



28 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 – Deadline 5 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, the Rule 8 Letter **[PD-010]** on 14 January 2026 and the Revised Timetable **[PD-020]** on 8 April 2026 to provide the Applicant's written submissions for Deadline 5 of the Fosse Green Energy Development Consent Order (DCO) Examination (the Examination).

### **Submissions made at Deadline 5**

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 9 and are identified in the Guide to the Application **[REP4-002]**, which sets out the current status of all documents.

### **Response to Rule 17 Request**

The Applicant acknowledges the content of the ExA's request for further information under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (Rule 17 Request) **[PD-019]**. The Applicant has prepared the requested drawings to demonstrate how the pipeline could be crossed in a safe manner. These indicative drawings have been provided as Appendix D to the AC Interference Risk Assessment on the Finaline Pipeline **[EN010154/EXAM/9.28]** submitted to the Examination at this Deadline.

In accordance with the ExA's direction at Compulsory Acquisition Hearing 2 on 12 March 2026, Womble Bond Dickinson (UK) LLP (WBD) had taken the approach that the technical teams should engage and first reach a design solution which would then be documented by the legal teams. On that basis, WBD sought to encourage a technical resolution before substantive progress was made on the protective provisions. Once it became clear that agreement in principle had been reached in relation to the technical solution, the Applicant has diligently engaged with BPA / Prax and its legal representatives in order to seek to agree both the SoCG and bespoke protective provisions. The parties have made substantial progress negotiating bespoke protective provisions based on the form provided by Prax's legal representatives and the Applicant has provided a summary of the outstanding points, along with an explanation of these at Appendix B to the updated Statement of Common Ground (SoCG) between the Applicant and Prax, submitted to the Examination at this Deadline.

However, the Applicant considers it necessary to draw the ExA's attention to the conduct of Prax Group and its failure to engage in accordance with the Rule 17 request **[PD-019]**.

In the days leading up to the Applicant's Deadline 5 submission, there has been a notable lack of meaningful engagement from Prax in progressing both the SoCG and the final elements of the protective provisions. Instead, Prax's primary focus has been on the recovery from the Applicant of Prax's professional fees.

The Applicant made clear its position on costs in e-mail correspondence dated 17 December 2025 to Prax, Fieldfisher and BPA. That correspondence confirmed that the Applicant would not meet Prax's costs for objecting to the Application, in the same way that the cost of submitting an objection under the compulsory purchase order regime would not ordinarily be recoverable, although would provide a capped solicitor's undertaking in respect of legal fees associated with drafting the protective provisions. Consistent with the approach taken with statutory undertakers involved in the Application, the Applicant provided a capped undertaking on 24 February 2026. While this approach aligns with agreement reached with other statutory undertakers, that undertaking was subsequently rejected (but not released). Fieldfisher, acting on behalf of Prax, has since requested an increased capped undertaking; however, the scope and terms of that undertaking remain unresolved, rather than solely the quantum.

Notwithstanding these issues, the parties have reached agreement in principle on a technical solution to enable the Applicant's cable to safely cross the Prax pipeline without introducing additional risks, including in respect of AC corrosion. This is reflected in the AC Interference Modelling Report and accompanying technical drawings, together with updated commitments provided in the Proposed Development Parameters, which have been submitted to the Examination at this deadline. However, this agreement in principle has not been formalised, as Prax has not engaged in finalising and signing a joint SoCG. Instead, Prax indicated a preference to submit its

own standalone SoCG, which is not consistent with established practice within the Development Consent Order process and risks introducing unnecessary confusion, delay and additional burden on both the Examining Authority and the Applicant. This standalone version of the SoCG has not been shared with the Applicant and so the Applicant has had to submit its own version of the SoCG, which is out of date and not accurate in respect of Prax's column as it does not reflect the recent progress in regard to the AC modelling.

The Applicant is willing to continue to engage on the protective provisions and SoCG in order to reach an agreed position.

### **Hedgerow Plan Amendments**

The update made to Sheet 2 of the Hedgerow Plan (Sheet 2 of 16 only) relates to the rerouting of an access track in order to avoid the potential loss of a small area of 'Lakes – Reservoirs' habitat (associated with a plastic-lined agricultural reservoir west of Thorpe on the Hill), and the subsequent change in where this access track passes through existing hedgerow in order to access Field 4<sup>1</sup>. This change has been made following further consultation with North Kesteven District Council (NKDC) and Lincolnshire County Council (LCC) regarding the Biodiversity Net Gain (BNG) assessment (e.g. see **[REP4-020]** and **[REP4-021]**), whereby this change in access track routing allows the Proposed Development to now satisfy the BNG Trading Rules, as sought by NKDC and LCC. The updated BNG Report reflecting this change has also been submitted at Deadline 5. With regards to the change in hedgerow removal (as illustrated on Sheet 2 of 16 of the updated Hedgerow Plan), the access track now passes through Hedgerow No.8 (instead of Hedgerow No.1a) and maintains the requirement for the removal of up to 15m of hedgerow for this access track. It should be noted that, as with Hedgerow No.1a, Hedgerow No.8 is also not classified as an Important Historic Hedgerow, or an Ecologically Important Hedgerow. It is noted that an additional localised area of hedgerow removal (up to 4m) of Hedgerow No.8 has also been included within the updated Hedgerow Plan in order to facilitate the temporary diversion of PRoW LL|TOTH|15/1 (for further information on this temporary diversion, see the Framework Public Rights of Way Management Plan **[REP3-026]**). Schedule 11 of the Draft DCO **[REP3A-004]** will be updated accordingly and submitted to the Examination at Deadline 5A.

