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Ref: EN010153

Frodsham Solar Limited
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27 October 2026

Dear Frodsham Solar Limited,

PLANNING ACT 2008

APPLICATION FOR DEVELOPMENT CONSENT FOR FRODSHAM SOLAR FARM

This decision was made by [REDACTED] on behalf of the Secretary of State for Energy Security and Net Zero

1. Introduction

- 1.1. I am directed by the Secretary of State for Energy Security and Net Zero ("the Secretary of State") to advise you that consideration has been given to the report of the Examining Authority ("ExA") dated 29 July 2026. The ExA consisted of three examining inspectors; [REDACTED]. The ExA conducted an examination ("the Examination") into the application submitted on 30 May 2025 ("the Application") by Frodsham Solar Limited ("the Applicant") for a Development Consent Order ("DCO") ("the Order") under section 37 of the Planning Act 2008 ("the 2008 Act") for the Frodsham Solar Farm Project ("the Proposed Development"). The Application was accepted for Examination on 27 June 2025. The Examination began on 2 December 2025 and closed on 30 April 2026. The Secretary of State received the ExA's Report of Findings and Conclusions and Recommendation to the Secretary of State ("the ExA's Report") on 29 July 2026.
- 1.2. On 25 August 2026 a letter was issued by the Secretary of State seeking information on several matters ("the first information request"). On 17 September 2026, Interested Parties ("IPs") were invited to comment on the responses received ("the first consultation"). On 30 September 2026 a letter was issued to the Applicant and The Crown Estate by the Secretary of State seeking further information on several matters ("the second information request").
- 1.3. The Proposed Development will have a generating capacity above 50MW [ER 1.1.4] and is located wholly within the English administrative area of Cheshire and Cheshire West Council ("CWCC") [ER 1.2.1]. The Order, as applied for, would grant development consent for the construction, operation, maintenance, and decommissioning of an energy generating facility comprising ground mounted solar photovoltaic ("PV") arrays and an on-site substation,

together with an associated battery energy storage system (“BESS”) and supporting infrastructure including a connection to the national grid at Frodsham Substation. A private wire electricity connection to nearby businesses, mitigation areas for non-breeding birds and skylark, and the main site access route are included in the proposed works [ER 1.2.5].

1.4. The Proposed Development’s works comprise [ER 1.2.6]:

Principal development

- Work No. 1 – a ground mounted solar PV generating station.

Associated development

- Work No. 2 – a BESS compound.
- Work No. 3 – works in connection with an onsite substation and associated works.
- Work No. 4 – connection works from Work No.3.
- Work No. 5 – works to lay electrical cables and communication cables.
- Work No. 6 – works to create, enhance and maintain green infrastructure.
- Work No. 7 – construction, maintenance and decommissioning compounds.
- Work No. 8 – access and highway improvements and use, comprising works to create, improve, repair or maintain streets, roads, haul roads and access points.

1.5. The Applicant seeks compulsory acquisition (“CA”) and temporary possession (“TP”) powers, set out in the draft Order submitted with the Application.

1.6. Published alongside this letter on the Planning Inspectorate’s National Infrastructure Project website¹ is a copy of the ExA’s Report. The ExA’s findings and conclusions are set out in Chapters 3, 4, 5 and 6 of the ExA Report, and the ExA’s summary of conclusions and recommendation is at Chapter 8. All numbered references, unless otherwise stated, are to paragraphs of the ExA’s Report [“ER *.*.”].

2. Summary of the ExA’s Report and Recommendation

2.1. The principal issues considered during the Examination, on which the ExA has reached conclusions on the case for development consent, are set out in the ExA Report under the following broad headings:

- The Principle of the Development, Need and Alternatives
- Biodiversity and Ecology
- The Water Environment
- Climate Change and Resilience
- Landscape and Visual
- Ground Conditions, Geology and Land Use
- Traffic and Transport
- Historic Environment
- Socioeconomics
- Cumulative Effects and Inter-Relationships
- Air Quality
- Glint and Glare, and Aviation and Defence
- Human Health, Fire Risk, Safety and Security
- Noise, Vibration and Nuisance

¹ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010153>

- Decommissioning and Waste

- 2.2. The ExA recommended that the Secretary of State make the Order in the form attached at appendix D to the ExA's Report [ER 8.3.2].
- 2.3. This letter is intended to be read alongside the ExA's Report. Except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the ExA Report, and the reasons for the Secretary of State's decision are those given by the ExA in support of her conclusions and recommendations.

3. Summary of the Secretary of State's Decision

- 3.1. The Proposed Development comprises a generating station which generates electricity directly from sunlight and has a capacity in excess of 50 megawatts ("MW"). It therefore falls within sections 14(1) and 15 of the Planning Act 2008 (the "2008 Act") as a Nationally Significant Infrastructure Project ("NSIP") and requires development consent pursuant to section 31 of the 2008 Act [ER 1.1.4]. Although the Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025 (the "2025 Order") subsequently increased the threshold for solar generating stations to 100MW, that change does not apply to this case as the Application was submitted before the 2025 Order came into force and, in any case, the generating capacity of the Proposed Development exceeds 100MW.
- 3.2. Section 104(2) of the 2008 Act requires the Secretary of State, in deciding an application for development consent, to have regard to any relevant National Policy Statement ("NPS") which has effect in relation to development of the description to which the application relates, along with Local Impact Reports ("LIRs") and other important and relevant matters. Subsection (3) requires that the Secretary of State must decide the application in accordance with the relevant NPS except to the extent that one or more of subsections (4) to (8) apply. The Secretary of State has determined this Application in accordance with the relevant NPSs (which, for the purposes of this decision, are the 2024 NPSs) and has concluded that subsections (4) to (8) are not applicable in this case.
- 3.3. The Secretary of State has considered the overall planning balance and, for the reasons set out in this letter, has concluded that the public benefits associated with the Proposed Development outweigh the harm identified, and that development consent should therefore be granted.
- 3.4. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting consent for the proposals in the Application. This letter is a statement of the reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations").
- 3.5. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

4. The Secretary of State's Consideration of the Application

- 4.1. The Secretary of State has considered the ExA's Report and all other material considerations, including representations received after the close of the Examination and

responses to the Secretary of State provided during the decision-making stage. 51 Relevant Representations (“RRs”) were made in respect of the Application. Written Representations, responses to questions and oral submissions made during the Examination were also taken into account by the ExA. The Secretary of State has had regard to the Local Impact Report (“LIR”) submitted by CWCC, environmental information as defined in regulation 3(1) of the EIA Regulations and to all other matters which are considered to be important and relevant to the Secretary of State’s decision as required by section 104 of the 2008 Act including relevant policy set out in the NPSs EN-1, EN-3 and EN-5, as designated on 17 January 2024 (“the 2024 NPSs”), which are “relevant” NPSs in respect of the Application for the purposes of section 104(2) of the 2008 Act.

- 4.2. On 24 April 2025, a consultation on the draft revisions to NPS EN-1 and EN-3 was launched and revised NPSs were laid in Parliament on 13 November 2025, which came into effect on 6 January 2026 (“the 2025 NPSs”). The Secretary of State notes that, in accordance with the transitional provisions set out in the 2025 NPS at section 1.6 of EN-1, the 2024 NPSs had effect for the ExA’s consideration of this Application. As such, the Secretary of State has had regard to the 2024 NPSs in making this decision. Whilst the 2025 NPSs do not have effect for this Application, they are capable of being important and relevant considerations in the Secretary of State’s decision-making process and have been considered accordingly in the making of this decision.
- 4.3. The Secretary of State has also had regard to the Clean Power 2030 Action Plan (“CP2030”) which was published on 13 December 2024 and sets out a pathway to a clean power system, and the updated National Planning Policy Framework from August 2026 (“the 2026 NPPF”) which was released after the close of the Examination. Where the Secretary of State refers to the NPPF in this letter, these are references to the 2024 version, which was the version in effect during the Examination. However, the Secretary of State has considered the updated NPPF, and finds that there is nothing contained within the updated NPPF publications which would lead her to reach a different conclusion on any element of the Application.
- 4.4. The Secretary of State notes that the weighting descriptors used by the ExA differ from those laid out on page 175 of NPS EN-1. Having reviewed the ExA’s considerations and conclusions, the Secretary of State considers that the ExA’s ‘little’ weight can be equated to ‘limited’ weight, ‘great’ weight can be equated to ‘great’ weight, and ‘very great’ can be equated to ‘substantial’. The Secretary of State will use the descriptors as laid out in NPS EN-1 when ascribing her weightings in this decision letter and whilst the terminology used will differ to this limited extent, the difference in terminology does not indicate a disagreement with the ExA unless this is specifically stated.
- 4.5. The Secretary of State agrees with the ExA’s conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
 - The Water Environment – Neutral weight;
 - Landscape and Visual – Great negative weight;
 - Ground Conditions, Geology and Land Use – Neutral weight;
 - Traffic and Transport – Neutral weight;
 - Historic Environment – Little negative weight;
 - Socioeconomics – Little negative weight;
 - Cumulative Effects and Inter-Relationships – Neutral weight;
 - Air Quality – Neutral weight;

- Glint and Glare, and Aviation and Defence – Little negative weight;
- Human Health, Fire Risk, Safety and Security – Neutral weight; and
- Noise, Vibration and Nuisance – Neutral weight.

