



24 April 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 – Additional Submissions**

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

We write on behalf of Fosse Green Energy Limited (the Applicant) further to the Deadline 4 Cover Letter **[REP4-001]** to provide the Applicant's response to the submission made by NatPower UK Limited on behalf of Navenby Energy Limited and RE Squared Limited (NatPower) at Deadline 3 **[REP3-070]** and the Additional Submissions made by NatPower **[AS-131]** and **[AS-132]**. These submissions are hereafter referred to collectively as the 'NatPower Submissions'.

### **Land Interests**

As set out in the Deadline 4 Cover Letter **[REP4-001]**, the Applicant notes the ExA's letter of 30 March 2026 to NatPower **[PD-018]** requesting that NatPower notify it of the land plot numbers within which NatPower has interests. The interests held by RE Squared Limited are set out in the updated Book of Reference submitted to the Examination at Deadline 4 **[REP4-004]**. However, the Applicant awaits submission to the Examination of further details of the interests held by Navenby Energy Limited to enable further updates to be made to the Book of Reference.

### **Responses to NatPower Submissions**

The Applicant has provided comprehensive responses to the NatPower Submissions which are set out at Appendix 1. Noting that NatPower's Deadline 3 Submission **[REP3-070]** and Additional Submission (1) **[AS-131]** are identical, the Applicant has responded to these submissions together.

Although a separate response has been provided for NatPower's Additional Submission (2) **[AS-132]**, due to the similarities with NatPower's Deadline 3 Submission and Additional Submission (1), the Applicant has essentially replicated its response.



As detailed in the responses at Appendix 1, the Applicant considers that there is a technical solution which would allow the Proposed Development and NatPower's BESS project to co-exist within the Order Limits of the Proposed Development. The Applicant has prepared an indicative plan to demonstrate the technical solution which would allow this co-existence. This is provided at Appendix 2.

### **Engagement with NatPower**

The Applicant became aware that the site for NatPower's proposed BESS project (the 'Brant BESS') overlapped (in part) with the Cable Corridor for the Proposed Development in January 2025. The Applicant has engaged with NatPower since this point and has taken positive steps to ensure that both projects are compatible and can be brought forward together. Following a request from NatPower, the Applicant confirmed it is willing to enter into a co-operation agreement. The Applicant is awaiting receipt of the draft co-operation agreement from NatPower.

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 – Response to NatPower Submissions



The Applicant's Response to Deadline 3 Submission [REP3-070] / Additional Submission (1) [AS-131] submitted by NatPower UK on behalf of Navenby Energy Limited

NatPower UK Submission	Applicant Response
<p><b>Introduction</b></p> <p>I write on behalf of Navenby Energy Limited, a subsidiary of NatPower UK Limited, registered as an Interested Party on the 26 January 2026 (the “<b>Interested Party</b>”). This representation concerns the application by Fosse Green Energy Limited (the “<b>Applicant</b>”) for a Development Consent Order for the Fosse Green Energy Project (Application Reference EN010154) (the “<b>Application</b>”), specifically in relation to the proposed cable route.</p> <p>The Interested Party holds an option agreement, entered into in January 2025, granting a six-year option to acquire land directly south of Hill Rise Road, west of Coleby (the “<b>Site</b>”). A full planning application for a Battery Energy Storage System (the “<b>BESS Project</b>”) was submitted to and validated by North Kesteven District Council under reference 25/0533/FUL on 15 May 2025. This live application is material to the Examination.</p>	<p>The Applicant became aware that the site for NatPower's proposed BESS project (the ‘Brant BESS’) overlapped (in part) with the Cable Corridor for the Proposed Development in January 2025. The Applicant has engaged with NatPower since this point and has taken positive steps to ensure that both projects are compatible and can be brought forward together.</p> <p>The Applicant is aware that the Interested Party holds an option agreement to acquire the freehold of the site for the proposed Brant BESS. This interest, in respect of an option agreement dated 15 January 2025, relates to plot 12/9 and plot 13/2 as shown on Sheets 12 and 13 of the Land Plans [AS-104] and recorded in the updated Book of Reference [REP4-004] submitted to the Examination at Deadline 4. The Applicant has entered into Heads of Terms with the landowner for these plots. The landowner has retained solicitors, and the Applicant has given an undertaking of fees to acquire an easement for the grid connection cable in respect of the Proposed Development as set out in the Schedule of Negotiations and Powers Sought [REP4-014].</p> <p>The Applicant is aware of the submission of the planning application for the proposed Brant BESS and understands from the Comments in the Deadline 4 submission from North Kesteven District Council (NKDC) [REP4-021] that the application remains undetermined at this time. On 30 January 2026, NKDC, as the local planning authority, requested further Environmental Information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). NKDC have stated [REP4-021] that given the planning application rests on the submission of further Environmental Information to address Regulation 25, and that there are re-consultation and publicity requirements associated with this, there is no fixed timescale for its determination.</p> <p>In addition, the planning application for the proposed Brant BESS does not include provision for its grid connection. The Transmission Entry Capacity (TEC) Register indicates that the proposed Brant BESS would connect to the proposed Trent Valley South Connection Node C 400kV Substation in</p>

