

Our Ref: EN010153/DR/9.1

08 September 2026

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Application Reference: EN010153

Applicant's response to request for information issued 25 August 2026

I write on behalf of Frodsham Solar Ltd (the "Applicant") in response to the letter from Department of Energy Security & Net Zero (DESNZ) dated 25 August 2026 requesting further information from the Applicant (the "RfI letter"). The Applicant has considered the request and has set out its response below.

Generation Capacity (paragraph 3)

The Applicant confirms that, following the amendment made at Deadline 6 to remove Cell 2 from the solar PV generating area (Work No. 1) and incorporate that land within the Non-Breeding Bird Mitigation Area ("NBBMA"), the base case generating capacity of the Proposed Development has reduced by 13 MW, from 147 MW to 134 MW. The Applicant notes, however, that 134 MW represents the revised base case for the purposes of the assessments presented in the application rather than a fixed maximum generating capacity. As the design is developed, the Applicant will optimise the layout and specification of the Proposed Development to maximise its generating capacity and, where practicable, deliver a capacity as close as possible to the originally proposed 147 MW. This would ensure the most efficient use of the land and maximise the renewable electricity generated by the Proposed Development.

The Greenhouse Gas Assessment presented in ES Volume 2 Appendix 5-1 [APP-060], and reported in ES Volume 1 Chapter 5: Climate Change [APP-038], was undertaken on the basis of the previous 147 MW generating capacity. The Applicant has therefore reviewed the implications of the reduction in generating capacity for that assessment. The revised expected lifetime electricity generation from the 134 MW scheme is 6,450,613 MWh. The resulting revised estimates of avoided GHG emissions are set out below (updating table 5.17 in Chapter 5 Climate Change [APP-038]).

Table 1: Offset GHG emissions

Comparator	Offset over lifetime based on 147 MW generating capacity (tCO ₂ e)	Offset over lifetime based on 134 MW generating capacity (tCO ₂ e)
Gas-fired power station (current long-run marginal generator)	2,831,176	2,418,980
Grid average – 2023/2024	1,291,016	1,103,055
Grid average – 2025/2026 (added to account for passage of time since production of the ES)	1,109,821	948,240

These figures demonstrate that, although the reduction in generating capacity reduces the quantity of GHG emissions avoided over the lifetime of the Proposed Development, the amended scheme continues to deliver a substantial net carbon benefit.

Furthermore, for the purposes of assessing the implications of the Deadline 6 change, the Applicant has retained the original calculated lifetime GHG emissions of 404,891 tCO₂e, notwithstanding the reduction in the physical extent of the PV panel area. The original assessment included 167,414 tCO₂e during construction, 235,100 tCO₂e during operation and 2,377 tCO₂e during decommissioning.

No allowance has therefore been made for the reduction in lifecycle emissions that will arise from the removal of solar PV modules and associated infrastructure from Cell 2. In particular, the updated calculation does not take credit for reductions associated with:

- the extraction of raw materials and manufacture of the solar PV modules, mounting structures and associated BoS equipment which are no longer required;
- transportation of that equipment and material to the Proposed Development;
- the manufacture, transport and disposal of replacement solar PV modules and associated equipment during the operational lifetime of the Proposed Development, including scheduled replacement and replacement resulting from equipment failure; and
- the removal, transportation, recycling and/or disposal of that equipment at decommissioning.

The original GHG Assessment expressly includes each of these lifecycle sources. In particular, it assumes replacement of solar PV modules and Power Conversion Units after 20 years together with additional replacement to account for equipment failure, including the associated manufacturing, transportation and waste disposal emissions. It also includes transportation and disposal of equipment during decommissioning. Consequently, retaining the full 404,891 tCO₂e represents a conservative basis for considering the amended 134 MW scheme.

Even on that conservative basis, the lifetime GHG emissions of 404,891 tCO₂e remain substantially below the calculated avoided emissions under each of the comparators above before any allowance is made for the reduction in lifecycle emissions associated with the smaller solar array.

