

Fosse Green Energy- EN010154

Fosse Green Energy Limited Section 51 Advice Log

Version: 24 June 2025

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 Fosse Green Energy Limited 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.

Project name s51 Advice Log - Index	
Date of Advice	Advice overview
22 May 2023	<p><u>Inception Meeting:</u></p> <ul style="list-style-type: none"> • Project Team and Introductions • Overview of the Project – Location and current activities • Consultation and Local Planning Authorities • Non -Statutory Consultation • Indicative Programme <p>A meeting note is available for this meeting on the Find a National Infrastructure Project website and this can be viewed at: View meeting note (PDF, 120KB).</p>
06 September 2023	<p><u>Project Update Meeting:</u></p> <ul style="list-style-type: none"> • Scoping Opinion • Project Update and next steps and non-statutory consultation • Stakeholder availability at time of submission • Draft document review service and application submission <p>A meeting note is available for this meeting on the Find a National Infrastructure Project website and this can be viewed at: View meeting note (PDF, 132KB).</p>
22 May 2024	<p><u>Advice provided by email:</u></p> <p>Advice provided by email in relation to the Infrastructure Planning (Miscellaneous Provisions (MP)) Regulations 2024</p>
01 November 2024	<p><u>Programme document feedback:</u></p> <p>Feedback on the Programme Document provided by the applicant to the Inspectorate was provided by email.</p>
11 December 2025	<p><u>Project Update Meeting:</u></p> <ul style="list-style-type: none"> • Statutory Consultation

	<ul style="list-style-type: none"> • Design • Hard to reach groups • Draft document review service • Other solar farm application
02 May 2025	<p><u>Adequacy of Consultation Milestone (AoCM) Document feedback:</u></p> <p>Feedback on the Adequacy of Consultation Milestone (AoCM) Document provided by the applicant to the Inspectorate was provided by email.</p>
13 June 2025	<p><u>Draft Document Feedback:</u></p> <p>Draft document feedback has been provided to the applicant and this is available on the Find a National Infrastructure Project website, and this can be viewed at: View draft document review feedback.</p>
24 June 2025	<p><u>Project Update Meeting:</u></p> <ul style="list-style-type: none"> • Draft document review feedback • Pre-Submission Tasks • Project overview including project and programme updates • Submission Process

Project name -s51 Advice Library	
Topic	Meeting date: 22 May 2023
Inception Meeting Note	A meeting note is available for this meeting on the Find a National Infrastructure Project website and this can be viewed at: View meeting note (PDF, 120KB).
Engagement with local stakeholders – Archaeology	The Inspectorate advised The Applicant to ensure it engage with Local Authorities (LAs), key stakeholders, etc when completing the Archaeology Report.
Non-Statutory Consultation	The Inspectorate advised that there are a lot of proposed developments currently within the Lincolnshire area, including others in the solar sector, and sought discussion from the Applicant on how it is considering the potential resourcing implications for Local Authorities (LAs) and other stakeholders. It was advised that the Applicant provide as much early information as possible about the development with the LAs and others and to be mindful of the need for ample time to be built into the programme to facilitate engagement given the volume of requests falling to authorities in the area.
Overlap of Non-Statutory Consultation	The Applicant also shared its intention to request an EIA Scoping Opinion in early June. The Inspectorate advised that consideration should be given to avoiding EIA scoping during the non-statutory consultation period, as when the scoping consultation undertaken by the Inspectorate and any consultation undertaken by an applicant occur concurrently it can cause confusion for stakeholders and impact on the effectiveness of the consultations. The issue of other proposals planning consultation during this time frame was also raised. The Applicant accepted the need to ensure its consultation purpose and how to engage with it was communicated clearly. The Inspectorate also raised concern around the short notice that had been given of the intention to undertake EIA scoping and the implications for resourcing amongst authorities that may arise. The Inspectorate requested an exact date as to when the Scoping Request would be made to ensure resources are in place.
Topic	Meeting date: 06 September 2023
Project update meeting note	A meeting note is available for this meeting on the Find a National Infrastructure Project website and this can be viewed at: View meeting note (PDF, 132KB).
Draft document review service and	The use of the Inspectorate's draft document review service was discussed. The Applicant was advised to look at other

