



Fosse Green Energy

EN010154

8.8 Statement of Common Ground with
National Grid Electricity Distribution (East
Midlands) Plc

VOLUME

8

Planning Act 2008 (as amended)

Regulation 8(1)(e)

Infrastructure Planning (Examination Procedure)

Rules 2010

24 March 2026

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

Fosse Green Energy
Development Consent Order 202[]

8.8 Statement of Common Ground with National Grid Electricity Distribution (East Midlands) Plc

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Author	Fosse Green Energy Limited

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1. Statement of Common Ground Signatures

This Statement of Common Ground has been prepared and agreed by Fosse Green Energy Limited and National Grid Electricity Distribution.

Signed on behalf of Fosse Green Energy Limited

Name: Lloyd Sandles

Position: Director

Date: 24/03/2026

Signature

Signed on behalf of National Grid Electricity Distribution

Name: Osborne Clarke LLP ()

Position: Legal representatives on behalf of National Grid Electricity Distribution (East Midlands) Plc

Date: 23.03.2026

Signature:



2. Introduction

2.1 Purpose of this document

- 2.1.1 This Statement of Common Ground (SoCG) relates to the application submitted to the Planning Inspectorate on 18 July 2025 (the Application) by Fosse Green Energy Limited (the Applicant) for a Development Consent Order (DCO) for the Fosse Green Energy solar project (the Proposed Development).
- 2.1.2 This SoCG has been prepared by the Applicant and National Grid Electricity Distribution (NGED) (together known as "the Parties") in respect of the Proposed Development.
- 2.1.3 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the Parties and where agreement has not yet been reached. This SoCG will be revised and updated as appropriate and/or required by the ExA at relevant examination deadlines.
- 2.1.4 In particular, this SoCG focuses on NGED's assets, protective provisions and duties.
- 2.1.5 As set out in the procedural decision made by the ExA on 22 August 2025 **[PD-005]**, the ExA requires final and signed SoCGs to be submitted at the midpoint of examination. In line with the Examination Timetable set out at Annex A to the Rule 8 Letter [PD-010], this is Deadline 3A (24 March 2026). Further to this, procedural decisions dated 21 November 2025 **[PD-007]** includes the and National Grid Electricity Distribution (NGED) as a party with which the Applicant must enter into a SoCG.
- 2.1.6 Application document references are taken from the EN010154 – Fosse Green Energy Examination Library.

2.2 The Proposed Development

- 2.2.1 The Application is for the construction, operation (including maintenance), and decommissioning of a ground-mounted solar photovoltaic (PV) electricity generating station with a capacity exceeding 50 megawatts, with battery storage, onsite substation, and associated infrastructure to generate and export/import electricity. The associated development includes, but is not limited to, access provision, battery storage, underground cabling, areas of landscaping and biodiversity enhancement, and a 400 kV underground Grid Connection Cable to connect the Proposed Development to the national electricity transmission network.
- 2.2.2 The Proposed Development will provide a significant amount of renewable energy over its 60-year operational lifetime supporting resilience, security and affordability of electricity supplies. It would be a critical part of the national portfolio of renewable energy generation that is required to decarbonise the UK's energy supply quickly.
- 2.2.3 The Proposed Development will help meet the urgent need for this infrastructure to support "energy objectives, together with the national security,

economic, commercial, and net zero benefits” as set out in the Overarching National Policy Statement for energy (NPS EN-1) (Ref 1). As such it is infrastructure defined of critical national priority.