The lifetime GHG intensity has also been recalculated on the same conservative basis. This increases from 53.6 gCO₂e/kWh to 62.8 gCO₂e/kWh. The revised value nevertheless remains comfortably within the 20–85 gCO₂e/kWh range identified in the ES for solar PV generation and remains substantially below the lifecycle intensity identified for CCGT generation (380–500 gCO₂e/kWh) and gas generation with CCS (90–245 gCO₂e/kWh). The actual lifecycle GHG intensity of the amended Proposed Development would be expected to be lower than 62.8 gCO₂e/kWh because, as explained above, the calculation does not take account of the reduction in embodied, replacement and decommissioning emissions associated with the removal of solar infrastructure from Cell 2.

The Applicant therefore considers that the Deadline 6 amendment does not alter the conclusions of the ES. ES Chapter 5 concluded that the Proposed Development would have a beneficial and significant effect on climate change, as it would have a net carbon benefit over its lifetime, would be fully consistent with existing and emerging policy requirements and would be fully in line with the measures necessary to achieve the UK's trajectory towards net zero. Those conclusions remain applicable to the amended 134 MW scheme.

Similarly, the reduction in PV panel area does not alter the assessment presented in the Planning Statement in respect of climate change. The Proposed Development continues to comply with the relevant national and local planning policies that support the transition to a low-carbon energy system and the achievement of net zero. Furthermore, the change does not alter the overall planning balance. The reduction from 147 MW to 134 MW does not change the development's status as a Critical National Priority or the substantial policy weight afforded to the need for such infrastructure.

The Applicant also notes the approach recently adopted by both the Examining Authority and Secretary of State in the recent One Earth Solar Farm decision to be relevant in this respect. The One Earth ExA accepted the GHG assessment and concluded that the development would contribute positively to climate change mitigation. It nevertheless considered that those benefits were "inherently captured within the substantial positive weight already attributed to the need for energy" under NPS EN-1 and therefore did not assign additional weight to climate effects separately,

avoiding double counting. The Secretary of State agreed with that approach. He consequently attributed no separate weighting to climate and carbon, instead including the positive effect of the development in decarbonising the energy sector within the need case.

The same distinction is relevant here. The GHG Assessment remains important in demonstrating that the amended Proposed Development continues to result in a clear net carbon benefit and contributes positively to the transition to net zero. However, the reduction in panel area does not change the underlying national policy need for low-carbon generation or the basis on which substantial positive weight is afforded to that need.

Skylark Mitigation (paragraph 8)

The Applicant considers that the proposed skylark mitigation is justified and proportionate to the anticipated effects of the Proposed Development, for the following reasons:

1. The Order Limits supports 21 pairs of breeding skylarks, which represents 0.5% of the estimated Cheshire Population (of 4,200 pairs). As such, the Order Limits is clearly not a location which should be considered as of particular importance for breeding skylarks. Effects on skylark populations arising from the Proposed Development are considered not significant above Site (Order Limits) level, and effects on skylark populations at any meaningful conservation scale will therefore be negligible. The Applicant does, however, accept that proportionate mitigation should be provided and has adopted an approach which is considered to provide this.
2. The anticipated number of post development breeding skylark pairs (9-11) represents ~50% of the baseline number. This level of mitigation is consistent with other approved DCO solar projects (e.g., Cottam Solar, which provided mitigation for 45% of baseline pairs). It is important to note that numbers of breeding pairs is an imprecise metric for skylark conservation as it alone does not measure breeding productivity, recruitment or population viability. It does not recognise that breeding productivity of retained pairs (both within the Order Limits and surrounding environs) will be increased through improvements to habitat quality resulting from the measures set out in the oLEMP. Recognising the improvement to habitat quality and its impact on breeding productivity is an approach has been accepted by the Secretary of State (e.g. Fenwick Solar Farm, Springwell Solar Farm). Research by the British Trust for Ornithology shows that fledged young per pair in winter wheat (as is currently the case at Frodsham) is 0.26 young/pair, but in grass set aside raises to 1.25 young/pair and naturally regenerated set-aside to 1.67 young/pair¹. As such, despite the reduced number of pairs provisioned for, evidence shows that there will be a comparable level of young raised and thereby conservation status at any meaningful scale will be retained as a result of habitat improvement measures secured for the Site. The Applicant has deliberately chosen an approach which concentrates on breeding productivity, rather than breeding pairs (which may be unproductive), and which is evidence based.
3. The Applicant highlights that neither NPPF nor Natural England standing advice on wild birds requires a 'pair-for-pair' approach to mitigation for breeding birds, nor is such a metric typically applied to other species of identical conservation status to skylark.
4. The Skylark Mitigation Area (SMA) forms only part of the area available to nesting and foraging skylarks during the operational phase of the Proposed Development. There is clear published evidence that breeding skylarks from adjacent land continue to utilise solar farms as a foraging resource, which will be improved by the creation of meadow grassland (converted from arable crops) across the solar development areas. Additionally, land within the Non-breeding Bird Mitigation Area (NBBMA) will provide high-quality habitat for breeding skylarks as well as wintering birds; this area will be managed specifically for nature conservation by a suitably experienced nature conservation organisation. It is the Applicant's position that skylark mitigation is not solely provided by the SMA.