4.6. The paragraphs below set out the matters where the Secretary of State has further commentary and analysis to add beyond that set out in the ExA's Report, including those matters on which further information has been sought, and matters where the Secretary of State considers it necessary to provide further detail on her rationale for agreeing or disagreeing with the conclusions of the ExA. These matters, and the weightings ascribed by the Secretary of State to these issues, are:

- Principle of the Development, Need and Alternatives – Substantial positive weight;
- Green Belt – Substantial negative weight;
- Climate Change and Resilience – Neutral weight;
- Biodiversity and Ecology – Limited positive weight;
- Decommissioning and Waste – Neutral weight.

The Principle of the Development, Need and Alternatives

Updated Generation Capacity and MW Output

- 4.7. The ExA considered the need for the Proposed Development under the broader heading of "The Principle of the Development, Need and Alternatives". The Secretary of State notes that the ExA considered matters of climate change and reduction in greenhouse gas ("GHG") emissions under a separate topic heading but considered that the benefit of reduced GHG emissions over the lifetime of the Proposed Development was accounted for when attributing a weighting to the need case [ER 3.5.80]. The Applicant provided a GHG assessment [APP-060] as part of the Environmental Statement ("ES") [APP-038]. The Applicant's ES stated [APP-038] that using unabated combined cycle gas turbines ("CCGT") as a baseline comparator from which to calculate the benefits of the Proposed Development could be inappropriate in light of recent decisions by the Secretary of State and, consequently, in addition, the current grid mix was used to provide a range of offset emissions from which to calculate the benefits. The ExA noted that the UK average grid emission factor 2023 to 2024 mix, included as an alternative comparator, illustrates a significant emissions offset over the lifetime of the Proposed Development and it was, therefore, satisfied that the Proposed Development would result in considerable carbon savings compared to the UK grid average and would support the trajectory to net zero [ER 3.5.63].
- 4.8. At Deadline 6 the Applicant updated its position in relation to the Non-Breeding Bird Mitigation Area ("NBBMA") and confirmed that it had agreed to remove the entirety of Cell 2 (an area of land within the Order limits) from the Solar Array Development Area and instead incorporate it within the NBBMA [ER 3.2.90; REP6-041]. This amendment was requested by Natural England ("NE"), the Royal Society for the Protection of Birds ("RSPB"), Cheshire Wildlife Trust ("CWT") and CWCC, in order to avoid an adverse effect on the integrity of the Mersey Estuary Special Protection Area ("SPA") and Ramsar site. This change resulted in a reduction to the panel area and an approximately 13 MW reduction in the expected generating capacity of the Proposed Development.
- 4.9. It was unclear to the Secretary of State whether that reduction had been reflected in the Applicant's GHG assessments and, consequently, whether this had any implications for the

assessed lifetime GHG emissions and emissions savings associated with the Proposed Development. Therefore, in the first information request the Applicant was requested to confirm the updated generating capacity of the Proposed Development and asked to explain whether any changes to the generating capacity had implications for the conclusions of the GHG assessment, and to provide a revised assessment as necessary.

- 4.10. In their response dated 8 September 2026 [C1-010.1], the Applicant confirmed that the generating capacity had reduced by 13 MW, from 147 MW to 134 MW but noted that this represents the revised base case for the purposes of the assessments presented in the application rather than a fixed maximum generating capacity. The Applicant further stated that as the design is developed, they 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.
- 4.11. The Applicant's GHG 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 147MW generating capacity. Revised estimates of avoided GHG emissions were therefore provided by the Applicant. 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 in Table 1 of the Applicant's response (updating table 5.17 in Chapter 5 Climate Change [APP-038]) [C1-010.1]. The figures show that a reduction in generating capacity reduces the quantity of GHG emissions avoided over the lifetime of the Proposed Development, however, the Applicant has retained the original calculated lifetime GHG emissions of 404,891 tCO₂e. This is notwithstanding the reduction in the physical extent of the PV panel area and the associated reduction in embodied, replacement and decommissioning emissions associated with the removal of solar infrastructure from Cell 2. Consequently, retaining the full 404,891 tCO₂e represents a conservative basis for considering the amended 134 MW scheme. This conservative base was also used for re-calculating the lifetime GHG intensity, which increases from 53.6 gCO₂e/kWh to 62.8 gCO₂e/kWh but still sits within the 20–85 gCO₂e/kWh range identified in the ES for solar PV generation. The Secretary of State is satisfied that she now has up-to-date estimates for avoided GHG emissions for the Proposed Development.
- 4.12. The Applicant considers that the Deadline 6 amendment to the use of Cell 2 and resulting reduction in the PV panel area does not alter the conclusions of the Environmental Statement or the Planning Statement, which conclude that 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 and 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.

The Secretary of State's Conclusion on Updated Generation Capacity and MW Output

- 4.13. The Secretary of State agrees that unabated CCGT as a baseline comparator alone is inappropriate. She also notes that the Applicant has also included the UK average grid emission factor 2024 to 2025 mix, including in the revised Table 1, and this shows a reduction in the emissions offset over the lifetime of the Proposed Development from the 1,291,016 tCO₂e considered by the ExA based on the 2023 to 2024 mix and 147 MW generating capacity to 948,240 tCO₂e based on the 2024 to 2025 mix and reduced 134MW generating capacity. Despite the reduction, the Secretary of State still considers this to be a significant emissions offset over the lifetime of the Proposed Development. Further, the Secretary of State notes that a GHG assessment was also provided for a 100MW generating capacity

scenario (given use of the proposed private wire electricity connection is uncertain), and the ExA found that at this output, the Proposed Development would be within the established range of GHG intensities when compared to other consented solar projects [ER 3.5.61]. The Secretary of State agrees with this conclusion.

- 4.14. The Secretary of State agrees with the Applicant's conclusion that the potential reduction in the generating capacity as a result of the Deadline 6 update does not alter the conclusions of both the Environmental Statement or the Planning Statement, and that the development would have a significant and beneficial effect on climate change (in consideration of GHG emissions and its net carbon benefit) and would contribute to the urgent need for renewable energy, as established in NPS-EN1. The Secretary of State therefore considers that the potential reduction does not affect the weighting attributed to the benefit of reduced GHG emissions over the lifetime of the Proposed Development. The ExA accounted for the reduction in GHG emissions in the planning balance under the Principle of the Development, Need and Alternatives topic and gave a neutral weighting to Climate Change and Resilience overall in order to avoid duplication [ER 3.5.80]. The Secretary of State agrees with the ExA's approach to including the benefit of the reduced GHG emissions in the need case. She ascribes substantial positive weight to the Principle of the Development, Need and Alternatives Topic for the Proposed Development, and neutral weight to the overall topic of Climate Change and Resilience.

Green Belt

- 4.15. The Proposed Development would be located entirely within the Liverpool, Manchester and West Yorkshire Green Belt. The ExA notes that NPS EN-1 provides that there is a presumption against inappropriate development within the Green Belt and such development should not be approved except in very special circumstances ("VSC"). When located in the Green Belt, energy infrastructure projects may comprise 'inappropriate development.' [ER 3.2.2]. The ExA notes this is reinforced by the NPPF (published February 2025), but that this policy approach is set aside where there are exceptions to inappropriate development, including where development would be on 'grey belt' land as defined in the NPPF (see paragraphs 154 and 155 of the NPPF) [ER 3.2.7]. The ExA notes that where development is inappropriate, paragraph 153 of the NPPF states that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations [ER 3.2.8]. The ExA also noted paragraph 5.11.37 of NPS EN-1 which provides that VSC may include the wider environmental benefits associated with increased production of energy from renewables and other low carbon sources [ER 3.2.5].
- 4.16. The Applicant and CWCC agreed that the Proposed Development does not meet any of the exceptions to inappropriate development that are listed at paragraph 154 of the NPPF and the ExA agrees with this conclusion [ER 3.2.65].
- 4.17. With reference to paragraph 155 of the NPPF, the Applicant argued that the Proposed Development would be on grey belt land, that it would meet the other relevant criteria at paragraph 155 and, therefore, would not be inappropriate development [ER 3.2.66]. The ExA, however, concluded that the Order land contributes strongly to one of the key purposes of the Green Belt which are set out at paragraph 143 of the NPPF, namely purpose (b), to prevent neighbouring towns merging into one another. The ExA concludes that on that basis alone the Order land is not grey belt and, therefore, does not benefit from the exception to inappropriate development set out at paragraph 155 of the NPPF [ER 3.2.79].