2.3 Parties to this Statement of Common Ground

- 2.3.1 The Applicant and NGED have been, and continue to be, in direct communication in respect of the Proposed Development.
- 2.3.2 NGED provides power to millions of homes and businesses in the Midlands, Southwest, and Wales. They operate and maintain the electricity distribution network covering these areas, including overhead lines, underground cables and substations. NGED is the regional electricity distribution division of National Grid. They convert high voltage electricity to low voltage electricity and deliver it to homes and businesses on behalf of energy suppliers.
- 2.3.3 The Applicant is a partnership between Windel Energy Limited and Recurrent Energy.
- 2.3.4 Founded in 2018, Windel Energy is a privately held company dedicated to driving the transition towards a sustainable future. Specialising in the origination, development and integration of renewable energy projects and low-carbon disruptive technologies, Windel Energy is at the forefront of clean energy innovation.
- 2.3.5 With a portfolio exceeding 5 gigawatts of renewable power in various stages of development, Windel’s team of talented professionals bring a deep understanding and high level of expertise in land viability, electricity networks, planning (Town and Country Planning Act 1990, Developments of National Significance) and consenting for Nationally Significant Infrastructure Projects, legal processes and construction feasibility.
- 2.3.6 Windel Energy adopt a long-term ownership approach, ensuring the efficient operation and management of renewable assets. Leveraging an extensive network of relationships, institutional grade infrastructure and in-house industry expertise, Windel is committed to delivering impactful and enduring energy solutions.
- 2.3.7 Recurrent Energy, a subsidiary of Canadian Solar Inc, is one of the world's largest and most geographically diversified utility-scale solar and energy storage project development, ownership, and operations platforms. With an industry-leading team of in-house energy experts, Recurrent Energy serves as Canadian Solar’s global development and power services business.
- 2.3.8 To date, Recurrent Energy has successfully developed, built, and connected 12 GWp of solar projects and more than 5 GWh of energy storage projects across six continents. As of September 30, 2025, its global pipeline includes approximately 23 GWp of solar power and 73 GWh of energy storage capacity. The company also has over 14 GW of solar and energy storage projects under operations and maintenance (O&M) contracts.

2.4 Terminology

2.4.1 In the tables in Section 3 of this SoCG, 'Matters agreed, not agreed or under discussion' are categorised as follows:

- a. "Agreed" (green) indicates where the issue has been resolved;
- b. "Not Agreed" (red) indicates a final position that a matter cannot be agreed; and
- c. "Under discussion" (amber) indicates where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

3. Record of Engagement

3.1 Summary of consultation

- 3.1.1 A summary of the meetings and correspondence that has occurred between the Applicant and National Grid Electricity Distribution is set out in **Table 3-1**.
- 3.1.2 Table 2-1 includes initial confirmation of instructions followed by a list of substantive communications between NGED's and the Applicant's respective legal representatives in which comments on the protective provisions and asset protection agreement have been provided. Regular email correspondence between the parties is ongoing.

Table 3-1: Engagement between the Applicant and National Grid Electricity Distribution

Date	Form of Correspondence	Details
12/09/2025 – 24/09/2025	Emails	Between the Applicant's legal representative and NGED's legal representative confirming instructions
25/09/2025	Email	From NGED's legal representative to the Applicant's legal representatives with NGED's standard form protective provisions and asset protection agreement attached for review and comment.
26/09/25	Relevant Representation	Relevant Representation submitted on behalf of NGED by NGED's legal representatives.
28/10/2025	Email	From the Applicant's legal representatives to NGED's legal representatives with markups of the protective provisions and asset protection agreement attached for NGED review and comment.
10/11/2025	Email	From NGED's legal representatives to the Applicant's legal representatives with NGED comments on the Applicant's markups provided on 28/10/2025.
15/12/2025	Email	From the Applicant's legal representatives to NGED's legal representatives with markups of the protective provisions and asset protection agreement attached for NGED review and comment.
16/12/2025	Email	From NGED's legal representatives to the Applicant's legal representatives with NGED comments on the Applicant's markups provided on 15/12/2025