application submission	projects on the Nationally Significant Infrastructure Planning (NSIP) website for an understanding of the content of previous applications.
Stakeholder availability at time of submission	The Applicant confirmed the anticipated submission date will be Q4 2024. The Inspectorate requested that the holiday season is taken into consideration around this time in light of stakeholder availability.
Topic	Advice date: 22 May 2024
Infrastructure Planning (Miscellaneous Provisions (MP)) Regulations 2024	<p>The Infrastructure Planning (Miscellaneous Provisions (MP)) Regulations 2024 came into force on 30 April 2024 and amend the Infrastructure Planning (Applications: Prescribed Forms and Procedure (APFP)) Regulations 2009. The transitional provisions at Regulation 4 of the MP Regulations 2024 confirm that the recently amended APFP Regulations do not apply to any proposed application for an order granting development consent where the applicant has started to consult under Section 42 of the Planning Act 2008 before 30 April 2024. The Inspectorate is contacting you as it understands that consultation under Section 42 for the Fosse Green Energy had not commenced prior to 30 April 2024.</p> <p>The Inspectorate would like to inform you that as the scoping opinion request for Fosse Green Energy was received prior to 30 April 2024, the list of consultation bodies notified and consulted by the Planning Inspectorate before adopting the scoping opinion (as set out in the 'Regulation 11 list' provided to the Applicant as per Regulation 11(1)b of the Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations 2017), will not reflect the recent amendments to the APFP Regulations. The Applicant is therefore advised to review the transitional provisions in Regulation 4 of the MP Regulations 2024, together with the amendments to the APFP Regulations, and consider whether any new or different consultation bodies should be included in the consultations for the project. Please be aware that it is the responsibility of the Applicant to ensure their consultation fully accords with the requirements of the Planning Act 2008 and associated regulations and guidance. The Regulation 11 list has been compiled by the Planning Inspectorate on behalf of the Secretary of State in its duty to notify the consultation bodies in accordance with Regulation 11(1)(a) of the EIA Regulations and, whilst it can inform the Applicant's own consultation, it should not be relied upon for that purpose.</p>

Topic	Advice date: 01 November 2024
Programme document feedback	<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. (If any) • It would be helpful if the timeframes for the submission of the draft document review is added to the Programme document. <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 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> • <i>Post-Scoping, pre-section 42 consultation meeting</i> • <i>Post-section 42 consultation</i> • <i>Draft documents feedback meeting</i> • <i>Pre-Adequacy of Consultation Milestone</i> • <i>Pre-submission meeting</i>
Topic	Meeting date: 11 December 2024
Statutory Consultation	<p>The Inspectorate advised that if local parish councils have similar views on topics, it can be useful if they provide joint submissions. This can assist with pre-application consultations and also at examination, to avoid duplication of</p>

	<p>views and resources. This is also outlined in our Advice Notes for Local Authorities.</p> <p>The applicant said it would share that advice and highlighted discussions they had with the ten parish councils, outlining their role and use of a community liaison group to communicate views.</p> <p>The Inspectorate advised the applicant to ensure the advertisements/notifications of consultations is captured in the Consultation Report, along with its engagement activities with the Local Authorities.</p>
Design	<p>The Inspectorate advised that the evolution of the design of the proposed development should be clearly evidenced in a Design Approach Document or equivalent, as to how taking account of the criteria in the National Policy Statements, how the community uses the site and its surroundings, and consultation feedback has led to design alterations.</p>
Hard to reach groups	<p>The Inspectorate recommended that the applicant evidence how they have consulted hard-to-reach groups, such as communities in rural areas.</p>
Draft Document Review Service	<p>The Inspectorate advised that it still takes approximately 6-weeks to review draft documents under its new pre-application service. The applicant was asked to consider what draft documents it intends to submit and when (such as a draft Habitats Regulations Assessment report and / or a draft Development Consent Order and Explanatory Memorandum), to help the Inspectorate ensure that relevant resources are in place. If submitting a draft DCO for review, it would be helpful if any novel approaches to drafting could be outlined. It would also be helpful to have advanced notice on whether a feedback meeting would be needed, in addition to receiving written advice. Additionally, draft documents should be submitted at the same time for review.</p> <p>The Applicant advised that it is not proposing to prepare a full HRA, owing to the outcomes to the HRA screening undertaken, which concluded that there are no European sites that necessitate undertaking Stage 1 – Screening for Likely Significant Effects of the HRA process, and level of agreement between Local Authorities on the issues.</p> <p>The Inspectorate also said that as more DCOs are made and examinations held on Solar projects, it should be possible to provide more advice on strategic issues across the sector and emerging best practice. The Inspectorate also advised that the applicant may wish to appoint someone within their company, who has not worked on the project, to proof-read</p>