- 4.18. The ExA concludes that as the Order land is not grey belt land and that the Proposed Development does not meet any of the exceptions at paragraph 154, the Proposed Development is 'inappropriate development' and, as such, should be considered against NPPF paragraph 153 and the similar Policy STRAT9 of LP1, which together state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSC [ER 3.2.80]. NPS EN-1 paragraph 5.11.37 attributes substantial weight to any Green Belt harm and the ExA concludes that substantial weight should be given to this harm, in accordance with paragraph 153 of the NPPF [ER 5.3.23].

Secretary of State's conclusion on Green Belt

- 4.19. The Secretary of State agrees with the ExA that the Proposed Development would be inappropriate development in the Green Belt, would harm the openness of the Green Belt and would undermine purpose (b) of including land in the Green Belt. In accordance with paragraph 5.11.37 of NPS EN-1 the Secretary of State concludes that the harm to the Green Belt should be given substantial negative weight.
- 4.20. In Section 7 of this letter, the Secretary of State will go on to consider the planning balance. The Secretary of State will also set out her conclusions on whether VSC exist and, if they do, whether those are sufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm resulting from the Proposed Development.

The Secretary of State's Overall Conclusion on The Principle of the Development, Need and Alternatives

- 4.21. The Secretary of State considers that the potential reduction in generating capacity does not alter the ExA's overall conclusion on the principle of, need and consideration of alternatives for the Proposed Development, that the urgent need for the Proposed Development brings very great weight for the making of the Order. The Secretary of State agrees with this conclusion and attributes substantial positive weight to the topic overall.

Biodiversity and Ecology

Biodiversity Net Gain ("BNG") 'Uplift' and Reedbed Units

- 4.22. During the Examination, CWCC and CWT, raised concerns regarding the Applicant's BNG proposals, specifically whether the BNG outcomes reported using the Statutory Biodiversity Metric Calculation Tool would be achieved, given the Applicant's assessment and approach to reedbed habitat [ER 3.3.124].
- 4.23. CWCC and CWT stated that, in relation to reedbed habitat, the Applicant had misclassified 59 units of reedbed habitat affected by the Proposed Development [ER.3.3.124] and chose to exclude this habitat from its BNG strategy, including by excluding it from the provisions of Requirement 9(2)(f) of the draft DCO ("dDCO"). The ExA noted that these reedbed units had not been satisfactorily compensated for in accordance with the Defra Statutory Biodiversity Metric trading rules, and therefore the BNG values reported by the Applicant were not accurate [ER.3.3.124].
- 4.24. The Applicant acknowledged that it had referred to the BNG achieved as an 'uplift' in units as opposed to a 'net gain' [ER 3.3.130] and acknowledged that it would be unable to provide the 10% BNG target for watercourse units unless the NBBMA was included in the calculation.

Without the inclusion of the NBBMA, the Applicant stated that the Proposed Development would deliver a 7.77% uplift in watercourse biodiversity units.

- 4.25. At Deadline 7 the Applicant committed to achieving the relevant Statutory Biodiversity Metric trading rules in respect of reedbed and scrub habitat and amended the Outline Landscape and Ecology Management Plan ("oLEMP") [REP7-026] accordingly, removing reference to excluding reedbed in Requirement 9(2)(f) of the dDCO [ER 3.3.132]. The updated oLEMP and Requirement secured targets of 10% for habitat units, 75% for hedgerow units and 10% for watercourse units. The Applicant noted that in order to achieve 10% BNG in full compliance with the Statutory Biodiversity Metric and its trading rules, off-site units or statutory credits would be required. In response to the ExA's Rule 17 letter of 24 April 2026, CWCC confirmed that it agreed with the principle of using off-site units to satisfy trading rules for reedbed and scrub habitats [ER 3.3.133].
- 4.26. The ExA welcomed the Applicant's commitment to secure an uplift of 20% habitat units, 75% hedgerow units and 10% watercourse units on the face of the dDCO [REP6-004], however, the ExA did not agree with the Applicant's approach to the use of the terminology 'uplift' in place of BNG. The ExA's reasoning was that it did not consider this to be within the spirit of NPS EN-1 paragraph 4.6.7, which encourages Applicants to use the latest version of the biodiversity metric to calculate their biodiversity baseline and present planned BNG outcomes [ER 3.3.135]. The ExA noted the Applicant's position was that if it was to use BNG terminology, Requirement 9(2)(f) would need to be amended to reflect the watercourse BNG outcome excluding the NBBMA. The ExA therefore recommended that Requirement 9(2)(f) be amended to secure BNG of 20% for habitat units, 75% for hedgerow units and 7.5% for watercourse units.
- 4.27. In the Secretary of State's first information request, CWCC and CWT were invited to comment on the Applicant's Deadline 7 updates to the oLEMP [REP7-026] and the ExA's recommended wording of Requirement 9(2)(f). In their response dated 8 September 2026 [C1-007], CWCC confirmed that they were content with the amendment but recommended additional wording to make reference the trading rules. CWCC remained concerned about the Applicant's approach to classifying reedbeds. The Applicant also updated the oLEMP as a result of the first information request to its final version [C1-010.2] and the Secretary of State notes that all previous commitments in relation to BNG remained as above. In their response dated 17 September 2026, CWT welcomed the update to the wording of Requirement 9(2)(f) and made no further comments on the requirement.

The Secretary of State's Conclusion BNG 'Uplift' and Reedbed Units

- 4.28. The Secretary of State agrees with the ExA's conclusions regarding BNG and has incorporated the ExA's recommended wording of Requirement 9(2)(f). With regard to CWCC's outstanding concerns, the Secretary of State does not consider it necessary to include reference to the trading rules in Requirement 9(2)(f), as the BNG outcomes secured by the Requirement have been determined in accordance with the trading rules. Finally, with regard to the concerns around the classification of the reedbed habitat, the Secretary of State notes that the amendment of Requirement 9(2)(f) has removed "excluding reedbeds" which had previously been a concern raised by CWCC. The Secretary of State is therefore satisfied that reedbed habitat will not be excluded from the BNG provisions secured through Requirement 9(2)(f) and will be appropriately accounted for in the delivery of BNG for the Proposed Development.

Skylark Mitigation

- 4.29. The Applicant's Environmental Statement (ES) at Chapter 8, identified a minor adverse effect on the local skylark population, largely from displacement [APP-041]. The Applicant proposed a 5.58ha site within the Order limits to be managed and improved to support breeding skylark, known as the Skylark Mitigation Area ("SMA") [ER 3.3.67]. Concerns were raised, primarily by CWCC and CWT, regarding the extent of the SMA, the disturbance caused by the pylons and M56 motorway and the fragmentation of the skylark from the areas they currently use [ER 3.3.67 – ER 3.3.70]. Despite the Applicant updating the oLEMP at Deadline 7 to commit to monitoring and adaptive management in respect of skylarks, CWCC remained concerned by the end of the Examination [ER 3.3.73 – ER 3.3.74].
- 4.30. The ExA considered that caution needed to be applied to the Applicant's assumption that the qualitative improvement of 5.58ha of land would be sufficient to support the breeding population of skylark. The ExA considered the likely success of this mitigation to be highly subjective, difficult to quantify and that there could be other factors that may limit the reproductive productivity of the species which have not been accounted for in this strategy. The extent to which skylarks would use land within the SMA whilst they were displaced from the solar array area during construction was also considered unclear by the ExA [ER 3.3.79]. However, the ExA stated it was reassured over the Applicant's decision to update the oLEMP [REP7-025] at Deadline 7 to commit to monitoring and adaptive management in respect of skylarks and noted that this is secured via Requirement 9 of the dDCO, which requires the final LEMP to be approved by the relevant local authority in consultation with NE. The ExA, therefore, considered that there is adequate provision for amendments to be made to the SMA to enhance skylark mitigation, if required, during the construction and operational phases [ER 3.3.80].
- 4.31. In the first information request, the Secretary of State requested further justification from the Applicant for the proposed skylark mitigation, including whether alternative locations on land outside of the Order Limits were explored and the reasons for selecting the proposed approach to mitigation. The Applicant was requested to explain the proposed adaptive management and to revise the oLEMP as necessary. The Applicant was also invited to explain whether it considered that compensation for any residual impact on skylark would be feasible.
- 4.32. In their response dated 8 September 2026 [C1-010.1] the Applicant stated that it considers its approach to the mitigation area was acceptable, consistent with other DCO applications, and compliant with the NPPF, NPS and Natural England standing advice on wild birds². Therefore, alternative locations outside the Order Limits and further compensatory land were not considered necessary. The Applicant also restated that they considered that the SMA would provide improved habitat quality which would have a positive impact on the breeding productivity of the of the retained breeding pairs and noted that research undertaken by the British Trust for Ornithology³ supported this theory. The Applicant concluded that it