15/01/2026	Email	From the Applicant's legal representatives attaching updated markups of the protective provisions and asset protection agreement provided by NGED on 16/12/2025 for NGED's further review and comment.
29/01/2026	Email	From NGED's legal representatives to the Applicant's legal representatives with updated markups of the protective provisions and asset protection agreement. A few outstanding points were noted.
09/02/2026	Email	From the Applicant's legal representatives to NGED's legal representatives attaching markup of, and confirming agreement to, the protective provisions. The Applicant's position with regard to outstanding points in the asset protection agreement was explained.
16/02/2026	Email	From NGED's legal representatives to the Applicant's legal representatives with NGED comments on the outstanding points in the asset protection agreement provided on 09/02/2026.
02/03/2026	Email	From NGED's legal representatives to the Applicant's legal representatives with updated markup of the asset protection agreement.
02/03/2026	Email	From the Applicant's legal representatives to NGED's legal representatives requesting information about NGED's invoicing and payment procedures and dealing with two outstanding points on the asset protection agreement.
18/02/2026 - 18/03/2026	Emails	Ongoing negotiations between the Applicant's legal representatives and NGED's legal representatives regarding two outstanding points in the asset protection agreement.
23/03/2026	Email/Status	From NGED's legal representatives confirming that the final outstanding points are agreed.

4. Matters agreed, not agreed or under discussion

4.1 Draft DCO

Table 4-1: Draft DCO

Reference	Description of Matter	NGED Position	Applicant Position	Status
4.1.1	Land containing NGED assets	The application includes land in or upon which NGED may have assets and which may include (but are not limited to) high voltage electricity cables. NGED is currently reviewing the draft Order setting out the Authorised Development to establish the extent to which their apparatus and interests are affected.	<p>The Applicant acknowledges that NGED has various interests in respect of rights and apparatus within the Order Limits. The interests in terms of land plots that have been identified can be found within the Book of Reference [APP-022] and can be identified on the Land Plans [AS-005]. The Applicant will continue to engage with the relevant estates team to ensure the Book of Reference and associated documents are accurate and up to date.</p> <p>The Applicant and NGED have agreed Protective Provisions that protect NGED's assets. The Applicant will incorporate the NGED Protective Provisions in the draft DCO [REP2-005] at Deadline 3A of the Examination, in line with the expectation set by the ExA in its procedural decision.</p>	Agreed

Reference	Description of Matter	NGED Position	Applicant Position	Status
4.1.2	Protective provisions	NGED are maintaining a holding objection to the application until an asset protection arrangement (including an agreement and appropriate protective provisions) has been agreed between the parties.	As noted above, the Applicant and NGED have agreed bespoke Protective Provisions. Negotiations in relation to an asset protection agreement (APA) have successfully concluded, although the agreement has not yet been signed. The Applicant understands that, whilst the protective provisions and APA are agreed in principle, NGED will maintain its holding objection until the APA is completed. The protective provisions will be included in the draft DCO [REP2-005] at Deadline 3A of the Examination.	Agreed in principle (subject to completion of the APA)
4.1.3	NGED's duties under the Electricity Act 1989	NGED needs to ensure that the wider powers being sought in the Order will not have a detrimental impact on NGED's electricity network and its duties under the Electricity Act 1989. This includes ensuring acceptable terms of any proposed protective provisions.	The Protective Provisions protect the apparatus of NGED and specify that NGED retains its rights and powers over its apparatus, ensuring its access and maintenance capabilities are preserved. The Protective Provisions also seek to ensure cooperation between the parties in the interests of the safety and efficiency of NGED's undertaking. In reaching agreement on these provisions, the Applicant and NGED have established a fair balance between protecting NGED's infrastructure and ensuring that NGED is not prevented from carrying out its duties	Agreed



Reference	Description of Matter	NGED Position	Applicant Position	Status
			under the EA 1989, while allowing the Applicant to proceed with the Proposed Development without risking significant delays or harm to any infrastructure.	

References

- Ref 1 Department for Energy Security & Net Zero (2023). Overarching National Policy Statement for Energy (EN-1). Available at: [EN-1 Overarching National Policy Statement for Energy](#)