) for an Order Granting Development Consent for the Frodsham Solar Project EN010153

The Examining Authority's schedule of proposed changes to the draft Development Consent Order (dDCO)

Issued on Thursday 9 April 2026

This document sets out the Examining Authority's (ExA) proposed changes to the latest version of the Applicant's dDCO submitted at Deadline 5 of the Examination.

Column 1 of the table sets out the unique reference number for each proposed change. Column 2 sets out the provision in the dDCO to which the proposed change relates. Column 3 describes the recommended change. Column 4 provides the ExA's reasoning as to the recommended change and any further commentary.

This document is without prejudice and does not reflect any decision made on these matters by the ExA at this stage, but is used as the latest most complete version of the dDCO on which all comments can be captured and is used to assist completeness, clarity and convenience.

There may be further changes to the dDCO which the ExA recommends to the Secretary of State to take account of other matters that have been and continue to be examined. This is particularly likely in the event that it is clear that there are fundamental differences between parties on a number of issues. These will need to be reported to the Secretary of State along with the ExA's conclusions when all the evidence has been submitted.

Should the Applicant or any other party wish to make any comments on this schedule of proposed changes then these should be submitted at **Deadline 6, 22 April 2026**.



Reference No.	Provision	Proposed Change	Reasoning
PC001	New Requirement 21	<p>Decommissioning Fund In this paragraph: “decommissioning security” means a form of security that secures the costs of undertaking decommissioning works and meeting all obligations under a decommissioning environmental management plan approved under Requirement 20 for the phase to which the security will relate; and “valuer” means a suitably independent professional jointly appointed by the undertaker and the relevant planning authority prior to the first discharge of this Requirement but where an individual cannot be agreed, then this inability to agree should be considered to be a refusal of an application to discharge a Requirement for the purposes of article 46 and Schedule 12.</p> <p>21- (1) No phase of the authorised development may commence until the form and value of a decommissioning security for that phase has been submitted to and approved by the local planning authority.</p>	<p>Given the complexities and uncertainties of the future and given the environmental circumstances of the project site, it is considered necessary in the public interest to ensure adequate funds are secured for the decommissioning phase of the project.</p>



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Reference No.	Provision	Proposed Change	Reasoning
		<p>(2) Any decommissioning security approved under this paragraph shall be maintained until the date of completion of the decommissioning works to which that decommissioning security relates.</p> <p>(3) The value of the decommissioning security shall be reviewed by the valuer no less than every five years from the date of approval given under sub-paragraph (1) and the undertaker must increase or decrease the value of the security to reflect the results of the valuer's review, such review to take account of any variation, since the approval of the decommissioning security, or the previous review (as appropriate), in the estimated or actual costs of carrying out the decommissioning works, meeting all obligations under a decommissioning environmental management plan approved under Requirement 20 for the phase to which the decommissioning security relates, and complying with best practice prevailing at the time of each review.</p> <p>(4) The undertaker may launch an appeal under paragraph 4 of Schedule 12 in respect of the relevant planning authority's consideration of a</p>	



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		<p>submitted decommissioning security under paragraphs (1) and (2) and where such an appeal is launched the Secretary of State must appoint the valuer as the appointed person under paragraph 4(2)(c)</p> <p>(5) The undertaker may dispute the results of any review carried out under paragraph (3) and article 46 and Schedule 12 shall apply to such dispute.</p>	
PC002	New Requirement 22	<p>Biodiversity Net Gain</p> <p>22.—(1) No part of the authorised development may commence until a biodiversity net gain plan has been submitted to and approved by the relevant planning authority, in consultation with the relevant statutory nature conservation body.</p> <p>(2) The biodiversity net gain plan must include details of how the strategy will secure a minimum of 25% biodiversity net gain in area-based habitat units, a minimum of 80% biodiversity net gain for hedgerow units, and a minimum of 11% biodiversity net gain for watercourse units as substantially in accordance with the methodology outlined in the outline landscape and ecology management plan, using the</p>	<p>The applicant stated [REP2-015] that an amendment would be made to Requirement 9 of the draft DCO at deadline 3 to provide a commitment to achieving a net gain in biodiversity. The ExA can see no such amendment was proposed to Requirement 9 of the draft DCO at either deadline 3 [REP3-002] or deadline 4 [REP4-004], although wording has been proposed in the draft DCO at deadline 5 [REP5-002].</p> <p>Natural England's deadline 4 response [REP4-069] states in paragraph 1.3.2 that: '<i>Biodiversity Net Gain can now be considered as 'Green' issues and have been successfully resolved (subject always to the appropriate requirements</i></p>