² <https://www.gov.uk/guidance/wild-birds-advice-for-making-planning-decisions>

³ 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.

deliberately chose this approach to concentrate on breeding productivity, rather than focusing on breeding pairs and that this is based on evidence.

- 4.33. The Applicant did, however, update the oLEMP to provide further detail on the monitoring and adaptive management arrangements at paragraphs 4.1.3–4.1.5, which include the following:
- 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;
 - a defined success criterion based on the SMA supporting the anticipated number of singing skylarks during the breeding season;
 - 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
 - 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 NBBMA may also be implemented if required.
- 4.34. CWT responded to the Secretary of State’s consultation on 17 September 2026 [C2-010] stating that their concerns regarding the size of the SMA and its ability to fully mitigate skylark remained unchanged.
- 4.35. CWCC provided further comments on 16 October 2026 [C2-006] in relation to amendments made by the Applicant during the second consultation, and while they welcomed much of the additions to the oLEMP, their concerns regarding the suitability of the SMA and its ability to mitigate against the impacts of the project on the local skylark population remained unchanged.

The Secretary of State’s Conclusion on Skylark Mitigation

- 4.36. The Secretary of State welcomes the further detail provided by the Applicant in the updated oLEMP [C1-010.2] with regard to the monitoring and adaptive management arrangements in respect of skylark. Due consideration has been given to the representations made by CWCC and CWT the concerns regarding the suitability of the SMA, however the Secretary of State considers there to be sufficient detail provided within the oLEMP to conclude that the approach to the SMA appropriate and she is content that the Applicant has sufficiently considered the impacts, and that no compensation is required for skylark.

Ecological Data Sharing

- 4.37. In the first information request, the Secretary of State requested that the Applicant revised the oLEMP and the Outline Construction Environmental Management Plan (“oCEMP”) to provide that pre-construction, construction and post-construction and operational survey and monitoring data is regularly shared in the appropriate formats with the relevant Local Environmental Records Centre(s) and relevant national and regional environmental recording schemes.
- 4.38. The Applicant confirmed in their response dated 8 September 2026 that they had 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.

The Secretary of State's Conclusion on Ecological Data Sharing

- 4.39. The Secretary of State welcomes the commitment made to ecological data sharing by the Applicant in the oLEMP and oCEMP.

The Secretary of State's Overall Conclusion on Biodiversity and Ecology

- 4.40. The Secretary of State agrees with the ExA's updated wording for Requirement 9(2)(f) and concludes that BNG is appropriately secured by the DCO, and welcomes the changes made by the Applicant to the oLEMP and oCEMP in respect of the monitoring of and adaptive management arrangements for skylark and ecological data sharing. Overall, the Secretary of State agrees with the little positive weight ascribed by the ExA to the overall issue of biodiversity and ecology. The Secretary of State, therefore, ascribes limited positive weight to the issue of biodiversity and ecology.

Decommissioning and Waste

Decommissioning Fund Requirement

- 4.41. During the Examination CWCC raised concerns around the funding for decommissioning and stated that a decommissioning fund was preferred, essential and in the public interest [ER 3.12.139-ER 3.12.143]. CWCC argued that the original undertaker will often transfer a development once operational to another undertaker or undertakers and considered that there should be a robust mechanism for ensuring the funding for decommissioning is available in relation to potential future undertakers [ER 3.12.139]. CWCC also raised concerns that the Applicant's main position on, at and immediately after decommissioning revolved around agreements with landowners [ER 3.12.142].
- 4.42. The Applicant argued that there is no NPS requirement for a decommissioning fund and noted that Requirement 20 in the dDCO is a robust and secure mechanism for securing decommissioning and that the breach of a DCO Requirement, including any Requirement relating to decommissioning, would be an offence under s 161 of the 2008 Act [ER 3.12.140]. With regard to agreements with landowners, the Applicant stated that a detailed Decommissioning Environmental Management Plan ("DEMP") could only be prepared by the Applicant on the basis of discussions with landowners as to how they are expecting the land to be returned to them and that CWCC would have the opportunity to see and approve that plan as part of the detailed DEMP. The Applicant noted that when the land is returned, it would be in the control of the landowners, just as it is now, and should be managed in accordance with the usual planning system [ER 3.12.142]. Nevertheless, the Applicant provided text, on a without prejudice basis, for the provision of a new Requirement in the dDCO for securing a decommissioning fund [ER 3.12.141].
- 4.43. The ExA had residual concerns regarding the major replacement works and the case for re-powering being strengthened, thus reducing the 'temporary' nature of the project [ER 3.12.145]. The ExA, therefore, recommended that a Requirement was added to the dDCO to secure provision of a decommissioning fund to strengthen the case for decommissioning and avoid any ambiguity or uncertainty as to the future of the project [ER 3.12.147]. The ExA

ascribed the matter of decommissioning and waste neutral weight, subject to the additional procedural Requirement for a decommissioning bond to be secured [ER 3.12.150].

The Secretary of State's Conclusion on Decommissioning Fund Requirement and Overall Conclusion on Decommissioning and Waste

- 4.44. The Secretary of State agrees with the Applicant that Requirement 20 in the dDCO is a robust and adequate mechanism for securing decommissioning. With regard to concerns around the end state of the land being at the apparent whim of the landowners, the Secretary of State notes that CWCC will have the opportunity to see and approve the relevant sections of the detailed DEMP. The Secretary of State notes the ExA's concerns regarding re-powering but does not consider that a decommissioning fund is directly relevant in addressing these concerns as she considers that there is already a mechanism in place to ensure that the scheme is both temporary and reversible. Furthermore, the Secretary of State notes there is no policy requirement for a decommissioning fund to be imposed, noting paragraphs 2.10.146 to 2.10.151 of NPS EN-3 which set out the considerations for the Secretary of State in relation to project lifetime and decommissioning of solar developments. The Secretary of State, therefore, does not consider a Requirement for a decommissioning fund to be necessary, and has removed draft Requirement 21 of the ExA's recommended DCO ("rDCO") from the Order.
- 4.45. The Secretary of States finds that the Applicant's waste management strategy and the implementation of decommissioning secured by Requirement 20 are in accordance with the expectations of NPS-EN1 and NPS-EN3 and, therefore, considers that it is appropriate to ascribe neutral weight to the overall topic of decommissioning and waste.

5. Habitats Regulations Assessment ("HRA")

- 5.1. This section should be read alongside the Secretary of State's Habitats Regulations Assessment ("HRA") titled Habitats Regulations Assessment for an Application under the Planning Act 2008: Frodsham Solar Farm (October 2026), which is published alongside this decision.
- 5.2. The Secretary of State has considered her duties under the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations"), including whether the Proposed Development, either alone or in-combination with other plans or projects, would be likely to have a significant effect on any European site and, where required, whether it can be ascertained that the Proposed Development would not adversely affect the integrity of any such site.
- 5.3. In reaching her conclusion, the Secretary of State has carefully considered the information presented during the Examination, including the Applicant's HRA Report [REP7-007], the ExA's Report on Implications for European Sites ("RIES") [PD-21], the ES, representations made by IPs, SNCBs and the ExA's Report.
- 5.4. The Secretary of State notes that the Proposed Development is not directly connected with or necessary to the management of a European site [ER 4.1.5]. The Applicant identified the following sites for consideration within its HRA: Mersey Estuary Special Protection Area ("SPA"), Mersey Estuary Ramsar site, Midland Meres and Mosses Phase 1 Ramsar site, Midland Meres and Mosses Phase 2 Ramsar site [ER C.5.1.2]. The Secretary of State notes that Natural England, as the Statutory Nature Conservation Body, did not dispute the

European sites identified by the Applicant for consideration within the HRA [RR-012]. Having considered the evidence before her, the Secretary of State agrees with the ExA's conclusion that all European sites relevant to the assessment of the Proposed Development have been identified and appropriately considered [ER 4.4.1].

