

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

Issue Specific Hearing 4 (draft Development Consent Order)

Date: 13 March 2026

Venue: LNER Stadium, Sincil Bank, Lincoln LN5 8LD and MS Teams

Action points

No	Party	Action	Deadline (D)
1	Applicant	Update the Explanatory Memorandum [REP2-007] to the draft Development Consent Order (DCO) [REP2-005] to include a detailed justification for the inclusion of proposed Article 38 (Planning permission) in the draft Development Consent Order [REP2-005], with examples of scenarios that Article 38 would seek to address.	D3A
2	Applicant, North Kesteven District Council (NKDC) and Lincolnshire County Council (LCC)	<p>With respect to the use of the phrase “<i>substantially in accordance</i>” in Requirements 7, 8, 10, 12, 13, 14, 15, 17, 18, 19 and 20, which would require the submission of final details for the approval of the relevant planning authority, comment on:</p> <p>a) the appropriateness of the inclusion of “substantially” in the relevant requirements, in the context of the Secretary of State in some recently made DCOs having used “<i>must accord</i>” phraseology; and</p> <p>b) whether the use of ‘to accord with the principles stated in the framework ... management plan’ might be an appropriate alternative form of wording for all or some of Requirements 7, 8, 10, 12, 13, 14, 15, 17, 18, 19 and 20.</p> <p>Responding to this action point can be combined with the parties’ response to second written question DCO.2.10 in [PD-016].</p>	D3

No	Party	Action	Deadline (D)
3	Applicant	In relation to compliance with Requirement 20 (Decommissioning) of Schedule 2 of the draft DCO [REP2-005], provide a note explaining the Ofgem conduct obligations that any undertaker of the proposed development would be subject to as a Generation Licence holder.	D3A
4	Applicant	Review the need for the disapplication of all of the items of legislation set out in Schedule 3 to the draft DCO [REP2-005] and: <ul style="list-style-type: none"> a) Update Schedule 3 of the draft Development Consent Order [REP2-005] accordingly; and b) Provide a written justification in the Explanatory Memorandum [REP2-007] for the disapplication of any legislation which the Applicant is seeking to retain within Schedule 3 of the draft DCO [REP2-005]. 	D3A
5	Applicant	Undertake a review and in the interests of clarity make any amendments as necessary to the wording of paragraph 2(3) of Schedule 15 (Procedure for the discharge of requirements) to the draft DCO [REP2-005]	D3A
6	Environment Agency	Respond in writing to the points raised by Mrs Overton during ISH4 relating to whether sufficient water would be available in the event of the proposed battery energy storage system being subject to a fire.	D3
7	Applicant, NKDC and LCC	Comment on the enforceability of the proposed construction hours stated in the Framework Construction Environmental Management Plan [REP2-013] and suggest any amended wording as considered necessary.	D3