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<b>NatPower UK Submission</b>	<b>Applicant Response</b>
	<p>October 2034. At the time of writing, there is no available information in the public record with regards to this proposed substation and no available plans to provide an indicative location. The planning application for the proposed Brant BESS also notes that the surrounding land is not currently secured for the cable corridor and is subject to ongoing discussions with local landowners. As such, the cable route from the proposed Brant BESS to its point of connection remains unknown, unsecured and would be the subject of a separate planning application in due course.</p>
<p><b>Extent of Overlap</b> Sheets 12 and 13 of the Applicant’s Land Plans (Fosse Green Energy — Volume 2, 2.1 Land Plans (Revision 03), document reference EN010154/APP/2.1) demonstrate that the proposed export cable corridor passes directly through land forming part of the Interested Party’s Site for the BESS Project. This creates a significant and unresolved land-use conflict.</p>	<p>The Applicant does not agree that there is a land-use conflict and considers, in the event that all relevant consents and permissions are secured, that both projects can be delivered without detriment to each other. Further details are set out in this respect below.</p> <p>The Applicant has previously offered and remains willing to enter into a co-operation agreement with NatPower to provide reassurance of the Applicant's intentions to work positively with NatPower in this regard. As noted in the covering letter to this submission, following a request from NatPower, the Applicant has reconfirmed it is willing to enter into a co-operation agreement, and awaits a draft from NatPower.</p>
<p><b>Operational Compatibility and Access Concerns</b> The Application provides inadequate clarity regarding how the Applicant intends to secure access for inspection, maintenance, or fault repair along the section of cable proposed within the Site.</p> <p>Emergency repair works would typically require unrestricted temporary working areas, excavation, heavy plant, and reliable operational access. It is unclear how this could be delivered without substantial disruption to, or the temporary suspension of, the BESS Project’s construction or operation.</p>	<p>It is not unusual for underground cable routes to co-exist with other development. Whilst it is correct that there should be no built development over the cable once installed, the operational area affected would be relatively limited (i.e. an easement of 10m in width for the 60-year operational lifetime) and this protected corridor could be integrated into the landscaping scheme and layout of the proposed Brant BESS in order to minimise any impact on operational efficiencies.</p> <p>Once installed and operational, it is unlikely that the cable itself would require unplanned maintenance within the operational period. If emergency repair works were required, this would be accommodated within the easement strip of 10m, so would have no detrimental effect on the wider operational site of the proposed Brant BESS. Access and working areas would not be required outside of the 10m easement strip.</p>

<b>NatPower UK Submission</b>	<b>Applicant Response</b>
<p>This uncertainty creates material operational risk for both projects and highlights the inherent incompatibility of locating a strategic transmission cable through land required for energy storage infrastructure. The absence of a credible operational access strategy weighs strongly against the appropriateness of the proposed alignment.</p> <p>Further, the presence of a high voltage cable and associated easements within the BESS Project's red line boundary would effectively sterilise the Site, limiting the positioning of battery units, transformers, access routes, laydown areas, and other operational infrastructure. Co-locating a transmission-grade cable corridor and a BESS installation within the same development parcel is not practically or safely achievable.</p>	<p>The design provided by NatPower in its objection shows the Brant BESS compound would be approximately 450m in length. If planning permission for the proposed Brant BESS is granted, at the detailed design stage post-consent, the cable route for the Proposed Development can be designed so that there is a jointing bay either side of the Brant BESS facility, which would be accessed under the easement over the land. This approach would allow the cable to be pulled out and replaced if required without any interference on the proposed Brant BESS, i.e. it negates the need for maintenance crews associated with the Proposed Development to access the Brant BESS site and disrupt the day-to-day activities within the BESS. Alternatively, if the Proposed Development cable circuit is installed in land south of the proposed Brant BESS compound, it would be outside of the operational compound of the proposed Brant BESS. Maintenance vehicles would be able to access the cable from the public highway at Hill Rise and enter the fields west of where the proposed Brant BESS site overlaps the Order Limits, either from a point near Broughton Lane (within the Order Limits) or, with landowner agreement, from a closer point along Hill Rise using the existing farm access into the field where the cable circuit will be laid. The approach to the design in this location would be subject to the detailed design process, which would be undertaken should consent for the Proposed Development be granted.</p> <p>Whilst the precise location of the easement strip has not yet been confirmed, flexibility is necessary to enable engagement with NatPower on the most appropriate location within the Order Limits for the routing of the cable in order to minimise impact on the proposed Brant BESS whilst allowing the Proposed Development to come forward. This will ensure that the site of the proposed Brant BESS would not be sterilised and that equipment and apparatus for the BESS can be positioned without any limitations. For the reasons set out above, the Applicant is not aware of any safety reasons why the two projects cannot be brought forward together.</p> <p>A drawing is included at Appendix 2 showing the latest proposed Brant BESS layout, submitted to the Examination by NatPower as part of its Deadline 3 Submission [REP3-070], overlaid with one scenario for the working corridor for the installation of the Proposed Development 400kV buried cable circuit and operational easement. The installation will require an approximately 30-40m wide working area for the trenching, laydown, spoil, and vehicle movements, after which an easement</p>

NatPower UK Submission	Applicant Response
	<p>width of 10m will be required during operation above which hard infrastructure would need to be avoided but shallow root landscaping can be included. The drawing shows there is approximately an 80m wide corridor between the most southerly part of the proposed Brant BESS compound and the southerly extent of the Order Limits, within which the 30-40m wide working corridor and 10m easement can be located. The drawing also shows how the jointing bays could be located outside of the Brant BESS facility to avoid any interaction during the operation of the Proposed Development.</p> <p>As noted above, the Applicant remains committed to working in co-operation with NatPower to ensure the agreed detailed design and operational interfaces between the projects are appropriately managed, so that the projects can co-exist. Following internal technical review, the Applicant is not aware of any reason why the two projects cannot be brought forward together and considers there is sufficient flexibility within the application boundary for the proposed Brant BESS and the Order Limits of the Proposed Development to achieve this, as demonstrated by the drawing attached at Appendix 2.</p>
<p><b>Long Duration Energy Storage Requirements and Site Protection</b></p> <p>The Government, following advice from DESNZ and NESO, has identified the need for long duration energy storage (“<b>LDES</b>”) in order to achieve the Clean Power 2030 policy objective. In response, Ofgem has been instructed to establish the LDES scheme to facilitate the delivery of the nationally strategically important projects required to support that objective. The policy position is therefore clear: LDES forms a necessary part of the future electricity system and is not merely desirable, but required to enable the transition to clean power by 2030.</p>	<p>As set out in the Statement of Need [APP-184] it was envisaged that the 2025 versions of NPS EN-1 and NPS EN-3 would effectively embed the Government’s ambition and commitments in the Clean Power 2030 Action Plan into policy. Although these NPSs were in draft form at the point of submission of the DCO Application and therefore the wording of the NPSs differs from the draft wording set out in the Statement of Need, the revised NPSs which came into force in January 2026, provide a clear alignment with the Clean Power 2030 Action Plan. Although the application for the Proposed Development will be determined in accordance with the previous iterations of NPS EN-1, NPS EN-3 and NPS EN-5, the 2025 NPSs are relevant considerations in the decision-making process.</p> <p>The 2025 NPS EN-1 refers directly to the Clean Power 2030 Mission stating at paragraph 2.3.4 that: <i>“Meeting the Clean Power 2030 Mission objectives necessitates a significant investment in new energy infrastructure, both large nationally significant developments and smaller-scale developments determined at a local level.”</i></p>

