



24 March 2026

Grahame Gould  
Lead Panel Member for the Examining Authority  
The Planning Inspectorate  
c/o QUADIENT  
69 Buckingham Avenue  
Slough  
SL1 4PN

Dear Examining Authority,

## **Fosse Green Energy Development Consent Order – Deadline 3A Submissions**

### **Planning Inspectorate Case Reference: EN010154**

We write on behalf of Fosse Green Energy Limited (the Applicant) further to the publication of the Rule 6 Letter **[PD-008]** on 9 December 2025 and the Rule 8 Letter **[PD-010]** on 14 January 2026 to provide the Applicant's written submissions for Deadline 3A of the Fosse Green Energy Development Consent Order (DCO) Examination (the Examination).

### **Submissions made at Deadline 3A**

Appendix 1 of this letter provides an overview of the documents submitted by the Applicant at this Deadline. Table 1 of Appendix 1 comprises the application documents for which updated versions are being submitted and provides brief reasoning as to why each document has been updated. Each of these updated documents has been submitted in both clean and tracked change versions to aid the Examining Authority (the ExA) in identifying the changes made.

Table 2 of Appendix 1 comprises the new documents being submitted to the Examination, including those identified by the ExA in the Rule 8 letter as submissions to be made by the Applicant. These documents form part of Volume 8 and Volume 9 and are identified in the Guide to the Application **[REP2-002]**, which sets out the current status of all documents.

### **Protective Provisions Included in Schedule 14 of the draft DCO**

In line with the expectation set by the ExA, the Applicant has incorporated bespoke protective provisions into Schedule 14 to the draft DCO **[REP2-005]**. Although the Applicant has sought to agree all bespoke protective provisions, there are areas of ongoing negotiation with some parties, such that fully agreed protective provisions with these parties cannot be included in the draft DCO at this time. In these instances, the Applicant has included partially agreed protective provisions, representing the Applicant's preferred position on areas of ongoing negotiation. At Appendix 2, the Applicant has set out a summary of the position on all bespoke protective provisions,

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indicating which protective provisions are fully agreed, and where negotiations are ongoing, providing an overview of these outstanding points. The Applicant is continuing to engage with the relevant parties to progress the negotiation of the remaining bespoke protective provisions.

As required, the Applicant has submitted a clean and a tracked PDF version of the updated draft DCO **[REP2-005]** in the usual way. In the Rule 6 Letter **[PD-008]**, the ExA also asked for a Microsoft Word version of the draft DCO to be submitted regularly during the Examination, to enable the ExA to check the functionality of the DCO statutory instrument template (albeit this is not usually uploaded to the PINS website). The Applicant confirms a Word version of the draft DCO will follow shortly, due to issues encountered today in relation to the template.

### **Draft Development Consent Order and Explanatory Memorandum Updates**

The Applicant is continuing to review the legislation sought for disapplication set out in Schedule 3 of the draft DCO **[REP2-005]**. As submitted by the Applicant during the course of Issue Specific Hearing 4, this involves a full review and consideration of historic legislation. The Applicant is keen to ensure this review is undertaken in a thorough and comprehensive manner, and as such, has not sought to make any amendments to the Schedule at this time. The Applicant will seek to provide an update in this regard at or before Deadline 6.

In addition, the Applicant is undertaking a thorough review of the full draft DCO **[REP2-005]** and, accordingly, the Explanatory Memorandum to the draft DCO **[REP2-007]** which will include updates to the precedents referred to, so that the most recent precedents are included. These reviews and updates will be completed in advance of Deadline 7.

### **Submission of SoCGs between the Applicant and (1) NKDC and (2) LCC**

As confirmed via email on Friday 20 March by the Planning Inspectorate, on behalf of the ExA, the submission of the Statements of Common Ground (SoCGs) between the Applicant and (1) North Kesteven District Council (NKDC) and (2) Lincolnshire County Council (LCC) has been put back to Deadline 4 (31 March 2026). This extension of time has been granted to allow for discussion of matters that arose during Issue Specific Hearing 3 and Issue Specific Hearing 4. The Applicant is continuing to engage with both NKDC and LCC in relation to these matters.

### **SoCGs Submitted at Deadline 3A**

In line with the ExA's request in its Procedural Decision dated 22 August 2025 **[PD-005]**, the Applicant has submitted the final and signed SoCGs between the Applicant and other relevant interested parties.

Although the Applicant has sought to agree the SoCGs with all relevant parties, Prax Downstream UK Limited (in liquidation) and Prax Lindsey Oil Refinery Limited (in liquidation) (jointly to be referred to as Prax) have not agreed to sign the latest version of the SoCG and therefore the Applicant has submitted this most recent version of the



SoCG reflecting the Applicant's current Summary of Consultation and position of Matters. The Applicant understands that Prax intends to submit into the Examination an earlier iteration of the SoCG which reflects Prax's position of Matters.

