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

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Date: 8 September 2026

Dear Mr Wheadon,

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 the proposed Frodsham Solar ("the Proposed Development") (Ref: EN010153)

I am writing on behalf of Cheshire West and Chester Council (**CWCC**) as the host local authority.

This letter is in response to your Request for Information letter of 25 August 2026 and the invitation to CWCC (*inter alia*) at point 5 of the letter to comment on the revisions made to the oLEMP by the Applicant at DL7 and the following amendments to Requirement 9(2)(f) concerning the final LEMP, in relation to reedbed and scrub, and the unit value for watercourses (shown in ***bold italics***):

"(f) how the plan proposals will contribute to the achievement of a quantified uplift of a minimum of 20% in habitat units (~~***excluding reedbeds***~~), ~~10%~~***7.5%*** in watercourse units and 75% in hedgerow units for the authorised development as a whole during the operation of the authorised development, to be quantified using the statutory biodiversity metric calculation tool published by DEFRA;"

Comments on Requirement 9 (2)(f) – final LEMP

"Exclusion of reedbeds" wording deleted:

The Request for Information letter refers to both reedbed and scrub in relation to Requirement 9(2)(f). However, the requirement text did not refer to scrub as alluded to in the letter; this may be a reference to the fact that it was scrub and reedbed habitats that were not adequately compensated for as part of the Applicant's BNG proposal, due to trading rule errors.

The deletion of the wording “excluding reedbeds” is welcomed, as this follows that reedbed habitats will be appropriately compensated for, in line with metric rules, including trading rules, along with all other habitats.

Watercourse units change:

The reduction in watercourse unit targets from at least 10% to 7.5% is given no explanation, however, the application is pre-statutory BNG, so only no net loss is required to be achieved by Local Plan Policy Part Two (DM44) and the NPPF.

As a note, any BNG calculation should include the whole of the Order Limits, to achieve no net loss.

The 7.5% figure does however, conflict with what is stated in the oLEMP at D7 (rev P08), [REP7-025], which still refers to achieving no net loss in watercourse units when including the NBBMA and at least 10% watercourse units when the NBBMA is taken into account (e.g. para’s 1.2.1 (vii) and 4.5.1). If however, the 7.5% figure has come from the metric which excludes the NBBMA, this is not a direct conflict.

BNG Strategy/trading rules – background position:

CWCC (supported by Natural England¹) advocated having a BNG strategy and associated HMMP as a requirement in the DCO to satisfy basic metric rules (trading rules and to reverse the declassification of reedbed habitats). Please see:

- D7.1.6 of CWCC’s comments on the DL6 submissions (29 April 2026) [REP7-040];
- REP6-045 (response to PC002) New Requirement 22 and
- REP6 043 (CWCC’s covering letter of 22 April 2026) draft suggested wording:

“(1) No development may commence until a scheme securing the provision of BNG of 1% or greater for the habitats affected by the authorised development (as calculated using 3 Department of Environment, Food and Rural Affairs’ Biodiversity Metric, or such other biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature consultation body), has been submitted to and approved in writing by the relevant planning authority. The scheme must set out measures to deliver and secure the maintenance for 30 years of the BNG provision.

(2) Where such a scheme is approved under this requirement, the works set out in that scheme must be carried out in accordance with the approved scheme.

(3) The approved scheme shall be maintained in accordance with the scheme of maintenance secured for 30 years of the BNG provision under sub-paragraph (2).”

In the absence of a specific BNG requirement, it is recommended that consideration be given to including wording relating to the trading rules in Requirement 9(2)(f):

¹ Natural England’s DL5 response to RIES questions 22 April 2026 [REP6-050] [https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010153-000858-D6.2%20CWCC%20Response%20to%20RIES%20\(FINAL\)\(22.04.2026\).pdf](https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010153-000858-D6.2%20CWCC%20Response%20to%20RIES%20(FINAL)(22.04.2026).pdf)



“(f) how the plan proposals will contribute to the achievement of a quantified uplift of a minimum of 20% in habitat units (~~excluding reedbeds~~), ~~10%~~7.5% in watercourse units and 75% in hedgerow units for the authorised development as a whole during the operation of the authorised development, to be quantified using the statutory biodiversity metric calculation tool published by DEFRA **and in accordance with the trading rules;**”

Comments on Applicant’s revisions to the oLEMP at DL7 (Rev P08) [REP7-025]

Scrub:

The inclusion of the creation of scrub habitat (as well as reedbed) to achieve compliance with BNG trading rules is welcome (as referenced in paragraph 4.5.1 of the updated oLEMP).

Trading Rules:

Paragraph 4.5.1 of the oLEMP acknowledges the trading rules not being met in terms of scrub and reedbed habitats. It then goes on to state that *“the Applicant is committed to achieving the relevant statutory biodiversity metric trading rules in respect of reedbed and scrub if this is what is agreed to be desired in discussion with CWACC at the time of approving the detailed LEMP”*. Although the Council would prefer that the satisfaction of trading rules should be included in Requirement 9(2)(f) wording, due to the debate that has been ongoing, the inclusion of this wording in the oLEMP, (although perhaps not clearly written) is welcomed and the Council can confirm that it does desire that trading rules in respect of reedbed and scrub should be satisfied at the detailed LEMP stage.