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<p>LDES is recognised as being essential to delivering the lowest cost outcome for consumers, whilst also strengthening network resilience and security. In particular, it has an important role in reducing the curtailment of increasing volumes of wind and solar generation, thereby avoiding unnecessary system costs and making more effective use of renewable electricity which would otherwise be wasted. In that sense, the protection of developable energy land for LDES is wholly consistent with national policy and the wider public interest.</p> <p>The BESS Project applied to participate in Ofgem's LDES Cap and Floor Scheme in June 2025 and was confirmed as eligible in September 2025. It is currently progressing through the final Project Assessment stage, with outcomes expected in Spring 2026. Under the scheme, applicants must demonstrate access to viable expansion areas. Protecting the full developable extent of the Site is therefore essential.</p> <p>The introduction of a high-voltage cable and associated easements within the BESS Project's red line boundary would materially constrain the Site's ability to comply with LDES requirements, undermining its contribution to UK energy system flexibility and resilience. Avoiding unnecessary sterilisation of developable energy land is clearly in the public interest and aligns with national policy.</p>	<p>Table 1 of the Clean Power 2030 Action Plan lists the technologies that the Government considers will play a key role in achieving a clean power system which include (but are not limited to) solar, batteries and LDES. As set out in paragraph 2.3.5 of NPS EN-1 (2025), the Clean Power 2030 Mission <i>"will be driven through rapid deployment of low carbon generation, flexibility infrastructure, and electricity transmission infrastructure. The Action Plan sets out targets for the 2030 capacities of key technologies at a national and regional level."</i></p> <p>Whilst the Clean Power 2030 Action Plan sets out target capacity ranges for these technologies, the Government is seeking to retain optionality in these capacity ranges in order to be able to respond to the outcomes of negotiations and other contract-award processes, and through monitoring delivery of assets with long lead-times.</p> <p>With regards to the LDES Cap and Floor Scheme, the Applicant is not aware of any requirement for an applicant to demonstrate access to viable expansion areas or for such areas to be ring-fenced and so take priority over other land uses. The Applicant notes that NatPower has not submitted any evidence to substantiate this assertion. Paragraph 3.68 of Ofgem's Multi-Criteria Assessment Framework invites applicants to provide evidence of expansion areas which would enable the benefits of a project to be significantly increased at relatively low cost, and states that this may be taken into account in the scoring of projects, but this is not the same as a requirement to provide for and retain expansion areas. Further, the Applicant's understanding is that the planning application for the proposed Brant BESS has not sought planning permission for the expansion areas referred to. If expansion areas were an important component of NatPower's LDES submission, it might be expected that these areas would be included in the application for planning permission. If these areas have been included, it is clear from the drawing at Appendix 2 that this can be accommodated in addition to the cable for the Proposed Development. It should also be noted that the outcome of the LDES Cap and Floor Scheme application process have not yet been confirmed, and there is no certainty that the proposed Brant BESS will be granted an LDES contract. Over 75 projects are being considered as part of the Project Assessment Stage which represent a combined discharge capacity of 28.7 GW. Given the estimated distribution of LDES Cap and Floor contracts is between</p>

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	<p>4 GW and 6 GW, a significant number of these applications will not be awarded a contract for the LDES Cap and Floor scheme. Furthermore, a key criterion for LDES is 'readiness' and the point of connection for the proposed Brant BESS is the proposed Trent Valley Node C Substation, for which, at the time of writing, there is no available information in the public record and no available plans to provide an indicative location. This calls into question whether the proposed Brant BESS can be considered ready.</p> <p>In addition, challenges to the principle of the LDES scheme are currently pending in the Competition Appeal Tribunal. It is asserted that the establishment of the scheme constitutes a subsidy decision and as such has not been validly made and should be quashed. The challenge has been listed for a two-day hearing which commences on 28 April 2026. There is therefore uncertainty as to whether the LDES Scheme will continue in its current form. Ofgem's arguments are likely to include (i) it has a legal duty to deliver LDES schemes as part of the transition to net zero, so some means of supporting these projects is an appropriate decision to take; and (ii) cap and floor schemes are used elsewhere in the gas and electricity markets, for example in regulating the costs charged by owners of interconnectors for use of those assets; the application of cap and floor schemes in those cases has been known for many years, including during the period when the EU regime on state aid applied, i.e. this should not be a new question for Ofgem to consider/have considered.</p> <p>The Proposed Development is itself a Nationally Significant Infrastructure Project and would bring forward energy infrastructure of a Critical National Priority. Nevertheless, the Applicant considers that, if planning permission is granted (and a suitable grid connection route can be negotiated by NatPower with relevant landowners), both projects can be brought forward within the existing constraints of the Order Limits. A drawing which demonstrates the feasibility of this based on the latest layout of the proposed Brant BESS submitted with the objection is attached at Appendix 2.</p>
<p><b>Compulsory Acquisition Concerns</b> The proposed cable route gives rise to the potential compulsory acquisition of land or the imposition of permanent rights over land essential to the BESS</p>	<p>Compulsory acquisition powers in respect of the site of the proposed Brant BESS are clearly necessary to enable the Proposed Development to proceed in the event that agreement with the landowners or Option holder cannot be reached. For the reasons set out above, exercise of those powers would not prejudice the delivery of the proposed Brant BESS, prevent it from coming</p>