Furthermore, the UK Health Security Agency (UKHSA) and Environment Agency (EA) have confirmed that they do not sign third party SoCGs. UKHSA has notified the Applicant that a letter will be submitted into the Examination to confirm the UKHSA SoCG submitted by the Applicant is in an agreed form. Similarly, the EA has provided the Applicant with an email to confirm the EA SoCG submitted by the Applicant is in an agreed form. This email confirmation has been appended to the EA SoCG. Finally, National Grid Electricity Transmission (NGET) has provided the Applicant with an email to confirm the NGET SoCG submitted by the Applicant is in an agreed form however NGET anticipate signing the NGET SoCG once all matters have been agreed. his email has been appended to the NGET SoCG.

#### **Framework Written Scheme of Investigation – Outstanding Points**

Whilst some areas of disagreement remain between the Applicant and LCC on the potential scale of the (unmitigated) adverse impacts on buried archaeological remains, these are not deemed to be material. The Applicant, LCC and Historic England are in agreement that the Framework Written Scheme of Investigation, together with the subsequent work and activities secured under Requirement 11 of Schedule 2 to the draft Development Consent Order **[REP2-005]**, can adequately manage the risk of discovering as yet unknown buried remains, with a suite of mitigation options available to avoid or adequately minimise adverse effects during construction, operation (including maintenance) and decommissioning of the Proposed Development.

#### **Heritage Technical Note – Outstanding Points**

It is the Applicant's understanding that NKDC and LCC intend to submit further written responses with regard to the assessment of the setting of built heritage assets. The Applicant understands the outstanding area of disagreement to be the presence or scale of harm as a result of changes within the wider agricultural setting of a selection of listed buildings.

Yours sincerely,

*Womble Bond Dickinson (UK) LLP*

#### **Womble Bond Dickinson (UK) LLP**

On behalf of Fosse Green Energy Limited | 22 Grosvenor Gardens, London, United Kingdom, SW1W 0DH

## Appendix 1 – Documents Submitted to the Examination at Deadline 3A

*Table 1: Updated Documents Submitted to the Examination at Deadline 3A*

Document Reference	Document Title	Rev. No.	Reason for Update
EN010154/APP/1.3	Guide to the Application (Rev 5) Clean	5	Updated to reflect Deadline 3A Submissions
EN010154/APP/1.3	Guide to the Application (Rev 5) Tracked	5	
EN010154/APP/3.1	Draft Development Consent Order (Rev 4) Clean	4	Updated in line with Deadline 3A Submissions
EN010154/APP/3.1	Draft Development Consent Order (Rev 4) Tracked	4	
EN010154/APP/3.2	Explanatory Memorandum (Rev 4) Clean	4	Updated in line with Deadline 3A Submissions
EN010154/APP/3.2	Explanatory Memorandum (Rev 4) Tracked	4	
EN010154/EXAM/9.6	Schedule of Negotiations and Powers Sought (Rev 6) Clean	6	Updated in line with Deadline 3A Submissions
EN010154/EXAM/9.6	Schedule of Negotiations and Powers Sought (Rev 6) Tracked	6	
EN010154/EXAM/9.7	Schedule of Changes to the Draft Development Consent Order (Rev 3) Clean	3	Updated in line with Deadline 3A Submissions
EN010154/EXAM/9.7	Schedule of Changes to the Draft Development Consent Order (Rev 3) Tracked	3	
EN010154/AS-001	Framework Written Scheme of Investigation (Rev 2) Clean	2	Updated in line with Deadline 3A Submissions
EN010154/AS-001	Framework Written Scheme of Investigation (Rev 2) Tracked	2	

*Table 2: New Documents Submitted to the Examination at Deadline 3A*

<b>Document Reference</b>	<b>Document Title</b>	<b>Rev. No.</b>
EN010154/EXAM/8.1	Statement of Common Ground with Anglian Water Services	1
EN010154/EXAM/8.2	Statement of Common Ground with the Environment Agency	1
EN010154/EXAM/8.3	Statement of Common Ground with the Forestry Commission	1
EN010154/EXAM/8.4	Statement of Common Ground with Historic England	1
EN010154/EXAM/8.6	Statement of Common Ground with the Lincolnshire Wildlife Trust	1
EN010154/EXAM/8.7	Statement of Common Ground with the Ministry of Defence	1
EN010154/EXAM/8.8	Statement of Common Ground with National Grid Electricity Distribution (East Midlands)	1
EN010154/EXAM/8.9	Statement of Common Ground with National Grid Electricity Transmission	1
EN010154/EXAM/8.10	Statement of Common Ground with National Highways	1
EN010154/EXAM/8.11	Statement of Common Ground with Natural England	1
EN010154/EXAM/8.12	Statement of Common Ground with Network Rail	1
EN010154/EXAM/8.14	Statement of Common Ground with British Pipeline Agency as Agents for Prax	1
EN010154/EXAM/8.15	Statement of Common Ground with the UK Health and Security Agency	1
EN010154/EXAM/9.22	Applicant's Response to Deadline 2 Submissions	1
EN010154/EXAM/9.23	Heritage Technical Note	1

## **Appendix 2 – Summary of Status of Protective Provisions**

### **Schedule 14, Part 5 – For the Protection of National Highways Limited**

The protective provisions included at Part 5 of Schedule 14 are fully agreed between the Applicant and National Highways.