¹ Wilson, J.D., Evans, J., Browne, S.J. & King, J.R. (1997). "Territory distribution and breeding success of Skylarks *Alauda arvensis* on organic and intensive farmland in southern England." *Journal of Applied Ecology*, 34, 1462–1478.

Noting the points above, the Applicant considers that its approach to mitigation is acceptable, is consistent with other DCO applications and is compliant with the NPPF, NPS and Natural England standing advice. As such, alternative locations outside the Order Limits have not been considered as additional mitigation is not considered necessary. In that context, it had not sought additional land within the Order limits for such purposes, as it was considered that this would not meet the tests for compulsory acquisition (i.e. being land required for the authorised development).

Adaptive Management (paragraph 9)

The Applicant notes the request and has updated the oLEMP to provide further detail on the monitoring and adaptive management arrangements. Full details are provided at paragraphs 4.1.3–4.1.5 of the oLEMP. In summary, this comprises:

1. monitoring of the SMA in Years 1, 2 and 5 of operation, comprising four survey visits during each breeding season between April and July, with the number of singing skylarks recorded as the measure of mitigation performance;
2. a defined success criterion based on the SMA supporting the anticipated number of singing skylarks during the breeding season;
3. a range of potential remedial measures where monitoring indicates that the success criterion is not being achieved, including changes to cutting regimes and sward height or composition, management of scrub and ruderal vegetation, and measures to reduce predation; and
4. provision for monitoring and adaptive management to continue beyond Year 5 where necessary, with further measures implemented and refined until an acceptable number of singing skylarks is confirmed. Additional measures within the Non-breeding Bird Mitigation Area may also be implemented if required.

These additions provide greater detail on the approach that could be undertaken if monitoring determines that the SMA and the wider Site are not delivering the envisaged benefits to the skylark population.

Skylark Compensation (paragraph 10)

For the reasons set out in response to Paragraph 8, the Applicant notes that the provision of additional compensatory land would be disproportionate to the nature and scale of the predicted effects on breeding skylark. Furthermore, as set out in response to Paragraph 9 and secured through the updated oLEMP, the proposed monitoring and adaptive management regime provides a mechanism for implementing additional management measures where necessary. This includes the ability to continue monitoring and adaptive management beyond Year 5 and, if required, to implement additional measures in discussion with the organisation responsible for managing the Non-Breeding Bird Mitigation Area and the LPA.

Accordingly, the Applicant considers that there is sufficient flexibility within the mitigation strategy to respond to any residual effects identified through monitoring, without the need to secure additional land for compensation. The Applicant therefore does not consider that further compensation measures, such as providing additional compensatory land, are necessary.

Ecological Data Sharing (paragraph 11)

The Applicant has updated the oLEMP (paragraph 7.2.6) and the oCEMP (paragraph 7.2.4) to commit the Applicant to supplying ecological survey and monitoring data to the relevant Local Environmental Records Centre(s) and relevant national and regional environmental recording schemes annually, where survey data has been gathered.