- 5.5. The Proposed Development has the potential to have a Likely Significant Effect on the following protected sites in regard to project-alone effects and effects in-combination with other plans or projects:
- The Mersey Estuary SPA
 - The Mersey Estuary Ramsar site
- 5.6. Following updates made to the assessments by the Applicant during Examination, the conclusions provided by the Applicant in the HRA Report [REP7-007] were agreed by NE [REP7-035]. The ExA concluded that adverse effects on the integrity of these sites could be excluded [ER.4.4.2.].
- 5.7. The Secretary of State has undertaken an Appropriate Assessment of the implications of the Proposed Development for the protected sites identified above, in view of their Conservation Objectives, to determine whether the Proposed Development, either alone or in-combination with other plans or projects, will result in an Adverse Effect on the Integrity of those protected sites. Having regard to the information available to her and taking account of the mitigation measures, as secured through the Order, the Secretary of State is satisfied that the Proposed Development, either alone or in-combination with other plans or projects, will not adversely affect the integrity of those the qualifying features of the protected sites. The Secretary of State's full reasoning and conclusions are set out in the HRA which has been published alongside this decision letter.

6. Compulsory Acquisition

- 6.1. After considering all of the material submitted and presented during the examination relating to the compulsory acquisition ("CA") and temporary possession ("TP") of land and rights within the Order limits, the ExA concluded that [ER 6.6.1 – ER 6.6.4]:
- the application site has been appropriately selected and that all reasonable alternatives to CA have been explored;
 - the Applicant would also have access to the necessary funds required for CA and the payment of compensation and the dDCO provides a clear mechanism whereby the necessary funding can be guaranteed;
 - with the exception of plots 5-3 and 5-4 (owned by Inovyn Chlorovinyls Limited), there is a clear need to secure the land and rights sought by the Applicant to construct, operate and maintain the Proposed Development within a reasonable timeframe;
 - in respect of plots 5-3 and 5-4 clear justification has not been provided in respect of the CA of that land but that there is justification for the CA of rights over that land;
 - the Proposed Development represents a significant public benefit to weigh in the balance and the private loss to those affected has been mitigated through the selection of the land, the minimisation of the extent of the rights and interests proposed to be acquired and the inclusion, where relevant, of Protective Provisions ("PPs") in favour of those affected;
 - CA of an interest in Crown land requires consent from the appropriate Crown authority, which remained outstanding at the close of the Examination [ER 6.4.8 and 6.5.56]; and

- subject to its recommendation in respect of 5-3 and 5-4 [ER6.5.54 – ER 6.5.56], the powers sought satisfy the conditions set out in s122 and s123 of the 2008 Act as well as the CA Guidance.

Affected Parties (“APs”) with Outstanding Land Interests

- 6.2. At the close of the Examination, agreement with respect to land acquisitions between the Applicant and a number of APs remained outstanding. In the first and second information requests the Secretary of State requested updates from the Applicant and the relevant APs on the outstanding land acquisition negotiations.

Cheshire Green Property Limited

- 6.3. In response to the first information request, on 28 August 2026 Cheshire Green Property Limited [C1-002] confirmed that Heads of Terms between the parties are now agreed and that the substantive documents will be agreed post-consent, if the DCO is granted. The Applicant also confirmed this in its response dated 8 September 2026 [C1-010.1].

Inovyn Chlorovinyls Limited (ICL)

- 6.4. In response to the first information request, the Applicant provided the following joint position statement on behalf of both parties in their response dated 8 September 2026 [C1-010.1]: *“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.”*
- 6.5. In the second information request, without prejudice to the Secretary of State’s final decision on the matter, the Secretary of State requested that the Applicant provide:
- amended Land and Crown Land plans showing plots 5-3 and 5-4 shaded in blue (instead of pink); and
 - an amended Book of Reference, which provides that for plots 5-3 and 5-4, the interest acquired will be “permanent acquisition of new rights” over the extent of land so described for plots 5-3 and 5-4, and the category of rights required for these plots is “SPEN connection (above ground) cable rights”.
- 6.6. In their response dated 14 October 2026 the Applicant confirmed that its discussions with ICL were at an advanced stage and it anticipated that agreement would be reached imminently. Whilst the Applicant maintained its preference for its own wording for the Order, as submitted at Deadline 7, and that no further amendments to the dDCO should be necessary, the Applicant provided amended Land and Crown Land plans and an amended Book of Reference on a without prejudice basis, as requested.
- 6.7. As noted above, the ExA concluded that case for full compulsory acquisition of ICL’s land (i.e. plots 5-3 and 5-4) had not been made out, as this would be disproportionate and would exceed what is reasonably required to deliver the Proposed Development and that, as such,

there is not a compelling case in the public interest for the land to be acquired compulsorily. Therefore, the ExA concluded that the tests at section 122 of the PA 2008 have not been met in respect of plots 5-3 and 5-4 [ER 6.5.36] and any compulsory acquisition should be limited to the acquisition of permanent rights across those plots.

- 6.8. The Secretary of State has considered the responses received since the close of the Examination and whilst she notes that negotiations remain ongoing, pending completion, the Secretary of State agrees with the ExA's conclusion that compulsory acquisition should be limited to the acquisition of permanent rights across plots 5-3 and 5-4. Accordingly, the Secretary of State has included references to the amended Land and Crown Land plans and updated Book of Reference provided by the Applicant within the Order and has made modifications to the Order to provide that acquisition of permanent rights only have been granted over lots 5-3 and 5-4 (see paragraph 9 below).

Joan Margaret Nicholas and Mark Avis-Ainsworth

- 6.9. In response to the first information request, on 7 September 2026 Joan Margaret Nicholas [C1-005] stated that she requires more information on what her land is needed for and the amount of compensation she will be offered before she instructs an agent to act on her behalf. In response to the first information request, on 9 September 2026 Mark Avis-Ainsworth [C1-003] stated that he rents the land belonging to Ms Nicholas and owns the land in the name of John Ainsworth and that the Applicant has not negotiated with him or contacted him directly on this matter. He requested clarity on the exact amount of land that is involved in the application and its location in relation to his land.
- 6.10. In the second information request the Secretary of State requested that the Applicant provide further detail regarding how they have consulted with these parties prior to seeking compulsory acquisition, including a timeline of contact between themselves and Ms Nicholas, and Mr Avis-Ainsworth or representatives of the estate of John Ainsworth.
- 6.11. In its response dated 14 October 2026 the Applicant confirmed that it had sent Land Interest Questionnaires (LIQ) on 8 October 2024, section 42/44 notices on 5 November 2024 and section 56 notices on 10 July 2025 to both Mrs Nicholas and the executors of Mr Ainsworth (who it understood to be Mark Avis-Ainsworth) but had received no responses from either party. Following the submission and publication of Mrs Nicholas' and Mr Avis-Ainsworth's responses to the Secretary of State's first information request, out of courtesy, the Applicant contacted and spoke to Mrs Nicholas on the 15 September 2026 and Mr Avis-Ainsworth on 14 September 2026, to explain the progress and nature of the application and that further engagement would be undertaken with them following the decision.
- 6.12. The ExA considered that the Applicant has demonstrated the need for the powers and rights over both AP's land and that there is a compelling case in the public interest for the land and rights to be acquired compulsorily. The ExA was, therefore, satisfied that the Applicant meet the test in s122(3) of the 2008 Act [ER 6.5.39 – ER 6.5.40].
- 6.13. The Secretary of State has considered the responses received since the close of the Examination and considers that the Applicant has demonstrated that it has taken reasonable

steps to engage with both parties as required by the relevant guidance⁴. Whilst noting that negotiations remain ongoing, the Secretary of State agrees with the ExA's conclusions on this matter.

British Pipelines Agency Limited (BPAL)

6.14. In its response to the first information request dated 8 September 2026 [C1-010.1], the Applicant confirmed that there had been no further engagement with BPAL. The ExA concluded that the PPs included by the Applicant adequately protect the interests of BPAL, that the Applicant has demonstrated the need for the powers and rights over this AP's land, that there is a compelling case in the public interest for the land and rights to be acquired compulsorily and, therefore, that the test in s122(3) of the 2008 Act had been satisfied [ER 6.5.41]. The Secretary of State agrees with the ExA's conclusion.