<b>NatPower UK Submission</b>	<b>Applicant Response</b>
<p>Project. Such acquisition would severely prejudice delivery of a policy-aligned energy storage scheme for which a validated planning application is in place.</p> <p>The Applicant has not demonstrated that the compulsory acquisition of this land is necessary, nor that a compelling case in the public interest exists, particularly given the availability of alternative routing options that avoid the conflict entirely (see further below). The proposed acquisition would also fail the proportionality test, as it would sterilise land capable of supporting nationally important energy storage infrastructure when a less intrusive alternative appears achievable.</p> <p>The Interested Party therefore invites the Examining Authority to scrutinise closely the compulsory acquisition powers sought by the Applicant over the Site and to consider whether such powers are justified.</p>	<p>forward, or sterilise the site. The Applicant has demonstrated that it is feasible for both projects to come forward together, as shown on the drawing attached at Appendix 2, and that there are no practical or operational constraints to prevent this.</p> <p>The Statement of Reasons [REP1-013] explains in full why there is a clear and compelling case in the public interest for the grant of compulsory acquisition powers in respect of the Proposed Development, including the land required for the Cable Corridor. As noted above, the Proposed Development is a Nationally Significant Infrastructure Project and would bring forward energy infrastructure of a Critical National Priority. Further, the flexibility sought over the land for the Cable Corridor is necessary to enable ongoing engagement with NatPower to facilitate the delivery of their proposed Brant BESS.</p> <p>The alternative routing arrangement proposed by NatPower has been suggested late in the Examination process which could delay the delivery of the Proposed Development. This is not proportionate or in the public interest given that the two projects can be brought forward without a change to the Order Limits as the Applicant has demonstrated in the drawing attached at Appendix 2.</p> <p>Finally, heads of terms to acquire the necessary interest in the site have been entered into with the relevant landowner who has instructed solicitors to progress the Option for Easement and the Applicant has given an undertaking for the legal fees.</p>
<p><b>Engagement with the Applicant</b></p> <p>The Interested Party has engaged with the Applicant on the cable alignment since February 2025. As the development of the BESS Project and its application in the LDES Cap and Floor Scheme has progressed, the Interested Party concluded in February 2026 that the Applicant's proposed alignment could only be accommodated in part.</p>	<p>As set out above, engagement with NatPower commenced in January 2025 and has progressed collaboratively until the submission of NatPower's objection. It is, therefore, unfortunate that NatPower has only suggested this alternative at such a late stage in the consenting process. The suggested alternative alignment for the Cable Corridor would be outside of the Order Limits for the Proposed Development and would move the Cable Corridor into land that has not been environmentally assessed as part of the DCO Application. Technical engineering implications for an amendment of this nature would need to be considered, noting the other technical constraints in this location such as the overhead transmission line. It would require the provision of additional</p>

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<p>This position was communicated to the Applicant via email on 6 March 2026 and the Attachment (<i>Plan: Proposed Cable FG2</i>) to this letter shows the alternative route proposed by the Interested Party. In summary, the Interested Party is able to accommodate the cable within the south-western corner of the BESS Project's red line boundary. However, the easternmost field cannot accommodate a cable easement for the technical and operational reasons set out above.</p>	<p>environmental information which could result in a postponement to the examination and therefore delay the consenting process for a critical national priority infrastructure project. It would also require additional engagement with landowners which could further delay the Proposed Development. For these reasons, the suggested alternative is not acceptable to the Applicant. Above all, the suggested alternative is not required as the drawing attached at Appendix 2 demonstrates that the projects can coexist within the existing Order Limits.</p> <p>It is noted that the plan submitted by NatPower does not contain any built development in the eastern most field, such that there appears to be no reason why the cable route for the Proposed Development could not be located in this area. If this land is being retained in order to "demonstrate access to viable expansion areas", it is not accepted that this is necessary to comply with LDES requirements for the reasons set out above, and in any event, as explained above, it is usual for underground cables to co-exist with other development and there is no reason why that could not be the case here. There are no operational reasons which would prevent both developments coming forward and a suitable and practical access strategy which has minimal impacts on the proposed Brant BESS could be taken forward on the main development area as well as in the eastern field.</p>
<p><b>Conclusion</b> In summary, for the reasons set out in this letter the Interested Party objects to the Application in its present form insofar as it relates to the proposed cable route affecting the Site. The Interested Party remains willing to engage constructively with both the Applicant and the Examining Authority to agree a practicable and mutually acceptable solution.</p>	<p>The Applicant remains willing to continue to engage with NatPower but given NatPower's late involvement in the Examination process, this must be on the basis that both projects come forward within their respective application boundaries. As evidenced by the drawing at Appendix 2, the Applicant has demonstrated that there is a simple technical solution which can achieve this without detriment to the delivery of either project.</p>



The Applicant's Response to Additional Submission (2) [AS-132] submitted by NatPower UK on behalf of Navenby Energy Limited