Crown Consent (paragraph 12)

The parties have reached agreement and at the time of writing are in the process of executing the necessary contractual documents. As soon as this process is completed (which is expected imminently), the S.135 consent letter will be issued by the Crown Estate.

Land Rights (paragraphs 13 and 14)

The Applicant can confirm that in respect of the utility companies mentioned in the RFTI, the position is as follows:

BPAL and Shell UK Limited have not engaged with the Applicant throughout the process for the Proposed Development and have not submitted representations to the Examination process. Protective Provisions are included for their benefit into Examination.

In respect of Liverpool Bay CCS Limited and their Protective Provisions, the Parties have ‘agreed to disagree’ and the Secretary of State is invited to choose between the parties’ respective submissions of the Examination. More broadly in respect of Liverpool Bay CCS Limited, the Applicant has appended to this submission Natural England’s latest submission in response to the planning application for their pipeline (most relevant sections highlighted). The Applicant notes that this submission makes clear Natural England’s view that in the scenario where their pipeline is to be installed after the Applicant has established the NBBMA, that:

- this would constitute a significant change to the proposals, and that a further planning application would be required to ensure a full assessment of impacts; and
- their current advice would be subject to change, and the current mitigation measures ‘may no longer be sufficient to reach a conclusion of no adverse effects on integrity’.

Given this and the case law on the importance of a competent authority taking into account the advice of Natural England as the appropriate nature conservation body when completing its appropriate assessment, the Applicant considers that this provides further reassurance that the Council will need to put in place a condition to ensure that the pipeline does not come after the establishment of the NBBMA unless additional steps are undertaken by Liverpool Bay CCS Limited to regulate the position (i.e. another application, or a re-assessment with new mitigation measures), as the Applicant argued would be the case throughout Examination.

In respect of Essar, discussions are continuing between the parties and progress has been able to be made on some points between the parties. The Applicant remains committed to reaching an agreed position as soon as possible, and an update will be provided to the Secretary of State in due course on the latest position.

In respect of the landowners mentioned in the RFI, the position is as follows:

- In respect of Cheshire Green, Heads of Terms between the parties are agreed. The Parties have agreed to finalise the substantive documents post DCO consent, if granted.
- There is to be no update to be made in respect of Ms Nicholas or Mr Ainsworth – engagement will be undertaken post DCO consent.
- In respect of ICL, the Applicant and ICL have agreed the following joint position statement: *Frodsham Solar Limited and Inovyn Chlorovinyls Limited (ICL) have continued their negotiations concerning commercial documentation to regulate the position between the parties in respect of the Frodsham Solar proposals. Good progress has been made and the documentation is now (for the most part) in agreed form, with a small number of detailed drafting points still to be agreed. As of 8 September, and subject to all remaining drafting points being resolved satisfactorily, the documents are going through the process of Board approval to enable completion. As such, the parties intend to update the Secretary of State once completion has occurred, which is expected in short order after 8 September. Pending completion, the parties’ respective positions remain as at the end of the Examination.*

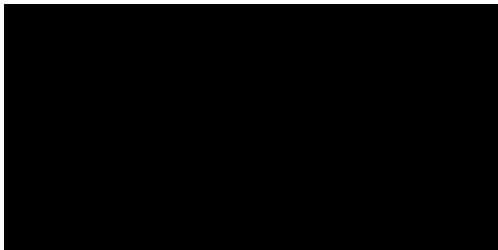
The table below sets out the new documents submitted by the Applicant in response to the RfI.

Documents Submitted
Applicant's response to request for information issued 25 August 2026 [EN010153/DR/9.1]
Outline Landscape and Ecology Management Plan P09 (clean and tracked versions provided) [EN010153/DR/7.13]

Documents Submitted
Outline Construction Environmental Management Plan P09 (clean and tracked versions provided) [EN010153/DR/7.5]
Natural England response to Liverpool Bay CCS Limited 21 August 2026 [EN010153/DR/9.2]

Please do not hesitate to contact the undersigned or [REDACTED] if you have any questions or require any further information.

Yours sincerely



UK Development Lead on behalf of Frodsham Solar Limited (FSL)
FSL is a Cubico Sustainable Investments owned company