



# Planning Inspectorate

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Fosse Green Energy Limited  
c/o [REDACTED],  
Womble Bond Dickinson UK LLP

Your Ref:

Our Ref: EN010154

**By email**

Date: 19 December 2025

Dear [REDACTED],

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

### **Planning Act 2008 – section 89(3)**

#### **Procedural decisions further to the submission of a Change Notification by the applicant**

The applicant, through the submission of a letter and accompanying amended documentation, notified the Examining Authority (ExA) on 9 December 2025 of its intention to make three changes to the originally submitted application. The ExA has made the procedural decision that the applicant's change notification (letter and accompanying documentation) should be accepted as additional submissions and they are being added to the Examination Library as [AS-103 to 122 inclusive].

The changes the applicant is seeking to make to the submitted application are described in the previously mentioned letter and in summary would involve:

- 1) The removal of approximately 13 hectares of land from the proposed order limits (red line boundary) to the north of Thurlby identified on the original application drawings as retained arable and grassland (part of Work Number 9, but not forming part of the biodiversity net gain score for the proposed development) and an area for possible underground cabling (part of Work Number 6)
- 2) The removal of the solar array originally proposed for field 46 (immediately north west of the proposed centralised battery and energy storage system), as notated on sheet 6 in Appendix A of the Framework Landscape and Ecological Management Plan (FLEMP) [AS-101]. This change to the proposed development being promoted in response to concerns raised by the owner of Grange Cottage, Bassingham Road and Historic England

- 3) The provision of additional hedgerow planting around River Farm (northwest of Bassingham Road).

In considering the applicant's change notification the ExA has had regard to paragraph 018 Reference ID 07-018-20240430 of the government's Guidance "*Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects*" ([the Guidance](#)) and the advice concerning the making of changes to accepted applications included in the Planning Inspectorate's "*Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination*" ([the Advice](#)). The Guidance and the Advice both recognise that applicants may need to change elements of a proposal after an application has been accepted for examination.

The applicant's submission of its change notification correspondence satisfies Step 1 in the Advice. Step 1 being the first of six steps referred to in the Advice, with the other steps being:

- the ExA's advice further the receipt of the change notification (Step 2)
- applicant's consultation about the proposed change (Step 3)
- submission of a change application (Step 4)
- the ExA's decision as to whether to accept or reject the change application (Step 5)
- the examination of the changed application (Step 6)

The applicant has advised that the changes it is seeking to make are in response to either ongoing discussions with some parties since the application's submission or comments made in some of the submitted relevant representations. The applicant has commented the changes it is proposing would "... *not result in any new or different likely significant environmental effects. The removal of Solar PV Array at Field 46 results in reduced significant effects, as visual effects at Grange Cottage reduce to 'not significant' in year 1 and year 15 (Winter) of operation of the Proposed Development*".

The ExA is content that the making of the proposed changes would not result in there being a materially different project because it would occupy a reduced amount of land and continue to have a generating capacity of more than 50 megawatts. The ExA also considers that because of the nature of the proposed changes they would not generate new or different likely significant environmental effects.

The changes the applicant is seeking to make would involve no additional land and would for the most part relate to reductions in the extent of the order limits requested by the relevant landowner. Accordingly, the ExA agrees with the applicant that the proposed changes to the application would not engage The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations). That is because no additional compulsory acquisition powers would be required and there would therefore be no new affected persons. The making of the proposed changes to the application would therefore not constitute "*proposed provisions*" for the purposes of the CA Regulations.

The ExA is mindful of:

- the nature of the proposed changes to the application
- the applicant has been discussing its proposed changes with the affected landowners

- the applicant's view that no further formal or informal consultation is necessary and there would be no need for it to formally submit a change application under Step 4 of the Advice

With respect to the third of the above listed points, the ExA notes that neither a consultation report nor any correspondence from any of the affected landowners have been submitted as part of the change notification. Accordingly, the ExA can only assume that the affected landowners are content with the proposed changes included in the change notification. In that regard the ExA's assumption is based on some option agreements having been signed in November 2025 (as recorded in the track changed version of Appendix A of the updated Statement of Reasons (SoR)), which appear to correlate with some of the changes made in the track changed version of the book of reference (BoR) accompanying the change notification. Although the applicant may have carried out appropriate consultation about its proposed changes, in effect on a targeted basis, the ExA considers the documentation submitted with the change notification has not adequately demonstrated that such consultation has taken place in line with Step 3 of the Advice.

Significantly, the change notification does not provide *"a full schedule of all application documents and plans listing the revisions to each document and plan which would occur because of the change or, as necessary, marked as 'no change'"* (third bullet point listed under Step 4 in the Advice). Without such a schedule signposting precisely where changes in/on the BoR, SoR, the Land Plans and other documents affected by the proposed changes have/have not been made, the ExA has found it time consuming piecing together where the changes sought can be found in the documents submitted as part of the change notification and precisely how those changes relate to the originally proposed project. The ExA considers it likely that interested parties and/or affected persons would similarly find it unduly time consuming identifying precisely how the applicant is seeking to make changes to its application. In that regard the ExA does not consider the letter accompanying the change notification constitutes an adequate alternative to the submission of the type of schedule envisaged in the Advice.

Accordingly, the ExA is not content that the submitted change notification should, in effect, be treated as being a concurrently submitted change application (Step 4 in the Advice). The ExA is therefore of the view that for there to be a duly made change application for the ExA's consideration the applicant should:

- 1) Undertake, at the very least, a targeted consultation with the landowners affected by the proposed changes or demonstrate that such consultation has already been undertaken through the submission of correspondence to/from the affected landowners and the preparation and submission of a consultation report.
- 2) Submit a full schedule of all application documents and plans listing the revisions to each document and plan which would occur because of the change or, as necessary, marked as 'no change', as per the advice included in Step 4 of the Advice. This schedule should, amongst other things, make it clear which of the land plots and proposed works numbers the proposed changes would relate to.

Once the information referred to in items 1) and 2) has been submitted the ExA considers a complete change application would be available for it to consider under Step 5 of the Advice.

The FLEMP accompanying the change notification suffers from the same online image rendering issue that the originally submitted version of the FLEMP [APP-196] has. That document formatting issue was addressed by the applicant through the submission of [AS-101] following the ExA's issuing of [PD-005]. The ExA is therefore disappointed that the applicant has managed to submit a revised version of the FLEMP that again has a rendering problem. The applicant should therefore resubmit the FLEMP in a form that does not suffer from a rendering problem.

Going forward during the examination the applicant **MUST** ensure that any documents it submits are free from any rendering issues so that they can be viewed online without any undue delays. The ExA has therefore made the procedural decision that should there be any reoccurrence of rendering issues, the ExA will refuse to accept the submitted document until a version has been made available that can be included in the Examination Library that is free of this deficiency.

Given the nature of the proposed changes to the originally submitted application, the ExA is currently of the view that there would be sufficient time within the examination for any interested parties to make representations about the proposed changes, as and when they might be accepted by the ExA, and for them to be fully examined. However, that will be dependent on the applicant responding expeditiously to the advice provided by the ExA in this letter. Any undue delay in responding to the advice included in this letter could have implications for any decision to be made by the ExA as to whether changes included in a change application could be accepted for examination.

Yours sincerely

*Grahame Gould*

**Grahame Gould**  
**Lead panel member for the Examining Authority**