NatPower UK Submission	Applicant Response
<p>On behalf of Navenby Energy Limited (the “Interested Party”), I write in relation to the Fosse Green Energy Development Consent Order (DCO) application submitted by Fosse Green Limited (“FGL”), specifically regarding the proposed cable route associated with the FGL project.</p> <p>On 15 January 2025, an option agreement with the landowner for land directly south of Hill Rise Road, west of Coleby, granting a six-year option to purchase the land was entered into.</p> <p>The land on which the Interested Party holds an interest is the subject of a Battery Energy Storage System (BESS) planning application (ref. 25/0533/FUL), which North Kesteven District Council validated on 15 May 2025. That application is a live planning consideration and predates FGL’s DCO application.</p> <p>This is a full planning application for a large, nationally strategic energy storage development, in line with the Department of Energy Security and Net Zero (DESNZ) strategic aims for enabling long-duration energy storage and already qualified under Ofgem’s Long Duration Energy Storage (LDES) project eligibility assessment and currently under consideration by Ofgem for an LDES Cap and Floor Contract Licence.</p>	<p>The Applicant became aware that the site for NatPower’s proposed BESS project (the ‘Brant BESS’) overlapped (in part) with the Cable Corridor for the Proposed Development in January 2025. The Applicant has engaged with NatPower since this point and has taken positive steps to ensure that both projects are compatible and can be brought forward together.</p> <p>The Applicant is aware that the Interested Party holds an option agreement to acquire the freehold of the site for the proposed Brant BESS. This interest in respect of an option agreement dated 15 January 2025 relates to plot 12/9 and plot 13/2 as shown on Sheets 12 and 13 of the Land Plans [AS-104] and recorded in the updated Book of Reference [REP4-004] submitted to the Examination at Deadline 4. The Applicant has entered into Heads of Terms with the landowner for these plots. The landowner has retained solicitors, and the Applicant has given an undertaking of fees to acquire an easement for the grid connection cable in respect of the Proposed Development as set out in the Schedule of Negotiations and Powers Sought [REP4-014].</p> <p>The Applicant is aware of the submission of the planning application for the proposed Brant BESS and understands from the Comments in the Deadline 4 submission from North Kesteven District Council (NKDC) [REP4-021] that the application remains undetermined at this time. On 30 January 2026, NKDC, as the local planning authority, requested further Environmental Information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). NKDC have stated [REP4-021] that given the planning application rests on the submission of further Environmental Information to address Regulation 25, and that there are re-consultation and publicity requirements associated with this, there is no fixed timescale for its determination.</p> <p>In addition, the planning application for the proposed Brant BESS does not include provision for its grid connection. The Transmission Entry Capacity (TEC) Register indicates that the proposed Brant BESS would connect to the proposed Trent Valley South Connection Node C 400kV Substation in October 2034. At the time of writing, there is no available information in the public record with</p>

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	<p>regards to this proposed substation and no available plans to provide an indicative location. The planning application for the proposed Brant BESS also notes that the surrounding land is not currently secured for the cable corridor and is subject to ongoing discussions with local landowners. As such, the cable route from the proposed Brant BESS to its point of connection remains unknown, unsecured and would be the subject of a separate planning application in due course.</p>
<p>The proposed grid connection cable route submitted by the Applicant (FGL) for their proposed project cuts through the red line boundary of our LDES project. As defined in the application, FGL's cable corridor occupies land essential for the delivery and operation of our project. This creates a direct conflict between the DCO proposal and a strategic energy infrastructure project.</p>	<p>The Applicant does not agree that there is a land-use conflict and considers, in the event that all relevant consents and permissions are secured, that both projects can be delivered without detriment to each other. Further details are set out in this respect below.</p> <p>The Applicant has previously offered and remains willing to enter into a co-operation agreement with NatPower to provide reassurance of the Applicant's intentions to work positively with NatPower in this regard. As noted in the covering letter to this submission, following a request from NatPower, the Applicant has reconfirmed it is willing to enter into a co-operation agreement, and awaits a draft from NatPower.</p>
<p>The presence of a high-voltage cable and associated easements within the BESS red line would result in the effective sterilisation of the land, preventing any surface structures within a cable exclusion area, preventing the implementation and operation of the LDES project.</p> <p>In particular, the exclusion zone would prevent the siting of battery units, transformers, access routes, construction areas, and operational infrastructure, while introducing unacceptable safety, construction, and operational constraints. In practical terms, the coexistence of a third-party electricity cable cutting through our BESS facility area would be incompatible.</p>	<p>It is not unusual for underground cable routes to co-exist with other development. Whilst it is correct that there should be no built development over the cable once installed, the operational area affected would be relatively limited (i.e. an easement of 10m in width for the 60-year operational lifetime) and this protected corridor could be integrated into the landscaping scheme and layout of the proposed Brant BESS in order to minimise any impact on operational efficiencies.</p> <p>Once installed and operational, it is unlikely that the cable itself would require unplanned maintenance within the operational period. If emergency repair works were required, this would be accommodated within the easement strip of 10m, so would have no detrimental effect on the wider operational site of the proposed Brant BESS. Access and working areas would not be required outside of the 10m easement strip.</p> <p>The design provided by NatPower in its objection shows the Brant BESS compound would be approximately 450m in length. If planning permission for the proposed Brant BESS is granted, at</p>