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		<p>Department of Environment, Food and Rural Affairs' 4.0 metric to calculate those percentages (or such other biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body). (3) The biodiversity net gain plan must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</p>	<p><i>being adequately secured)</i>' [emphasis added].</p> <p>The ExA considers this provision in a standalone requirement secures the delivery of the ambitious biodiversity net gain objectives of the applicant. This would be consistent with the wording used in other recently made Development Consent Orders for solar projects.</p>
PC003	New Requirement 23	<p>Unexpected Contamination 23.—(1) The authorised development may not commence until an unexpected contamination protocol has been developed, detailing the steps to follow if previously unidentified contamination (e.g. contaminated soil or groundwater) is encountered. In the event such contamination is found, works in the affected area will pause and the material will be investigated and risk-assessed, with appropriate remediation, measures implemented in line with regulatory requirements. The unexpected contamination protocol must be submitted to and approved by the relevant planning</p>	<p>Given the complexities and uncertainties of the environmental circumstances of the project site, it is considered necessary in the public interest to ensure that risks surrounding the identification and control of unexpected contamination are fully secured.</p>



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		<p>authority, in consultation with the Environment Agency, in accordance with requirements 12, 13 and 20.</p> <p>(2) No part of the authorised development may commence until targeted ground investigations have been carried out at the project substation, the area surrounding and beneath the proposed project BESS (Works No. 2A) and the proposed non-breeding bird mitigation area (Works No. 6C). Soil samples (and leachate, where relevant) from these areas must be collected and laboratory-tested using a laboratory accredited with the British Standards Institution to identify any contaminants and their concentrations. Based on the results, a thorough risk assessment must be completed to determine safe handling and reuse strategies for the excavated materials. If necessary, site-specific remediation or special handling measures should be devised for those materials and set out in a remedial strategy (for example, isolating or treating any hotspots of contamination).</p> <p>(3) Remediation measures made under this requirement must be</p>	



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		<p>approved in writing by the Local Planning Authority in consultation with the Environment Agency. The findings of these investigations must directly inform the materials management approach included in the final soil management plans drafted in accordance with requirement 16, ensuring that any contaminated soil is managed appropriately from the outset.</p> <p>(4) If soil contamination levels exceed the thresholds for suitable use as defined by the CL:AIRE Definition of Waste Code of Practice, then that material will not be reused under the most up to date version of the CL:AIRE Definition of Waste: Code of Practice. Instead, such material must be subject to treatment or disposal via an appropriate permitted waste route. If certain excavated soils require treatment to make them safe e.g. stabilisation of contaminated dredge material, a mobile treatment permit must be obtained under The Environmental Permitting (England and Wales) Regulations 2016 and the soil should be treated on-site and only after successful treatment would it be reused, otherwise it will be taken</p>	



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		<p>off-site to a facility licensed by the Environment Agency</p> <p>(5) Additional ground investigation and risk assessment must be undertaken by the undertaker during the detailed design stage to inform foundation and piling strategies. A Foundation Works Risk Assessment (FWRA) will be produced and complied with by the undertaker to address any areas of known or potential contamination, and it must include measures such as dust suppression during ground works and the prevention of silt-laden runoff (using sediment traps, settlement ponds, etc.) to avoid pollution of soil and water. A Piling Risk Assessment (PRA) must be prepared and complied with by the undertaker to ensure that the chosen piling method generates minimal arisings and does not mobilise contaminants; this must guide the adoption of drilling and piling techniques to be undertaken by the undertaker that protect both construction workers and the environment. The FWRA and PRA must be submitted to and approved by the relevant planning authority, in consultation with the Environment</p>	



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		Agency prior to commencement of the authorised development.	
PC004	Schedule 10	For the non-breeding bird mitigation strategy, change the version and the date to being: ' <u>outline</u> non-breeding bird mitigation strategy 8.32 P04 March 2026'	The table reference listing the non-breeding bird mitigation strategy gives the incorrect document reference and incorrect date. In addition, it does not have the word 'outline' at the start. The applicant will need to keep version control under observation should later versions of this (and other) document be provided in the remaining examination deadlines.

The ExA has not included any changes in respect of Protective Provisions within the table above in recognition of the fact that negotiations are still ongoing. The ExA will review the positions of the applicant and each party for whom Protective Provisions are drafted at the close of the examination and may or may not recommend changes to the Secretary of State having regard to relevant sections of the Planning Act 2008.