Shell UK Limited ("Shell")

6.15. In its response to the first information request dated 8 September 2026 [C1-010.1], the Applicant confirmed that there had been no further engagement with Shell. In its response to the first consultation dated 16 October [C2-007], the Applicant confirmed that despite reaching out to Shell on 14 September 2026, it had heard nothing from them since then. The ExA concluded that the PPs included by the Applicant adequately protect the interests of Shell, that the Applicant has demonstrated the need for the powers and rights over this AP's land, that there is a compelling case in the public interest for the land and rights to be acquired compulsorily and, therefore, that the test in s122(3) of the 2008 Act had been satisfied [ER 6.5.41]. The Secretary of State agrees with the ExA's conclusion.

The Crown Estate ("TCE")

6.16. In the first and second information request the Secretary of State requested an update from the Applicant and TCE confirming whether or not the Applicant had obtained Crown consent under s135(1) of the Planning Act 2008 for the acquisition of crown land.

6.17. In its response to the first information request dated 8 September 2026 [C1-010.1], the Applicant confirmed that the parties had reached agreement and were in the process of executing the necessary contractual documents, after which, the s135 consent letter would be issued by the Crown Estate. In a response dated 21 September 2026 TCE confirmed that s135(1) and s135(2) consent had been granted subject to:

1. the inclusion and continuing application of the "Crown rights" wording provided in the Order at Article 44; and

⁴ 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013, Department for Communities and Local Government)' at https://assets.publishing.service.gov.uk/media/5a748a8ce5274a7f9902904a/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf and 'Guidance on the compulsory purchase process' (Updated 17 June 2026, Ministry of Housing, Communities & Local Government) at https://assets.publishing.service.gov.uk/media/6a327dabc6e94f095f3ef949/CPO_Guidance_Update_2026.pdf

2. the Commissioners being consulted further if any variation to the dDCO is proposed which could affect any other provisions of the Order which are subject to section 135(1) and 135(2) of the Act.

6.18. The Applicant also confirmed that Crown consent had been granted in its response dated 14 October 2026.

Protective Provisions

Cadent Gas Limited

6.19. Following the end of the Examination, in its correspondence dated 18 May 2026 [PIR-002], Cadent Gas confirmed that it had agreed PPs which are secured in a confidential agreement with the Applicant and had withdrawn its objection and was not seeking any further changes to the dDCO. The Secretary of State is content that the agreed PPs are sufficient and adequately secured in the Order and notes that an additional agreement has been reached between the parties on this matter.

Essar Oil (UK) Limited ("Essar")

6.20. In its response to the first information request dated 8 September 2026 [C1-010.1], Essar confirmed that it was continuing to negotiate with the Applicant in good faith and with a view to agreeing the PPs within the next month. The Applicant also confirmed this in its response dated 8 September 2026 [C1-010.1]. In a response dated 19 October 2026 [C2-009] the Applicant confirmed that both parties had reached agreement on the PPs for Essar. The Secretary is content that the agreed PPs are sufficient and adequately secured in the Order.

Frodsham Wind Farm Limited (FWFL)

6.21. Following the end of the Examination, in a joint position statement dated June 2026 [PIR-003], FWFL confirmed that it had completed a confidential Side Agreement and agreed PPs with the Applicant and had, therefore, withdrawn its objection. The Secretary is content that the agreed PPs are sufficient and adequately secured in the Order.

National Grid Electricity Transmissions ("NGET")

6.22. Following the end of the Examination, NGET confirmed in a letter dated 7 May 2026 [PIR-001] that it had agreed PPs with the Applicant and had, therefore, withdrawn its objection. The Secretary is content that the agreed PPs are sufficient and adequately secured in the Order.

Liverpool Bay CCS Limited ("LBCCS")

6.23. In its response to the first information request dated 8 September 2026 [C1-010.1], the Applicant confirmed that both parties have 'agreed to disagree' and the Secretary of State is invited to choose between the parties' respective submissions to the Examination. This position was repeated in the Applicant's response dated 16 October 2026 [C2-007]. The ExA confirmed that at the end of the Examination, the planning applications for the Runcorn Spur Carbon Dioxide Pipeline were pending determination by CWCC and Halton Borough Council [ER 6.5.58]. The ExA concluded that it did not have any compelling evidence to suggest that LBCCS Limited are entitled to specific PPs and, therefore, had not included in the ExA's recommended Development Consent Order ("rDCO") the PPs which have been sought by

LBCCS Limited. The ExA considered that it is more likely another form of co-existence agreement would be the ideal vehicle for both projects to pursue [ER 7.4.5].

- 6.24. The Secretary of State notes that the planning applications for the Runcorn Spur Carbon Dioxide Pipeline are still pending determination and that the Applicant and LBCCS have not reached agreement on acceptable wording for appropriate PPs prior to any DCO being made. She, therefore, agrees with the ExA's conclusions on this matter and has not included the PPs sought by LBCCS.

Other post-examination responses

Cellnex UK

- 6.25. In its response to the first consultation dated 8 October 2026 [C2-004], Cellnex UK confirmed that they operate a lattice mast within the red line boundary of the Proposed Development (at National Grid Reference: 351110, 378091). Cellnex UK enquired what the impacts would be on its site from the Proposed Development in terms of access, construction implications, or anything else which might be relevant. In a response dated 21 October 2026 [C2-011], the Applicant confirmed that it does not anticipate an interaction with the mast or access to it due to its location, which the Applicant states is adjacent to, but outside, the Order limits. The Applicant states that, in any event, Cellnex UK's interests are protected by the provisions in Schedule 14 of the draft DCO, applied through Article 43. The Applicant confirmed it will engage directly with Cellnex UK as detailed design and construction planning progress to confirm the position of its apparatus and access requirements and agree any necessary practical arrangements.
- 6.26. The Secretary of State has considered the responses and is satisfied that Cellnex UK will benefit from the protective provisions in Schedule 14 and welcomes the Applicant's commitment to continue to engage with Cellnex UK as detailed design and construction planning progress.

Hoverforce Ltd

- 6.27. In its response to the first consultation dated 17 October 2026 [C2-008], Hoverforce Ltd raised concerns regarding the proposed access via Marsh Lane in the oCEMP, stating that the planning permission (ref. 16/03520/FUL) for the Hoverforce Activity Centre, was approved subject to the condition that access to and egress from the Hoverforce site was limited to only Marsh Lane. Should Frodsham Solar's proposed access via Marsh Lane be approved, Hoverforce Ltd considered that this will have a detrimental impact on its business. It also considered that there had been a lack of meaningful engagement from the Applicant regarding this matter and attached a consultation response that it had submitted on 11 December 2024.
- 6.28. In its response dated 21 October 2026 [C2-011], the Applicant stated that Hoverforce Ltd was interviewed by the tourism and recreation consultant within the Applicant's EIA team on 5 August 2024 specifically to understand Hoverforce Ltd's activities and the potential effects of the Proposed Development on the business. Hoverforce Ltd then received consultation materials as part of the Statutory Consultation undertaken pursuant to section 47 of the Planning Act 2008, in response to which Hoverforce Ltd submitted their representation dated 11 December 2024. The Applicant asserts that Hoverforce was served with a section 56 notice explaining how to make a Relevant Representation and participate in the examination

process, which they chose not to do. The Applicant's response to Hoverforce's concerns is set out in Appendix 10 of the Consultation Report at pages 246-248 [APP-032].

- 6.29. The Applicant also confirmed in its response of 21 October 2026 that construction and operational maintenance access for the Proposed Development, referred to as 'the western access route' (via Pool Lane, Grinsome Road, Protos, Marsh Lane and the existing wind farm access tracks) can be distinguished from Marsh Lane leading out of Frodsham used by Hoverforce Ltd. The western access route is secured by the Outline Construction Traffic Management Plan ("oCTMP") the Outline Operational Environmental Management Plan ("oOEMP"), oCEMP and the Outline Decommissioning Environmental Management Plan ("oDEMP"), the latter three of which include a commitment to maintain access to Hoverforce Ltd's land.
- 6.30. The Secretary of State has considered the responses and concludes that the Applicant has taken reasonable steps to engage with Hoverforce Ltd and that the access arrangements for Hoverforce Ltd's site have been sufficiently addressed through the relevant management plans.