### **Schedule 14, Part 6 – For the Protection of Anglian Water Services Limited**

The protective provisions included at Part 6 of Schedule 14 are substantially agreed between the Applicant and Anglian Water. Where there are areas of ongoing discussion, the protective provisions included in the draft DCO reflect the Applicant's preferred position.

The outstanding point under discussion relates to the removal of apparatus under paragraph 62(8). Where alternative apparatus is being substituted under this paragraph, the undertaker must use best endeavours to allow Anglian Water a reasonable amount of time to make network contingency arrangements or bring matters to the attention of end users before the undertaker takes any action. The Applicant has requested an upper limit (56 days as is industry standard) for this reasonable period of time in order to provide clarity and prevent any potential uncertainties as to what constitutes a reasonable period of time. Anglian Water have advised that this point is being discussed internally and a definitive response will then be provided at which point the Applicant hopes this can be resolved and the protective provisions fully agreed.

### **Schedule 14, Part 7 – For the Protection of National Grid Electricity Distribution (East Midlands) plc**

The protective provisions included at Part 7 of Schedule 14 are fully agreed between the Applicant and National Grid Electricity Distribution (East Midlands) (NGED).

Alongside these protective provisions the Applicant and NGED have agreed the form of an Asset Protection Agreement (APA). At this time, the APA has not yet been signed, but the Applicant hopes this will be completed by the end of March.

### **Schedule 14, Part 8 – For the Protection of National Grid Electricity Transmission plc as Electricity Undertaker**

The protective provisions included at Part 8 of Schedule 14 are not yet fully agreed between the Applicant and National Grid Electricity Transmission (NGET). Where there are areas of ongoing discussion, the protective provisions included in the draft DCO reflect the Applicant's preferred position.

The areas of ongoing discussion relate to uncertainty around the precise land required by NGET for the proposed Navenby Substation. As a result of this uncertainty, NGET has requested the inclusion of certain provisions relating to land assembly for the Proposed Development but at this time, cannot provide clarity on the land that will be needed for the proposed Navenby Substation. Until such time as the land plans are available for the proposed Navenby Substation, the Applicant is seeking to add the

following qualifying wording to paragraph 87(b): "in so far as the extent of the Navenby Site has been notified by National Grid Electricity Transmission Plc to the undertaker in writing" (or similar). The inclusion of this wording will provide clarity that the Applicant can only comply with these provisions to the extent that it has been so notified.

#### **Schedule 14, Part 9 – For the Protection of Prax Lindsey Oil Refinery Limited (in Liquidation) and Prax Downstream UK Limited (in Liquidation)**

The protective provisions included at Part 9 of Schedule 14 are not yet agreed between the Applicant and Prax Lindsey Oil Refinery Limited (in Liquidation) and Prax Downstream UK Limited (in Liquidation) (Prax). The protective provisions included in the draft DCO reflect the Applicant's preferred position and are largely based on the protective provisions for CATS North Sea Limited in the Net Zero Teesside Order 2024. Fieldfisher LLP on behalf of BPA as agents for Prax provided the Applicant with their preferred protective provisions on 18 March 2026, which are based on the protective provisions for Exolum in the Net Zero Teesside Order 2024. A meeting was held between the Applicant and Prax on 24 March 2026 and the parties are continuing to engage in order to reach agreement on the appropriate parameters to reduce the potential for any risk to the pipeline. In addition, further soil sampling has been undertaken and the applicant hopes to be in a position to issue a report incorporating the results of this sampling in the coming week. The parties expect this will allow progress to be made on the negotiation of protective provisions.

#### **Network Rail**

The Applicant has not included any protective provisions in the draft DCO for the protection of Network Rail. Network Rail has, to date, been unable to provide the Applicant with details of any interests within the Order Limits and given it is unclear whether its interests are part of any active railways, the Applicant is seeking to ascertain whether or not bespoke protective provisions are required. It is unclear whether the Proposed Development poses any risk to Network Rail's ability to safely operate and maintain active railway land.

Network Rail has an interest in respect of restrictive covenants and easements in Plot 13/3 and in respect of rights and access in Plot 13/6 derived from two separate conveyances dated November 1977. These plots are required for the installation of the Cable Corridor (Work No. 5A) from the main solar PV site (within the Principal Site). The Applicant has thoroughly reviewed the relevant conveyances and used both the HM Land Registry Map Search and Google Maps to inspect the relevant areas. It is apparent that there is no operational railway infrastructure within these plots or in the surrounding area. The HM Land Registry plan indicates a "disused railway" and Google Maps shows this area to be a field with no noticeable infrastructure or access points to the supposed track stretches. The Applicant therefore believes that there is no existing infrastructure that warrants the implementation of bespoke protective provisions for the sake of safeguarding national rail infrastructure.



Nevertheless, the Applicant is continuing to seek clarification on this from Network Rail, via its legal representatives. However, the Applicant's position is that unless information is received that indicates otherwise, the Applicant does not consider that the Proposed Development will have any impact on operational rail infrastructure, and as such, no protective provisions are required.

Separately the Applicant will engage with Network Rail in relation to its land interests.