

Frodsham Solar Project - EN010153

Frodsham Solar Ltd

Section 51 Advice Log

Version: 31 October 2024

There is a statutory duty under [section 51 \(s51\) of the Planning Act 2008](#) for the Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by the Inspectorate to the applicant (Frodsham Solar Ltd) and their consultants during the pre-application stage. It will be updated by the Inspectorate after every interaction with the applicant during which s51 has been provided. The applicant will always be given the opportunity to comment on the Inspectorate's draft record of advice before it is published.

The applicant will use this Advice Log as the basis for demonstrating regard to section 51 advice within the application.

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Date of meeting	Meeting overview
31 October 2024	This advice was sent by email only for feedback on the Programme document.
05 December 2024	Project Update Meeting

Project name -s51 Advice Library	
Topic	31 October 2024
Feedback on Programme document	<p>Following a review of the submitted Programme/Supporting Document (attached) please see the advice below:</p> <ul style="list-style-type: none"> • Good demonstration of compliance with the Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects Guidance. The Applicant will be aware that one of the mandatory components of the new pre-application service (for all service tiers), as set out in the Nationally Significant Infrastructure Projects: 2024 Pre-application Prospectus, is demonstrating regard to advice. As such this should be clearly reflected in the application documents. • The Applicant must ensure that the Programme Document (PD) is hosted and maintained on the Applicant's website and share with Local Authorities, Statutory consultees etc. • Please add any targeted consultation dates to Programme Document. • It would be helpful if the timeframes for the submission of the Adequacy of Consultation Milestone (AOCM), draft document review are added to the Programme document. • It would be helpful if the PD could provide approximate timescales for future project update meetings with the Inspectorate. It would also be helpful to list any meetings with key stakeholders to enable those parties to deploy resources effectively (see below as outline advice). <p>For further guidance of the Pre-Application process including what the programme document should contain I refer you to the following link:</p> <p>Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects - GOV.UK</p> <p>As this project will be advancing through The Standard service tier the Planning Inspectorate can provide up to 6 Project update meetings per annum, and it would be useful if</p>

	<p>potential timings were provided in the Programme document, to effectively resource in advance.</p> <p>The key milestones are outlined below (if not already undertaken) –</p> <ul style="list-style-type: none"> • <i>Inception Meeting</i> • Post-Scoping, pre-section 42 consultation meeting • Post-section 42 consultation • Draft documents feedback meeting • Pre-Adequacy of Consultation Milestone • Pre-submission meeting
Topic	Meeting date: 05 December 2024
Protective provisions agreements	<p>The Applicant stated that the proposed buffer zones would require protective provisions. The Inspectorate advised the Applicant to get advanced negotiations and agreements in place with relevant statutory undertakers as early as practicable with regards to protective provisions that need to be included in the draft DCO. Examinations can spend a lot of time on discussing protective provisions if agreements are not made beforehand.</p> <p>The applicant said this is the aim although negotiations with the relevant parties are ongoing.</p>
Mitigation, compensation, and enhancement	<p>The Inspectorate advised that with HRA and BNG, the Applicant should be clear what is design, what is mitigation, what is compensation and to be mindful not to double count. Furthermore, to consider habitat types when undertaking BNG. The applicant is encouraged to keep engaging with Natural England. The Inspectorate advised that it would be helpful to the Inspectorate if at application the applicant has a view on the BNG.</p> <p>The Inspectorate highlighted that the statutory parties are managing resources and therefore having to prioritise certain projects and workstreams. The Inspectorate will feedback to the statutory bodies to try to do the work on protective provisions in the pre-application stage.</p>
Design	<p>The Inspectorate highlighted its new Advice on Good Design and the importance of incorporating how alterations to the design of the project have been influenced or decided by evolving environmental factors or consultee feedback (such as the basis for choosing to use overhead connecting cables)</p>