### **Identification of Additional Affected Parties**

As set out in the Schedule of Negotiations and Powers Sought **[REP4-014]** submitted at Deadline 4, following a refresh of HM Land Registry data, the Applicant identified four new parties with an interest in land within the Order Limits. These parties are Benjamin Howard Wray, Ben Thomas Wills, RE Squared Limited, and Roythornes Trustees Limited. The Applicant wrote to these parties on 9 April 2026 to inform them of how to engage with the DCO process, and register as an Interested Party, if they have not already. Therefore, the Applicant hereby informs the ExA that the

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<sup>1</sup> Field references are illustrated on the Landscape Mitigation Plan, which forms Figure 7.15-1 of the Framework Landscape and Ecological Management Plan.



aforementioned parties are able to make a request to the ExA under section 102A of the Planning Act 2008.

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

*Table 1: Updated Documents Submitted to the Examination at Deadline 5*

<b>Document Reference</b>	<b>Document Title</b>	<b>Rev. No.</b>	<b>Reason for Update</b>
EN010154/APP/1.3	Guide to the Application (Rev 7) Clean	7	Updated to reflect Deadline 5 Submissions
EN010154/APP/1.3	Guide to the Application (Rev 7) Tracked	7	
EN010154/APP/2.3	Streets Rights of Way and Access Plans (Rev 6)	6	Updated in line with Deadline 5 Submissions ( <i>Sheets 1, 3 &amp; 4</i> )
EN010154/APP/2.4	Traffic Regulation Measures Plans (Rev 4)	4	Updated to Clarify the Extent of the Temporary Speed Limit Reduction on Basingham Road ( <i>Sheet 6</i> )
EN010154/APP/2.9	Hedgerow Plan (Rev 4)	4	Updated in line with Deadline 5 Submissions ( <i>Sheet 2</i> )
EN010154/APP/6.2	ES Figure 3-2A Indicative Fixed South Faxing Layout (Rev 4)	4	Updated in line with Deadline 5 Submissions
EN010154/APP/6.2	ES Figure 3-2B Indicative Single Axis Tracker Layout (Rev 4)	4	Updated in line with Deadline 5 Submissions
EN010154/APP/6.2	ES Figure 3-3 Proposed Permissive Paths Plan (Rev 3)	3	Updated in line with Deadline 5 Submissions
EN010154/APP/7.4	Proposed Development Parameters (Rev 3) Clean	3	Updated in line with Deadline 5 Submissions
EN010154/APP/7.4	Proposed Development Parameters (Rev 3) Tracked	3	

Document Reference	Document Title	Rev. No.	Reason for Update
EN010154/APP/7.7	Framework Construction Environmental Management Plan (Rev 6) Clean	6	Updated in line with Deadline 5 Submissions
EN010154/APP/7.7	Framework Construction Environmental Management Plan (Rev 6) Tracked	6	Updated in line with Deadline 5 Submissions
EN010154/APP/7.8	Framework Operational Environmental Management Plan (Rev 5) Clean	5	Updated in line with Deadline 5 Submissions
EN010154/APP/7.8	Framework Operational Environmental Management Plan (Rev 5) Tracked	5	
EN010154/APP/7.12	Biodiversity Net Gain Report (Rev 3) Clean	3	Updated in line with Deadline 5 Submissions
EN010154/APP/7.12	Biodiversity Net Gain Report (Rev 3) Tracked	3	
EN010154/APP/7.15	Framework Landscape and Ecological Management Plan (Rev 7) Clean	7	Updated in line with Deadline 5 Submissions
EN010154/APP/7.15	Framework Landscape and Ecological Management Plan (Rev 7) Tracked	7	
EN010154/EXAM/8.14	Statement of Common Ground with Prax/BPA (Rev 2) Clean	2	Updated in line with Rule 17 - Request for further Information <b>[PD-019]</b>
EN010154/EXAM/8.14	Statement of Common Ground with Prax/BPA (Rev 2) Tracked	2	
EN010154/EXAM/9.6	Schedule of Negotiations and Powers Sought (Rev 8) Clean	8	Updated in line with Deadline 5 Submissions
EN010154/EXAM/9.6	Schedule of Negotiations and Powers Sought (Rev 8) Tracked	8	
EN010154/EXAM/9.21	Health and Wellbeing Summary Statement (Rev 2) Clean	2	Updated in line with Deadline 5 Submissions

Document Reference	Document Title	Rev. No.	Reason for Update
EN010154/EXAM/9.21	Health and Wellbeing Summary Statement (Rev 2) Tracked	2	Updated in line with Deadline 5 Submissions

*Table 2: New Documents Submitted to the Examination at Deadline 5*

Document Reference	Document Title	Rev. No.
EN010154/EXAM/9.26	Applicant's Response to Deadline 4 Submissions	1
EN010154/EXAM/9.27	Permitted Preliminary Works Environmental Management Plan	1
EN010154/EXAM/9.28	AC Interference Risk Assessment on the Finaline Pipeline	1