The Secretary of State's conclusion on Compulsory Acquisition

- 6.31. The Secretary of State has noted the responses received and objections raised by Affected Parties. The Secretary of State notes that the Applicant has secured the mandatory consent from the relevant Crown authorities.
- 6.32. Whilst some negotiations are ongoing, the Secretary of State agrees with the ExA that the powers sought are necessary and further that there would be no serious detriment with the inclusion of PPs to BPAL's, Essar's and Shell's undertakings.
- 6.33. With the exception of plots 5-3 and 5-4, the Secretary of State agrees with the ExA's conclusions that CA powers, PPs, TP powers, powers authorising the CA of SUs land and rights over land, and the powers authorising the extinguishment of rights and removal of apparatus of SUs, be granted.
- 6.34. In respect of plots 5-3 and 5-4, the Secretary of State agrees with the ExA's conclusion that compulsory acquisition should be limited to the acquisition of permanent rights.
- 6.35. The Secretary of State has no reason to believe that the grant of the Order would give rise to any unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998.

7. Secretary of State's Consideration of the Planning Balance and Conclusions

- 7.1. The Secretary of State notes the ExA's recommendation that the Frodsham Solar Farm Development Consent Order be made in the form set out in Appendix D to the ExA's Report.
- 7.2. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
- The Water Environment – Neutral weight;
 - Landscape and Visual – Great negative weight;
 - Ground Conditions, Geology and Land Use – Neutral weight;
 - Traffic and Transport – Neutral weight;

- Historic Environment – Limited negative weight;
- Socioeconomics – Limited negative weight;
- Cumulative Effects and Inter-Relationships – Neutral weight;
- Air Quality – Neutral weight;
- Glint and Glare, Aviation and Defence – Limited negative weight;
- Human Health, Fire Risk, Safety and Security – Neutral weight; and
- Noise, Vibration and Nuisance – Neutral weight.

7.3. In relation to the following issues, regarding which the Secretary of State has set out further analysis above (see paragraphs 4.7 - 4.45), the Secretary of State ascribes the following weightings in the planning balance:

- Principle of the Development, Need and Alternatives – Substantial positive weight;
- Green Belt – Substantial negative weight;
- Climate Change and Resilience – Neutral weight;
- Biodiversity and Ecology – Limited positive weight; and
- Decommissioning and Waste – Neutral weight;

7.4. All NSIPs are expected to have some potential adverse impacts. In the case of the Proposed Development, most of the potential adverse impacts have been assessed by the ExA as having not breached NPS EN-1, NPS EN-3 and NPS EN-5, subject in some cases to suitable mitigation measures being put in place to minimise or avoid them completely as required by NPS policy. The Secretary of State considers that these mitigation measures have been appropriately secured.

Heritage balance

7.5. The Secretary of State has had regard to the duties under Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010, and paragraph 5.9.32 of NPS EN-1 which states that where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of a proposal.

7.6. The ExA considers that there would be temporary harm, albeit to a very limited degree, to the settings of Frodsham (Town) Conservation Area and the Frodsham Hill War Memorial during the construction phase with the harm to both classified as less than substantial [ER 5.3.6]. During the operational phase, the ExA considered that the Proposed Development would result in less than substantial harm to the settings of the following designated heritage assets:

- Frodsham (Town) Conservation Area;
- Castle Park Conservation Area;
- Castle Park Registered Park and Garden;
- Overton, St Lawrence's (Frodsham) Conservation Area;
- Frodsham Hill War Memorial; and
- The Promontory Fort On Helsby Hill [ER 5.3.7]

7.7. There would also be some harm to non-designated heritage assets, specifically the various parcels of ridge and furrow and the ventilation shafts [5.3.8]. The ExA afforded great weight to each asset's conservation and weighed this consideration against the public benefits of the proposal, in accordance with NPS EN-1 and the NPPF [ER 5.3.9]. The ExA afforded very

great positive weight to the significant contribution the Proposed Development would make to secure reliable energy provision, whilst also resulting in modest climate change benefits [ER 5.3.10]. Weighed against this are matters of landscape and socioeconomics, however, the ExA acknowledges there would be some minor benefits arising from these topics, such as temporary construction employment as well as BNG landscape legacy [ER 5.3.11].

- 7.8. Whilst the ExA gave ‘great weight’ to the conservation of the heritage assets that would be affected by the Proposed Development, it concluded that a little negative weight should be afforded to the harm which would be caused to the historic environment and considered that the public benefits clearly outweigh the less than substantial harm which would arise [ER 5.3.12], in accordance with NPS EN-1, NPS EN-3, the NPPF and the relevant development plan policies in relation to historic environment effects [ER 5.3.13]. The Secretary of State agrees with the ExA’s conclusions that the public benefits of the Proposed Development outweigh the less than substantial harm to the historic environment that would arise. The ExA acknowledged the limited positive effects as a result of the proposed geoarchaeological investigation, the archaeological investigation of the ridge and furrow, and the proposed heritage interpretation. The Secretary of State notes that whilst these benefits are supported by the 2026 NPPF (which was in draft form when the ExA report was issued to the Secretary of State), the ExA concluded that had the draft NPPF been adopted before this recommendation was prepared, the very limited positive weight that it attaches to these benefits would not have altered its overall conclusion in respect of the heritage balance. The Secretary of State agrees.

Green Belt and VSC consideration

- 7.9. As noted above, the Secretary of State considers that the Proposed Development is inappropriate development in the Green Belt and she accords substantial negative weight to the harm to the Green Belt. Inappropriate development should not be approved except in VSC. The Secretary of State notes paragraph 5.11.37 of 2024 EN-1, which makes clear that VSC may include the wider environmental benefits associated with increased production of energy from renewable sources. However, VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal (which in this case includes harm to the landscape, historic environment and biodiversity) is clearly outweighed by other considerations.
- 7.10. The ExA recognises the urgent need for the Proposed Development, as established in NPS EN-1, and attributes very great positive weight to the need case [ER 5.4.1]. The Secretary of State notes that approximately 109 full time equivalent jobs would be created over the construction period [ER 3.10.26]. Also, the ExA notes there are further benefits to take into account, as follows [ER 5.3.27 – ER 5.3.30]:
- contribution to climate change in terms of the reduced GHG emissions over the lifetime of the Proposed Development;
 - efficiency of land use with the co-location of the Proposed Development with Frodsham Wind Farm;
 - biodiversity enhancements; and
 - socioeconomic and tourism benefits associated with enhanced public rights of way.
- 7.11. In addition, both the Applicant and CWCC consider that the Proposed Development would be Critical National Priority (“CNP”) infrastructure. The ExA, therefore, recommends that the Secretary of State should take as the starting point that there are, in this instance, VSC to

justify the proposed CNP infrastructure and that the VSC outweigh the harm that the Proposed Development would cause to the Green Belt and its openness [ER 5.3.33]. Whilst the ExA agrees that the Proposed Development is CNP infrastructure, their conclusions are the same both with and without reliance on the CNP policy [ER 8.2.11].

- 7.12. The Secretary of State has had regard to the 2026 NPPF and notes that while the 2025 version of the NPPF required decision makers to accord "significant weight" to the benefits of renewable and low-carbon energy schemes when considering the weight ascribed to Green Belt benefits, the 2026 NPPF elevates this to a requirement to give "substantial weight" to proposals that improve energy security, support economic development, or aid the transition to net zero (Policy W3).
- 7.13. The Secretary of State agrees with the ExA's conclusions regarding the Green Belt, and that, as a starting point, the urgent need for the Proposed Development provides VSC in this instance and that they outweigh the harm caused to the Green Belt and its openness. Whilst the Secretary of State agrees that the Proposed Development meets the definition of CNP, the Secretary of State's conclusions are reached without reliance on that policy.
- 7.14. The Secretary of State notes that there are still a range of harms, both in relation to the Green Belt and other harms including those to landscape, the historic environment and biodiversity, as set out in the ExA's Report and this letter. Having carefully considered this matter, the Secretary of State concludes that the VSC, in terms of the urgent need for the Proposed Development along with other benefits (temporary construction employment, reduction in GHG emissions, efficient use of land and biodiversity and PRoW enhancements), clearly outweigh the harm to the Green Belt and any other harm resulting from the Proposed Development.