<b>NatPower UK Submission</b>	<b>Applicant Response</b>
<p>I am also concerned that the DCO application provides insufficient clarity as to how the Applicant would access the cable for inspection, maintenance, or fault repair where it passes through or adjacent to the LDES site.</p> <p>In the event of a cable fault, emergency repair works would likely require unrestricted access, excavation, plant movements, and large working areas. It is unclear how such access could be safely or practically achieved without significant disruption to, or temporary shutdown of, the LDES facility.</p> <p>This uncertainty gives rise to delivery and operational risk. It also reinforces the incompatibility of locating a 400kV transmission cable within land intended for large-scale strategic LDES infrastructure (this LDES project being 1GW/8GWh), particularly where long-term operational resilience and availability for the transmission network are critical. The lack of a clear, workable access strategy further weighs against the appropriateness of the proposed DCO.</p>	<p>the detailed design stage post-consent, the cable route for the Proposed Development can be designed so that there is a jointing bay either side of the Brant BESS facility, which would be accessed under the easement over the land. This approach would allow the cable to be pulled out and replaced if required without any interference on the proposed Brant BESS, i.e. it negates the need for maintenance crews associated with the Proposed Development to access the Brant BESS site and disrupt the day-to-day activities within the BESS. Alternatively, if the Proposed Development cable circuit is installed in land south of the proposed Brant BESS compound, it would be outside of the operational compound of the proposed Brant BESS. Maintenance vehicles would be able to access the cable from the public highway at Hill Rise and enter the fields west of where the proposed Brant BESS site overlaps the Order Limits, either from a point near Broughton Lane (within the Order Limits) or, with landowner agreement from a closer point along Hill Rise using the existing farm access into the field where the cable circuit will be laid. The approach to the design in this location would be subject to the detailed design process, which would be undertaken should consent for the Proposed Development be granted.</p> <p>Whilst the precise location of the easement strip has not yet been confirmed, flexibility is necessary to enable engagement with NatPower on the most appropriate location within the Order Limits for the routing of the cable in order to minimise impact on the proposed Brant BESS whilst allowing the Proposed Development to come forward. This will ensure that the site of the proposed Brant BESS would not be sterilised and that equipment and apparatus for the BESS can be positioned without any limitations. For the reasons set out above, the Applicant is not aware of any safety reasons why the two projects cannot be brought forward together.</p> <p>A drawing is included at Appendix 2 showing the latest proposed Brant BESS layout, submitted to the Examination by NatPower as part of its Deadline 3 Submission [REP3-070], overlaid with one scenario for the working corridor for the installation of the Proposed Development 400kV buried cable circuit and operational easement. The installation will require an approximately 30-40m wide working area for the trenching, laydown, spoil, and vehicle movements, after which an easement width of 10m will be required during operation above which hard infrastructure would need to be avoided but shallow root landscaping can be included. The drawing shows there is approximately</p>

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	<p>an 80m wide corridor between the most southerly part of the proposed Brant BESS compound and the southerly extent of the Order Limits, within which the 30-40m wide working corridor and 10m easement can be located. The drawing also shows how the jointing bays could be located outside of the Brant BESS facility to avoid any interaction during the operation of the Proposed Development.</p> <p>As noted above, the Applicant remains committed to working in co-operation with NatPower to ensure the agreed detailed design and operational interfaces between the projects are appropriately managed, so that the projects can co-exist. Following internal technical review, the Applicant is not aware of any reason why the two projects cannot be brought forward together and considers there is sufficient flexibility within the application boundary for the proposed Brant BESS and the Order Limits of the Proposed Development to achieve this, as demonstrated by the drawing attached at Appendix 2.</p>
<p><b>Compulsory Acquisition Implications</b></p> <p>I am also concerned that the DCO application gives rise to the potential compulsory acquisition of land or the imposition of permanent rights over land that is required for the LDES scheme. Such an acquisition would significantly prejudice the delivery of the LDES development for which a validated planning application is in place.</p> <p>In this context, it is not evident that the Applicant can demonstrate that the compulsory acquisition of land within the LDES project red line boundary is absolutely necessary, nor that there is a compelling case in the public interest to frustrate the delivery of the LDES asset, particularly given the apparent availability of</p>	<p>Compulsory acquisition powers in respect of the site of the proposed Brant BESS are clearly necessary to enable the Proposed Development to proceed in the event that agreement with the landowners or Option holder cannot be reached. For the reasons set out above, exercise of those powers would not prejudice the delivery of the proposed Brant BESS, prevent it from coming forward, or sterilise the site. The Applicant has demonstrated that it is feasible for both projects to come forward together, as shown on the drawing attached at Appendix 2, and that there are no practical or operational constraints to prevent this.</p> <p>The Statement of Reasons [REP1-013] explains in full why there is a clear and compelling case in the public interest for the grant of compulsory acquisition powers in respect of the Proposed Development, including the land required for the Cable Corridor. As noted above, the Proposed Development is a Nationally Significant Infrastructure Project and would bring forward energy infrastructure of a Critical National Priority. Further, the flexibility sought over the land for the Cable Corridor is necessary to enable ongoing engagement with NatPower to facilitate the delivery of their proposed Brant BESS.</p>

<b>NatPower UK Submission</b>	<b>Applicant Response</b>
<p>alternative routing options which would avoid this conflict altogether.</p> <p>The acquisition of rights over the LDES land would also fail the test of proportionality, as it would permanently sterilise land capable of supporting a nationally important strategic energy storage infrastructure asset, aligned with Government policy and Ofgem objectives and representing an investment of c. £1bn, when a non-conflicting solution appears achievable.</p> <p>I therefore request that the Examining Authority give careful scrutiny to the compulsory acquisition powers sought by FGL, insofar as they relate to land south of Hill Rise Road, west of Coleby, and consider whether such powers are justified or required at all.</p>	<p>The alternative routing arrangement proposed by NatPower has been suggested late in the Examination process which could delay the delivery of the Proposed Development. This is not proportionate or in the public interest given that the two projects can be brought forward without a change to the Order Limits as the Applicant has demonstrated in the drawing attached at Appendix 2.</p> <p>Finally, heads of terms to acquire the necessary interest in the site have been entered into with the relevant landowner who has instructed solicitors to progress the Option for Easement and the Applicant has given an undertaking for the legal fees.</p>
<p><b>Long Duration Energy Storage and Future Expansion</b></p> <p>The LDES project is being progressed in the context of the Long Duration Energy Storage procurement framework identified in the Planning and Infrastructure Act 2025 by the Government and being implemented by Ofgem. As such, the strategic LDES site may need to accommodate future expansion or reconfiguration to meet evolving technical, commercial, and regulatory requirements associated with LDES delivery.</p> <p>The introduction of a high-voltage cable and associated easements within the LDES red line boundary would</p>	<p>As set out in the Statement of Need [APP-184] it was envisaged that the 2025 versions of NPS EN-1 and NPS EN-3 would effectively embed the Government’s ambition and commitments in the Clean Power 2030 Action Plan into policy. Although these NPSs were in draft form at the point of submission of the DCO Application and therefore the wording of the NPSs differs from the draft wording set out in the Statement of Need, the revised NPSs which came into force in January 2026, provide a clear alignment with the Clean Power 2030 Action Plan. Although the application for the Proposed Development will be determined in accordance with the previous iterations of NPS EN-1, NPS EN-3 and NPS EN-5, the 2025 NPSs are relevant considerations in the decision-making process.</p> <p>The 2025 NPS EN-1 refers directly to the Clean Power 2030 Mission stating at paragraph 2.3.4 that: <i>“Meeting the Clean Power 2030 Mission objectives necessitates a significant investment in new</i></p>