	<p>and how the project's design has responded to the criteria on design in the National Policy Statements for Energy. The design evolution should be recorded clearly in the application documents (such as in a Design Approach Document). This will assist the Examining Authority (ExA) and Interested Parties to understand the preparation and evolution of the design case from project inception, providing important context for the design of the project presented in the final form of the application. It may reduce the questions the ExA asks during examination. The Inspectorate highlighted that its advice notes might not be applicable to every project, but it is there to help guide the Applicant on how to set out the considerations undertaken.</p>
Mitigation/HRA	<p>The Inspectorate advised the applicant to be careful when undertaking the HRA to ensure that mitigation is considered at the correct stage in the HRA. When the applicant looks at the project early and starts thinking about mitigation, that the mitigation does not remove a likely significant effect in HRA terms without that being documented in the HRA. The applicant should be mindful of how they word any design evolution and mitigation in the Environmental Statement or HRA documents and think about how to take all the mitigation into account.</p>
Programme Document	<p>The Inspectorate advised that the Programme Document is the main document for informing the Inspectorate, consultees, and others about the proposed NSIP, the intended programme for the pre-application stage, and what work and studies are required for the preparation of the application. The Programme Document should be published on the Applicant's website and should be updated whenever significant changes are made e.g. to scheduling, timelines, and matters arising from statutory consultations. It would be helpful to include the adequacy of consultation milestone, dates for draft documents reviews and any dates for future project update meetings in the next iteration. Statutory parties may also use the Project Document to assess when they will need to have their resources in place for things like statutory consultations.</p>
Adequacy of consultation Milestone	<p>The Applicant advised that the AoCM would be timetabled in the overall project programme for late January 2025, at same time as the next project update meeting.</p> <p>The Inspectorate's 2024 Pre-application Prospectus and the government's statutory pre-application guidance states that the AoCM should be undertaken 3 months before the DCO application is submitted for acceptance. The 3-month timescale is to provide an opportunity for local authorities to submit any views on the consultation undertaken at that point</p>

	<p>and for the Applicant to review whether any additional consultation is needed.</p> <p>The Inspectorate advised that the Applicant should state any reasons why they might need to depart from the three-month target. The Inspectorate are looking to track how AoCMs are being undertaken across projects as well as any feedback from applicants and others as to its usefulness.</p>
Draft Document review update	<p>The Inspectorate advised that it is not beneficial to review any control documents without the full Environmental Statement. In addition, if the Applicant can point the Inspectorate to specific issues / areas that they want reviewed, it helps in the framing and provision of any specific guidance (such as any novel or particularly complex matters that differ from other solar farm applications). Typical documents submitted by applicants for review include the draft Consultation Report, draft DCO Explanatory Memorandum, chapters of the Book of Reference and any works or land plans.</p>
Advice on the Commitments Register (post meeting advice)	<p>In answer to questions raised by the applicant about compliance with the Inspectorate's newly published Advice on the Commitments Register (20 September 2024), the Inspectorate's advice suite does not have any statutory status. It is therefore for applicants to decide whether it is appropriate for their projects to apply any advice published by the Inspectorate, so long as the statutory tests are met.</p> <p>Use of the recommended Commitments Register Template is to enable an easier and standardised way of tracking the obligations and commitments made by the applicant in relation to the measures needed to ensure that good design objectives will be secured and implemented and any potential environmental effects arising from the project are mitigated in accordance with the mitigation hierarchy. Providing this information in this way may help reduce the number of principal issues from the outset of examination and can provide clarification to the Examining Authority and Interested Parties on all those example issues listed in the Advice page. The Commitments Register Template is intended to be a 'live' document that is then updated throughout the NSIP planning process, to ensure that all commitments (and their progress throughout pre-application) are tracked and are up to date at the time the NSIP application is decided by the Secretary of State.</p> <p>Depending on the stage of the NSIP application at the time this advice was published, it is for applicants to decide whether they wish to use the Template and revisit how they have demonstrated and displayed their obligations and commitments within their documentation. In whatever form is</p>

	used, this information should be easily discoverable and not hidden in extraneous content within Environmental Statements. As the government's statutory guidance on the pre-application stage states, Environmental Statements should be proportionate while providing sufficiently robust and detailed data of the effects of the proposed development on the environment, so that these can be considered throughout the NSIP consenting process (see paragraph 011 reference ID 02-011-20240430).
Actions/Next Steps	Date for draft documents reviews to be advised if required. The Inspectorate will schedule end of January Project Update Meeting