

Planning Inspectorate
c/o QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN
FAO: Mr Grahame Gould and Members of the Examining Authority
Sent by email only to FosseGreenEnergy@planninginspectorate.gov.uk

30 June 2026

Your Ref: EN010154; Our Ref: FGES-004
Application by Fosse Green Energy Limited for an order granting development consent for the Fosse Green Energy project
Written Representation of Noventum Power Solar 4 Limited in respect of Land Plot 16/17

Dear Mr Gould and Members of the Examining Authority,

Introduction and purpose of this representation

We refer to:

- the Development Consent Order (**DCO**) application made by Fosse Green Energy Limited (**Applicant**) in respect of Fosse Green Energy (**Proposed Development**);
- the letter dated 9 June 2026 from Womble Bond Dickinson (UK) LLP on behalf of the Applicant (**WBD Letter**);
- the letter dated 17 June 2026 from the Examining Authority (**ExA**) giving notice of variation of the examination timetable and inviting written representations from Noventum Power Solar 4 Limited (**Noventum**) in respect of its interest in Land Plot 16/17; and
- the letter dated 25 June 2026 from the ExA confirming that Noventum has been registered as an Interested Party pursuant to section 102A of the Planning Act 2008 and recording Noventum as a Category 2 land interest for Land Plot 16/17.

This representation is submitted pursuant to the ExA's letters dated 17 June 2026 and 25 June 2026 and for the purpose of:

- confirming Noventum's interest in land affected by the Proposed Development;
- objecting to the inclusion within the Order limits (as such term is defined in the draft DCO) of land in which Noventum is interested; and
- requesting that such land be removed from the Order limits.

Noventum's interest in the affected land

Noventum is the beneficiary of an option agreement dated 1 November 2024 relating to land on the north side of Heath Lane, Navenby, Lincoln forming part of Land Registry title number LL298789 (**Option Agreement**). The Option Agreement grants Noventum rights to acquire a lease of the relevant land for the purposes of developing a Battery Energy Storage System (**BESS**) together with associated infrastructure and ancillary development. Noventum's interest in the land is protected by a restriction entered on the proprietorship register of title number LL298789.

Part of the land subject to the Option Agreement falls within Land Plot 16/17 and the Order limits of the Proposed Development, as shown coloured pink on the enclosed plan (**Overlap Land**).

By letter dated 25 June 2026, the ExA confirmed that Noventum had been identified as a "new Category 2 land interest" in respect of Land Plot 16/17 and that Noventum had become an Interested Party with effect from 25 June 2026.

Impact on Noventum's proposed development

The Overlap Land forms part of the land required for Noventum's proposed BESS project.

As shown on the enclosed plan, the Overlap Land includes the entirety of the existing access into the proposed BESS project site from Heath Lane. The preservation of suitable site access is fundamental to the delivery of Noventum's proposed BESS project.

In addition, the site subject to the Option Agreement is already tightly configured. Any reduction in the land available for development has the potential materially to affect site design, equipment positioning, circulation space, mitigation measures and, ultimately, the viability and deliverability of Noventum's proposed BESS project.

The inclusion of the Overlap Land within the Order Limits therefore creates a genuine risk of prejudicing delivery of Noventum's proposed BESS project.

Discussions with Windel Energy

On 17 June 2026 at 11:15, prior to Noventum becoming aware of the WBD Letter, Chris Atkinson, Head of Planning at Noventum's holding company, Noventum Power Limited, received an email from Gary Toomey, Chairman of Windel Energy, requesting that Noventum provide an email or letter, "*stating that you do not intend to submit any submission to the ExA in relation to the tiny overlap.*" This was the first occasion on which Noventum became aware that land subject to its Option Agreement potentially overlapped with land within the Order limits.

Following that correspondence, Chris Atkinson held a call on 25 June 2026 with Gary Toomey and Lloyd Sandles of Windel Energy.

During that discussion:

- Windel Energy indicated that the overlap may have arisen because GIS boundaries and OS boundaries do not always align and stated that the Order limits would ordinarily have followed the field boundary;
- Noventum highlighted that the Overlap Land includes the existing access to its proposed BESS project;
- Windel Energy suggested that an alternative access to Noventum's proposed BESS project may potentially be achievable at another location along the boundary of the land subject to the Option Agreement and Heath Lane. However, no technical assessment has been provided in support of that suggestion and Noventum cannot assume that an alternative access solution would be deliverable;
- Noventum proposed that the Order limits be amended to exclude the Overlap Land;

- Windel Energy indicated that amendment of the Order limits would require consequential amendments to plans and application documents; and
- Windel Energy did not identify any operational, engineering, environmental or other project-specific requirement for retention of the Overlap Land within the Order limits.

Objection to inclusion of the Overlap Land within the Order limits

Noventum objects to the inclusion of the Overlap Land within the Order limits.

The inclusion of the Overlap Land within the Order limits gives rise to the possibility that rights could be acquired over land that forms an integral part of Noventum's proposed BESS project and access arrangements.

On the information available to Noventum, no project-specific justification has been advanced demonstrating why this particular parcel of land is required.

Conversely, Noventum considers that there is a clear and identifiable risk that retention of the Overlap Land will prejudice delivery of Noventum's proposed BESS project.

Proposed solution

Noventum requests that the Overlap Land be removed from the Order limits.

In this instance:

- the proposed change would reduce rather than increase the Order limits;
- the area concerned is very small in the context of the overall Proposed Development;
- the Applicant's own representatives indicated that the overlap may have arisen through a drafting or boundary issue;
- no technical justification for retaining the overlap has been identified to Noventum; and
- removal of the overlap would avoid prejudice to a newly identified third-party land interest.

Noventum understands that the Applicant may seek changes to application documents during examination. In the present case, Noventum's proposed amendment would reduce rather than increase the extent of the Order limits and would remove only a very small area from the approximately 1,355 hectare Proposed Development. Accordingly, Noventum considers that the proposed amendment is limited in nature and should not prevent the Applicant from seeking a corresponding amendment to the Order limits.

Accordingly, Noventum requests that the ExA give full consideration to amendment of the relevant Order limits and invites the Applicant to explain why the Overlap Land remains necessary if it intends to oppose such amendment.

Conclusion

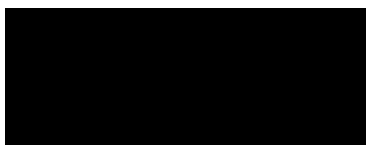
For the reasons set out above, Noventum:

- notes that the ExA has recognised Noventum as a Category 2 land interest in respect of Land Plot 16/17 and granted Noventum Interested Party status pursuant to section 102A of the Planning Act 2008;

- objects to the inclusion of the Overlap Land within the Order limits;
- considers that the overlap has the potential materially to prejudice delivery of its proposed BESS project, particularly in respect of site access and overall developable area; and
- requests that the Overlap Land be removed from the Order limits.

Should the Applicant propose revised plans or amended Order limits, Noventum requests that it be provided with an opportunity to review and comment on those amendments before the close of examination.

Yours sincerely,

A black rectangular box redacting the signature of the Legal Counsel.

Legal Counsel

For and on behalf of Noventum Power Solar 4 Limited

Enc.: Plan showing Overlap Land provided by Windel Energy to Noventum on 17 June 2026



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PROJECT TITLE
FOSSIL FUEL RENEWAL ENERGY

Drawing Title
FGE - NOVENTUM POWER OVERLAP

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