The Secretary of State's overall conclusion

- 7.15. For the reasons given in this letter, the Secretary of State concludes that the benefits of the Proposed Development outweigh its adverse impacts. The Secretary of State does not believe that the urgent national need for the Proposed Development as set out in the relevant NPSs is outweighed by the Development's potential adverse impacts, as mitigated by the proposed terms of the Order.
- 7.16. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the relevant Development Plans, the LIRs submitted by CWCC, the NPSs, NPPF (including the 2026 NPPF), Planning Guidance, and to all other matters which are considered important and relevant to the Secretary of State's decision as required by section 104 of the Planning Act 2008. The Secretary of State confirms for the purposes of regulation 4(2) of the EIA Regulations that the environmental information as defined in regulation 3(1) of those Regulations has been taken into consideration.
- 7.17. The Secretary of State has therefore decided to accept the ExA's recommendation to make the Order granting development consent, including the modifications set out in section 9 of this document.

8. Other Matters

Equality Act 2010

- 8.1. The Equality Act 2010 includes a public sector “general equality duty” (“PSED”). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following “protected characteristics”: age; gender reassignment; disability; marriage and civil partnerships⁵; pregnancy and maternity; religion and belief; race; sex and sexual orientation.
- 8.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts highlighted during the Examination. There can be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered.
- 8.3. The Secretary of State has had due regard to this duty and has not identified any parties with a protected characteristic that might be discriminated against as a result of the decision to grant consent to the Proposed Development.
- 8.4. The Secretary of State is confident that, in taking the recommended decision, the Secretary of State has paid due regard to the above aims when considering the potential impacts of granting or refusing consent and can conclude that the Proposed Development will not result in any differential impacts on people sharing any of the protected characteristics. The Secretary of State concludes, therefore, that granting consent is not likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

Natural Environment and Rural Communities Act 2006

- 8.5. The Secretary of State notes the “general biodiversity objective” to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities Act 2006 and considers the application consistent with furthering that objective, having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when making this decision.
- 8.6. The Secretary of State is of the view that the ExA’s Report, together with the Environmental Impact Assessment considers biodiversity sufficiently to inform the Secretary of State in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving biodiversity.

9. Modifications to the draft Order

- 9.1. Following consideration of the recommended Order provided by the ExA, the Secretary of State has made the following modifications to the recommended Order:

⁵ In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

- In Article 2 (interpretation):
 - i. An amendment to the definition of “permitted preliminary works”, to delete subparagraph (l), as it is considered inappropriate for access and highway improvement works relating to Work No. 8 to be commenced as permitted preliminary works;
 - ii. Deletion of paragraph (9), as it is considered inappropriate to remove assessment of materially new or different changes, even if the change is potentially positive; and
 - iii. Insertion of new paragraph (9), to clarify the effect of statutory references in the Order.
- An amendment to Article 8 (defence to proceedings in respect of statutory nuisance) to limit the grounds of defence in respect of challenges brought in relation to a statutory nuisance to noise only, in line with the majority of DCO precedents and the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009.
- An amendment to Article 9 (street works) to delete paragraph (3), to avoid unnecessary duplication.
- An amendment to Article 11 (construction and maintenance of altered streets) to require certification by the street authority that streets have been made up to a satisfactory manner before they are maintained at the expense of the street authority, to ensure fairness to the street authority.
- An amendment of Article 12 (temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way) to require streets and rights of way used as a temporary working site to be returned to their previous condition, to ensure fairness.
- An amendment to Article 23 (compulsory acquisition of rights) to delete paragraph (8) to avoid unnecessary duplication.
- An amendment to Article 26(3) (acquisition of subsoil or airspace only) to provide that paragraph (3) does not apply in relation to airspace, in the interest of affected landowners and for consistency with other DCOs.
- An amendment to Article 38 to rename the article as “operational land for the purposes of the 1990 Act”, and to remove paragraphs relating to inconsistent planning permission, as they are considered unnecessary.
- In relation to compulsory acquisition of rights only being granted over Inovyn Chlorovinyls Limited’s land as set out at paragraph 6.4–6.8, amendments to:
 - i. Article 19 (authority to survey and investigate the land), to provide the extent that the powers may be exercised over plots 5-3 and 5-4;
 - ii. Article 24 (private rights), to provide that this article does not apply to Inovyn Chlorovinyls Limited’s rights;
 - iii. Article 27 (power to override easements and other rights), to provide that the authorisation under this article does not apply to Inovyn Chlorovinyls Limited’s rights or interests; and
 - iv. Schedule 7 (land in which only new rights etc. may be acquired) to provide for “SPEN connection (above ground) cable rights” over Plots 5-3 and 5-4.

- In Schedule 2 (requirements):
 - i. Amendments to requirement 9 (landscape and ecological management plan), for the reasons set out at paragraphs 4.22 –4.28 above; and
 - ii. Deletion of requirement 21 (decommissioning fund), as it is considered unnecessary for the reasons set out at paragraphs 4.41–4.45 above.
- In Schedule 11 (arbitration rules), insertion of new paragraph (7) to provide for arbitration hearings to be held in public unless the arbitrator directs otherwise, for transparency and fairness, and for consistency with other DCOs.

9.2. In addition to the above, the Secretary of State has made various changes to the draft Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments and changes in the interests of clarity and consistency.

10. Challenge to decision

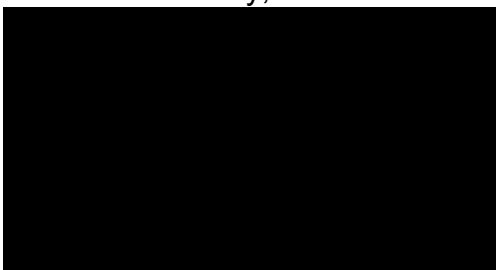
10.1. The circumstances in which the Secretary of State's decision may be challenged are set out in the Annex to this letter.

11. Publicity for decision

11.0. The Secretary of State's decision on this Application is being publicised as required by section 116 of the Planning Act 2008 and regulation 31 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

11.1. Section 134(6A) of the Planning Act 2008 provides that a compulsory acquisition notice shall be a local land charge. Section 134(6A) also requires the compulsory acquisition notice to be sent to the Chief Land Registrar, and this will be the case where the Order is situated in an area for which the Chief Land Registrar has given notice that they now keep the local land charges register following changes made by Schedule 5 to the Infrastructure Act 2015. However, where land in the Order is situated in an area for which the local authority remains the registering authority for local land charges (because the changes made by the Infrastructure Act 2015 have not yet taken effect), the prospective purchaser should comply with the steps required by section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.

Yours sincerely,



Head of Energy Infrastructure Planning

ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of six weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010153>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
AA	Appropriate Assessment
AEoI	Adverse Effects on Integrity
BESS	Battery Energy Storage System
CA	Compulsory Acquisition
CEA	Cumulative effects assessment
CP2030	Clean Power 2030 Action Plan
CWCC	Cheshire West and Chester Council
CWT	Cheshire Wildlife Trust
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DEMP	Decommissioning Environmental Management Plan
DML	Deemed Marine Licence
EEM	Embedded environmental measures
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	The Examining Authority
GHG	Greenhouse Gas
HE	Historic England
HRA	Habitats Regulations Assessment
IP	Interested Party
IROPI	Imperative Reasons of Overriding Public Interest
LIR	Local Impact Report
LSE	Likely Significant Effect
MMO	Marine Management Organisation
MW	Megawatt
NBBMA	Non-breeding Bird Mitigation Area
NBBMS	Non-breeding Bird Mitigation Strategy
NE	Natural England
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPS EN-1	National Policy Statement for Energy
NPS EN-3	National Policy Statement for Renewable Energy Infrastructure
NSN	National Site Network
NSIP	Nationally Significant Infrastructure Project
oCEMP	Outline Construction Environmental Management Plan
oCTMP	Outline Construction Traffic Management Plan
oDEMP	Outline Decommissioning Environmental Management Plan
oLEMP	Outline Landscape and Ecology Management Plan
PA2008 / the 2008 Act	The Planning Act 2008
PP	Protective Provisions
PSED	Public Sector Equality Duty

PV	Photovoltaic
rDCO	The Examining Authority's recommended Development Consent Order
RIES	Report on the Implications for European Sites
RR	Relevant Representation
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SMA	Skylark Mitigation Area
SNCB	Statutory nature conservation body
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of special scientific interest
SU	Statutory undertaker
The EIA Regulations	The Infrastructure Planning Environmental Impact Assessment Regulations 2017
The Habitats Regulations	The Conservation of Habitats and Species Regulations 2017
The Ramsar Convention	The Convention on Wetlands of International Importance 1972
TP	Temporary Possession
WMS	Written Ministerial Statement