In paragraphs 4.5.4 and 4.5.5, the oLEMP goes on to outline the principle of how this will be done, which is welcomed in terms of a meaningful BNG Strategy.

In paragraph 4.5.4 it is stated that this will firstly be via on-site design refinement and habitat creation will be explored to achieve this, whilst still achieving the uplift target. This is welcomed, in line with the mitigation hierarchy, with all on-site options being explored, to ensure biodiversity is maximised on site and habitats are retained and created closest to where the impact is.

In paragraph 4.5.5, it is stated that if trading rule satisfaction cannot be achieved fully on site, that the Applicant would address any residual shortfall through the creation or purchase of appropriate off-site biodiversity units. The means of securing mitigation for any shortfall is not explicit. Taking these separately:

Creation of off-site biodiversity units: CWCC considers that this would require a Section 106 legal agreement (or contractual legal agreement) with the Applicant, to secure the off-site provision and monitoring and management for the standard 30-year period. Any such legal agreement ought to be secured prior to a decision being taken by the Secretary of State on the DCO application.

Purchase of off-site units: This could be an option, however, this is assumed to refer to statutory habitat banks, which operate in the statutory BNG regime, of which this application is not a part, so further consideration would be required here. Note that there are now a further two habitat banks in CWCC’s administrative borough since the Examination closed. CWCC would have no issue with a habitat bank or other partner delivering the units on behalf of the Applicant, within CWCC’s administrative borough, as represented at Deadline 6. CWCC considers that this is also likely to require a Section 106 legal agreement. In addition, the option of providing a monetary fee to the habitat delivery part of CWCC via a Section 106 agreement, could be explored as another option (as represented by CWCC in Section 3 of the letter of 29 April 2026 [REP7-041]). Reference to the need for a Section 106 Agreement is also contained in CWCC’s letter.

The main remaining issue for the CWCC is the declassification of reedbed habitats namely “Frodsham Windfarm East” as referenced in the BNG Report (Revision P03) Annex 4 Classification of Reedbed Note **[REP6-024]**. As previously represented², it is considered that for the development to demonstrate no net loss, this reedbed should be reclassified as Reedbed and the metric amended accordingly.

NBBMA Management:

In paragraphs 5.1.3 and 6.1.3 of the amended oLEMP, the RSPB is named as the intended long-term manager of the NBBMA, but this is not secured (as far as CWCC is aware). Evidence of progress in discussion with the RSPB was provided and Natural England (**NE**) welcomed this as a resolved matter **[REP4-069]**. However, RSPB stated that they would unlikely be the long-term nature conservation body, if Cell 2 was not included in the NBBMA **[REP5-065]**. NE supported this position in its response to Rule 17 RIES **[REP6-050]**. Cell 2 is now included in the NBBMA, as per the Applicant’s position at DL7 (Applicants, Natural England & RSPB’s Position Paper **[REP6-041]**). However, CWCC is not aware of any update from RSPB on this matter. CWCC suggests that it would be useful to obtain an update on whether any progress has been made with regard to securing arrangements for long-term management of the NBBMA.

Update of summary position

As set out in CWCC’s Summary Statement of unresolved matters at paragraph 3.10 of **[REP7-039]** (and 8.3 of the SoCG **[REP7-028]**) there were a number of unresolved issues in relation to Biodiversity Net Gain at DL7. As a result of the amended oLEMP and proposed Requirement 9 (2)(f) the table below provides a summary update:

Unresolved matters for BNG at DL7	Updated position
• the Applicant’s approach to classifying reedbeds	Unresolved.
• non-satisfaction of trading rules	Potentially satisfied subject to omission of ‘excluding reedbed’ from Requirement 9(2)(f) (and preferably adding reference to meeting the trading rules in the requirement).
• no net loss to be achieved (noting that mitigation areas cannot be used to accrue net gain over 0%)	Potentially satisfied subject to trading rules being met (refer to above comments).
• disagreement on application of Rule 4	Potentially satisfied subject to trading rules being met (refer to above comments).
• impacts on high distinctiveness habitats (reedbed)	Trading rule point potentially satisfied as above / only declassifying reedbed remains an issue.
• monitoring of proposed mitigation measures (particularly in relation to lack of parameters and details of the steering group (e.g. in terms of triggers and remedial works)	Unresolved – as per SOCG [8.3] [REP7-028] .

² Section 3 of CWCC letter of 29 April 2026 **[REP7-041]**, CWCC comments (D6.1.6 and D6.21.1) on DL5 documents (22 April 2026) **[REP6-044]**, response to Question 2.4.3 of CWCC Response to Second Written Questions (ExQ2) **[REP5-045]** and response to Question 4.5.7 (i) of CWCC response to the ExA’s first written questions Deadline 1 **[REP2-005]**.

Update on Runcorn CO2 spur pipeline application (25/02108/FUL)

CWCC undertook to proactively update the ExA and therefore the Secretary of State on the progress with Runcorn CO2 spur pipeline application (25/02108/FUL) in its letter of 22 April 2026 [REP6-043]. This application is still being assessed by CWCC.

A link to the planning application file is provided:

[25/02108/FUL | Construction of a new Carbon Dioxide Spur Pipeline and Above Ground Installation \(AGI\) and ancillary equipment to serve the Viridor Energy from Waste \(Efw\) Facility Carbon Capture Plant | Land At Cross Lane Frodsham](#)

Yours sincerely


Principal Planning Officer

