



# Planning Inspectorate

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To the applicant

Your Ref:

Our Ref: EN010154

Date: 15 August 2025

By email

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Dear Ms Kretschmer,

## **Planning Act 2008 – section 51**

### **Application by Fosse Green Energy Limited for an order granting development consent for the Fosse Green Energy Project**

#### **Advice following issue of decision to accept the application for examination**

On 15 August 2025 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the applicant provided under section 51 of the PA2008 in respect of these initial observations. The applicant should pay attention to its content and consider how appropriate action might be taken in response.

#### **Consultees identified on a precautionary basis**

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the examination of the application. On this basis, the applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

## **Plans and Figures – Volumes 2 (Plans), 6.2 (Environmental Statement Figures) and 7 (Management Plans and other documents)**

The applicant should review all plan sets (Volume 2 documents), Environmental Statement figures (Volume 6.2 documents) and management plans (documents forming part of Volume 7) and consider the amount of background mapping included that provides information about features within the Order Limits and contextualises the area covered by the plans to assist all parties (interested parties, affected persons, the applicant and the Examining Authority) during the examination stage.

Background mapping has not been provided for the entirety of the area covered on plans sheets included in the submitted plans sets, Environmental Statement figures and management plans. The absence of landmarks, such as settlement names, road names, building names and other physical feature names, makes it difficult to determine where elements of the proposed development and the receptors for that development are located. For example, the noise receptor and monitoring locations shown on Environmental Statement Figure 11-1 (Doc 6.2 Fig 11-1) are not readily identifiable given the very limited contextual information included on Figure 11-1's map base and the scale this figure has been drawn at. The interpretation of the information shown on Figure 11-1 is only assisted to a limited degree when viewed with Tables 11-5 (Sensitive Receptors) and 11-6 (Noise Monitoring Locations) because of the respective use of limited location descriptors and map coordinates.

The applicant is reminded that this was an issue that was raised by the Planning Inspectorate when it issued its section 51 advice on 13 June 2025 in relation to the draft application documents submitted on 14 May 2025. Accordingly, revised plans and figures should be submitted, as necessary, to improve the interpretation of the information depicted on those documents.

While undertaking the acceptance procedure some issues have been encountered with plan layer rendering and computer memory being exceeded when multiple Volume 2 plans sets and/or Volume 7 documents have been downloaded and were being used concurrently. Those issues would appear to be because the file sizes for some of the documents in Volumes 2 and 7 are comparatively large, for example documents: 2.2 (Works Plans); 2.3 (Streets, Rights of Way and Access Plans); 2.4 (Traffic Regulation measures Plans); 2.9 (Hedgerow Plan); 7.2 (Planning Statement); 7.12 (Biodiversity Net Gain Report); 7.15 (Framework Landscape and Ecological Management Plan); and 7.18 (Framework Construction Traffic Management Plan) respectively have file sizes of 41, 30.7, 28.6, 20.2, 44.7, 23, 25.4 and 59.4 megabytes. The file sizes for those documents would appear to be more suitable for making good quality hard copies rather than being appropriate for viewing on screen via a computer. The viewing issues experienced by the Planning Inspectorate during the acceptance period are likely to be encountered by interested parties, affected persons, the applicant and the Examining Authority during the examination.

The applicant must therefore submit new versions of the Volume 2 and 7 documents, as necessary, which avoid the layer rendering issues encountered during the acceptance period. The new versions of the documents to be submitted must be of a standard that will enable multiple documents to be opened on a computer and used concurrently.

## **Draft Development Consent Order (dDCO) (Doc 3.1)**

Some cross referencing to sub-paragraphs in paragraphs in the proposed Articles and Schedules with sub-paragraphs incorrectly refer to 'paragraphs' rather than sub-paragraphs. For example, in Article 8 cross references to paragraphs have been made in sub-paragraphs (2) and (3) when the references should be to subparagraphs (2) and (3).

The entirety of the dDCO should be reviewed and all erroneous cross references to paragraphs should be changed to sub-paragraphs.

Schedule 14 (Protective Provisions) currently contains two sets of generic protective provisions. At paragraph 9.3.6 of the Statement of Reasons (Doc 4.1) it is stated that sets of bespoke protective provisions are being negotiated with various undertakers. In the interests of the efficient conduct of the examination, agreed or draft bespoke protective provisions in favour of undertakers should be incorporated into the dDCO without any undue delay. In incorporating additional sets of protective provisions into the dDCO the applicant is reminded that consecutive paragraph numbering should be used throughout Schedule 14, so that the paragraph numbering for each additional part continues on from the last number used in the preceding part as opposed to restarting at paragraph 1.

## **Funding Statement (Doc 4.2)**

The submitted Funding Statement, while asserting that the applicant has the funding to implement the proposed development, neither contains information about the financial standing of applicant companies, for example copies of annual accounts, nor an estimate of the costs for acquiring the land interests required to deliver the proposed development and for which compulsory acquisition powers are sought.

The submitted Funding Statement does not adequately demonstrate how the compulsory acquisition powers sought in the submitted dDCO would be funded, pursuant to Regulation 5(h) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. The applicant is therefore advised to resubmit an amended version of the Funding Statement that includes: information about the financial standing of applicant companies; and an estimate of the costs associated with exercising the compulsory acquisition powers sought in the dDCO.

## **Errors and omissions**

There are errors and omissions, as reflected in Box 30 of the acceptance checklist, which require consideration by the applicant.

You should pay close attention to the advice set out in this letter and act on it accordingly. It is requested that you action these points before the commencement of the relevant representation period. That would contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

I trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

*Simon Raywood*

**Simon Raywood  
Case Manager**

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