	the application documents before submission. This can help ensure that annotation and other clerical errors are spotted and corrected, and that the application documents as a whole can be accurately cross-referenced. The section 55 check list can be downloaded from our Advice page for applicants and can be useful for applicants when compiling their application documents .
Other solar farm application	The Inspectorate advised that (at the time of meeting) the Botley West Solar Farm application had been submitted for acceptance and that the acceptance decision, including the s55 checklist, would be available on the project page of our website , should the applicant wish to review the outcome.
Topic	AOCM submission date: 17 April 2025 Advice date: 02 May 2025
Adequacy of Consultation Milestone (AoCM) Document feedback	<p>The applicant's Adequacy of Consultation Milestone (AOCM) statement has been prepared and submitted having had regard to the government's statutory pre-application stage guidance as well as the Inspectorate's non-statutory 2024 Pre-application Prospectus. Having reviewed the applicant's AOCM statement, the Inspectorate considers that it sets out clearly the applicant's consultation activities undertaken to date, confirms the approaches set out in the applicant's Statement of Community Consultation (SoCC), and summarises the consultation responses and the way in which they are shaping the application.</p> <p>It is noted, however, that only the host authorities North Kesteven DC and Lincolnshire CC were consulted by the applicant on its AOCM statement. It is important that the views and any relevant supporting material about the AOCM is included from all relevant local authorities, where available and practicable to do so (it is noted that the AOCM statement lists Lincoln City Council, West Lindsey District Council, Newark and Sherwood District Council, East Lindsey District Council, North East Lincolnshire Council, North Lincolnshire Council, North Northamptonshire Council, Peterborough City Council, Boston Borough Council, South Holland District Council, South Kesteven District Council, Nottinghamshire County Council, Rutland County Council, Cambridgeshire County Council, Norfolk County Council, Leicestershire County Council and Cambridgeshire and Peterborough Combined Authority as other neighbouring district, county and unitary authorities).</p> <p>The Inspectorate's comments on the applicant's AOCM statement are made without prejudice to any decision on whether to accept the application for examination.</p>

Topic	Advice date: 13 June 2025
Draft document review feedback	Draft document feedback has been provided to the applicant and this is available on the Find a National Infrastructure Project website, and this can be viewed at: View draft document review feedback .
Topic	Meeting date: 24 June 2025
Draft document review feedback	<p>The Inspectorate encouraged the applicant to include a summary of direct responses/actions to Section 51 advice in the application submission as this helps demonstrate how feedback has been considered and can reduce the volume of examination questions later.</p> <p>The Inspectorate flagged inconsistencies between references to “framework” and “outline management” and requested consistency in the terminology used. The applicant confirmed they would use “framework” consistently.</p>
Pre-submission	<p>The Inspectorate highlighted the importance assisting communities and parish councils, to aid in their understanding of the DCO regime as many may not be familiar with the process.</p> <p>The Inspectorate advised that the Programme Document was very clear and that the inclusion of a “main issues” section was helpful and a positive approach. While the Programme Document is non-statutory a summary like this is valuable for tracking engagement with key stakeholders.</p>
Submission arrangements – document transfer	<p>The Inspectorate advised the applicant that there was a new approach to submission which involves the Inspectorate providing the file transfer facility and making it available to members of the applicant team. The applicant should provide details to the Case Team of the members of their team who would require access during the time of uploading the documents for submission of the application. Once the documentation has been uploaded and the application is to be submitted the Case Team should be made aware that the submission is ready to be made.</p> <p>The Inspectorate advised that the Electronic Index must match the folder structure with clear categorization (e.g., DCO, CA, EIA).</p> <p>The Inspectorate advised that the Shape file, draft electronic index and local authority contacts should be provided by 4 July, 10 working days prior to the submission date of 18 July.</p> <p>The Inspectorate requested that the applicant of any changes to the submission date as early as possible. If the submission</p>

	is delayed past 5pm on the day, immediate notification is required for staffing/resource planning.
Post-submission	<p>If the application is accepted for Examination, the Inspectorate requests that the applicant keeps them informed of likely venues for hearings. The Inspectorate advised that the applicant should identify good and bad venues based on past Examinations and should consider appropriate locations around Lincoln.</p> <p>The Inspectorate requested early updates on matters which may add to the volume or complexity of Relevant Representations.</p> <p>The applicant agreed to not host the application documents on the project website, to ensure the Planning Inspectorate web page is the only source for these documents and reduce potential confusion.</p>