<b>NatPower UK Submission</b>	<b>Applicant Response</b>
<p>materially constrain the ability of the site to respond to these requirements, thereby undermining its strategic potential to further contribute to ever increasing grid network flexibility and resilience requirements. This reinforces the need to avoid unnecessary sterilisation of land, which is capable of delivering strategic energy infrastructure aligned with national policy objectives.</p>	<p><i>energy infrastructure, both large nationally significant developments and smaller-scale developments determined at a local level."</i></p> <p>Table 1 of the Clean Power 2030 Action Plan lists the technologies that the Government considers will play a key role in achieving a clean power system which include (but are not limited to) solar, batteries and LDES. As set out in paragraph 2.3.5 of NPS EN-1 (2025), the Clean Power 2030 Mission <i>"will be driven through rapid deployment of low carbon generation, flexibility infrastructure, and electricity transmission infrastructure. The Action Plan sets out targets for the 2030 capacities of key technologies at a national and regional level."</i></p> <p>Whilst the Clean Power 2030 Action Plan sets out target capacity ranges for these technologies, the Government is seeking to retain optionality in these capacity ranges in order to be able to respond to the outcomes of negotiations and other contract-award processes, and through monitoring delivery of assets with long lead-times.</p> <p>With regards to the LDES Cap and Floor Scheme, the Applicant is not aware of any requirement for an applicant to demonstrate access to viable expansion areas or for such areas to be ring-fenced and so take priority over other land uses. The Applicant notes that NatPower has not submitted any evidence to substantiate this assertion. Paragraph 3.68 of Ofgem's Multi-Criteria Assessment Framework invites applicants to provide evidence of expansion areas which would enable the benefits of a project to be significantly increased at relatively low cost, and states that this may be taken into account in the scoring of projects, but this is not the same as a requirement to provide for and retain expansion areas. Further, the Applicant's understanding is that the planning application for the proposed Brant BESS has not sought planning permission for the expansion areas referred to. If expansion areas were an important component of NatPower's LDES submission, it might be expected that these areas would be included in the application for planning permission. If these areas have been included, it is clear from the drawing at Appendix 2 that this can be accommodated in addition to the cable for the Proposed Development. It should also be noted that the outcome of the LDES Cap and Floor Scheme application process have not yet been confirmed, and there is no certainty that the proposed Brant BESS will be granted an LDES contract. Over 75 projects are</p>

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	<p>being considered as part of the Project Assessment Stage which represent a combined discharge capacity of 28.7 GW. Given the estimated distribution of LDES Cap and Floor contracts is between 4 GW and 6 GW, a significant number of these applications will not be awarded a contract for the LDES Cap and Floor scheme. Furthermore, a key criterion for LDES is 'readiness' and the point of connection for the proposed Brant BESS is the proposed Trent Valley Node C Substation, for which, at the time of writing, there is no available information in the public record and no available plans to provide an indicative location. This calls into question whether the proposed Brant BESS can be considered ready.</p> <p>In addition, challenges to the principle of the LDES scheme are currently pending in the Competition Appeal Tribunal. It is asserted that the establishment of the scheme constitutes a subsidy decision and as such has not been validly made and should be quashed. The challenge has been listed for a two-day hearing which commences on 28 April 2026. There is therefore uncertainty as to whether the LDES Scheme will continue in its current form. Ofgem's arguments are likely to include (i) it has a legal duty to deliver LDES schemes as part of the transition to net zero, so some means of supporting these projects is an appropriate decision to take; and (ii) cap and floor schemes are used elsewhere in the gas and electricity markets, for example in regulating the costs charged by owners of interconnectors for use of those assets; the application of cap and floor schemes in those cases has been known for many years, including during the period when the EU regime on state aid applied, i.e. this should not be a new question for Ofgem to consider/have considered.</p> <p>The Proposed Development is itself a Nationally Significant Infrastructure Project and would bring forward energy infrastructure of a Critical National Priority. Nevertheless, the Applicant considers that, if planning permission is granted (and a suitable grid connection route can be negotiated by NatPower with relevant landowners), both projects can be brought forward within the existing constraints of the Order Limits. A drawing which demonstrates the feasibility of this based on the latest layout of the proposed Brant BESS submitted with the objection is attached at Appendix 2.</p>
<b>Alternative Cable Routing</b>	As set out above, engagement with NatPower commenced in January 2025 and has progressed collaboratively until the submission of NatPower's objection. It is, therefore, unfortunate that

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<p>Given the above, I am concerned that the DCO application does not adequately recognise or address the conflict with the LDES project. I therefore request that the Examining Authority require Fosse Green Limited to give further consideration to alternative routing options for their export cable, in particular a more southerly alignment, which would avoid the LDES site altogether. Such an approach would remove the delivery risk to the LDES project.</p>	<p>NatPower has only suggested this alternative at such a late stage in the consenting process. The suggested alternative alignment for the Cable Corridor would be outside of the Order Limits for the Proposed Development and would move the Cable Corridor into land that has not been environmentally assessed as part of the DCO Application. Technical engineering implications for an amendment of this nature would need to be considered, noting the other technical constraints in this location such as the overhead transmission line. It would require the provision of additional environmental information which could result in a postponement to the examination and therefore delay the consenting process for a critical national priority infrastructure project. It would also require additional engagement with landowners which could further delay the Proposed Development. For these reasons, the suggested alternative is not acceptable to the Applicant. Above all, the suggested alternative is not required as the drawing attached at Appendix 2 demonstrates that the projects can coexist within the existing Order Limits.</p> <p>It is noted that the plan submitted by NatPower does not contain any built development in the eastern most field, such that there appears to be no reason why the cable route for the Proposed Development could not be located in this area. If this land is being retained in order to "demonstrate access to viable expansion areas", it is not accepted that this is necessary to comply with LDES requirements for the reasons set out above, and in any event, as explained above, it is usual for underground cables to co-exist with other development and there is no reason why that could not be the case here. There are no operational reasons which would prevent both developments coming forward and a suitable and practical access strategy which has minimal impacts on the proposed Brant BESS could be taken forward on the main development area as well as in the eastern field.</p>
<p><b>Conclusion</b> For these reasons, I object to the Fosse Green Energy DCO application in its current form. I request engagement with the Examining Authority to resolve this issue and would be pleased to provide further information if required.</p>	<p>The Applicant remains willing to continue to engage with NatPower but given NatPower's late involvement in the Examination process, this must be on the basis that both projects come forward within their respective application boundaries. As evidenced by the drawing at Appendix 2, the Applicant has demonstrated that there is a simple technical solution which can achieve this without detriment to the delivery of either project.</p>



## Appendix 2 – Indicative Layout



**PROJECT**

Fosse Green Energy

**CLIENT**

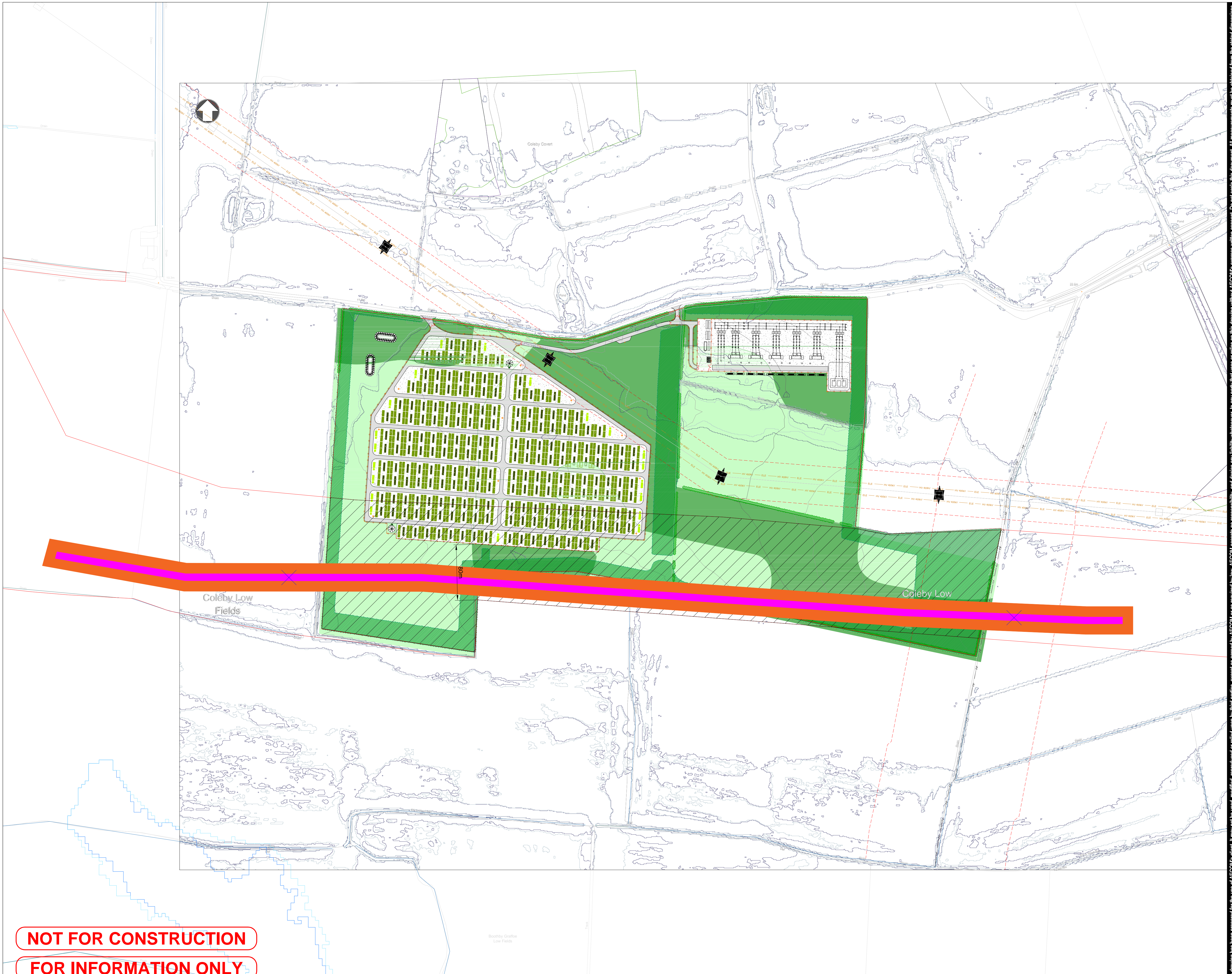
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**LEGEND**

	ORDER LIMITS
	WATERCOURSE
	NATIONAL FOREST INVENTORY
	PRIORITY HABITAT
	FLOOD ZONE 2
	FLOOD ZONE 3
	DEVELOPMENT OVERLAP
	INDICATIVE 40M WIDE CABLE CORRIDOR
	INDICATIVE 10M WIDE CABLE ROUTE
	INDICATIVE JOINTING PIT LOCATION



**LEGISLATION**

Regulation 5(2)(a) Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

**ISSUE PURPOSE**

DCO Examination

**PROJECT NUMBER**

60700987

**FIGURE TITLE**

NatPower BESS and Export Cable Route

**FIGURE NUMBER**      **REV.**

Figure X-X      01

**DOCUMENT REFERENCE**

EN010154/APP/X.X

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