

Fosse Green Energy

EN010154

Applicant's Response to the Secretary of State's Request for Information Letter

13 November 2026

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1. Introduction

1.1 Purpose of this document

1.1.1 The purpose of this document is to provide Fosse Green Energy Limited's (the 'Applicant') response to the Secretary of State's Request for Information Letter dated 30th October 2026.

1.1.2 **Table 2-1** below sets out the Applicant's response.

2. Applicant's Response to the Secretary of State's Request for Information Letter

Table 2-1: Applicant's Response to the Secretary of State's Request for Information Letter

Secretary of State's Request for Information	Applicant Response
Part of Land Plot 16/17 Following comments from Noventum Power Solar 4 Limited regarding an area of land shaded in green in appendix 2 of [REP9-001] within Plot 16/17, in the event this area is excluded by the Secretary of State, the Applicant is requested to submit amended versions of the Land Plans and Book of Reference.	Regarding the area of land within Plot 16/17 shaded in green in Appendix 2 of the Deadline 9 Cover Letter **[REP9-001]**, the Applicant has no objection to this area being excluded from the Order limits. Amended versions of the Land Plans **[EN010154/APP/2.1]** (ref. Sheet 16) and Book of Reference **[EN010154/APP/4.3]** (ref. pages 495 and 704) have been submitted to the Secretary of State (SoS) alongside this response document accordingly, which exclude this area of land from within the Order limits.
Navenby Energy Limited The Applicant and Navenby Energy Limited are requested to provide an update about whether a cooperation agreement has been concluded and if so, whether Navenby Energy Limited's objection remains.	A meeting was held between the Applicant's solicitors and Navenby Energy Limited's solicitors in July 2026. The key outstanding point that Navenby Energy Limited agreed to take away following that meeting was to reconsider its requirement that, as part of a cooperation agreement, the Applicant would agree not to exercise its compulsory acquisition powers in respect of the relevant land. As set out in the Applicant's Response to Navenby Energy Limited's Submissions **[REP5-028]**, the Statement of Reasons **[REP7-008]** 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. The Applicant cannot agree not to exercise compulsory acquisition powers as, notwithstanding any voluntary agreements, the Applicant must retain the ability to exercise compulsory acquisition powers over the entirety of the Order limits to ensure the deliverability of the Proposed Development. This is explained in further detail in row 4 of this response. It should be noted that, as the relevant land falls within the Cable Corridor, the Applicant is not seeking powers to compulsorily acquire the freehold of the land, but rather powers for the creation and compulsory acquisition of new rights (including where necessary, a right to impose restrictive covenants) and powers of temporary possession. No substantive response was received from Navenby Energy Limited on this outstanding point. However, the Applicant most recently contacted Navenby Energy Limited's solicitors on 9 November 2026 for an update and received confirmation on 11 November 2026 that Navenby Energy Limited's position in relation to its objection remains unchanged.
National Grid Electricity Transmission Plc The Secretary of State notes the ongoing discussions, between the Applicant and National Grid Electricity Transmission Plc concerning protective provisions. The Applicant and National Grid Electricity Transmission Plc are requested to provide an update on discussions.	The Applicant and National Grid Electricity Transmission Plc have provided a joint response to the SoS's Request for Information, which is included in the Applicant's Cover Letter.
Land Rights The Secretary of State requests that the Applicant specify exactly what the areas of 'proposed species rich grassland or retained arable – outside of PV areas' [REP6-018] are to be used for. The Works Plan identifies these areas to be part of "Works No. 9 - landscaping, biodiversity, and ancillary works", or "Works No. 6 - interconnecting cables".	Please note, the most up-to-date version of the Framework Landscape and Ecological Management Plan (LEMP) is **REP7-020** (not **REP6-018** referenced in this question). Regarding the intended use of the areas of *'proposed species rich grassland or retained arable – outside of PV areas'* shown on the Landscape Mitigation Plan (as found at Appendix A, Figure 7.15-1 of the

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The Applicant is also requested to justify why it requires powers over these areas, as the Secretary of State observes that compulsory acquisition powers have been sought across all the Order Limits.	Framework LEMP **[REP7-020]**), alongside the commitment to a minimum quantum of 64 hectares of permanent grassland across the Principal Site, a minimum of 181 hectares of retained managed arable land is also committed to be provided for bird mitigation purposes (as set out at paragraph 5.2.18 of the Framework LEMP **[REP7-020]**). As stated in this same paragraph, the managed arable would be rotated within the areas of the Principal Site where there is no above ground infrastructure, where these fields will continue as currently used for maize, barley or wheat. As set out in the Applicant's Response to the Examining Authority's Second Written Questions **[REP3-045]** (see GC.2.02), the owners of the land within the Principal Site requested that some of the bird mitigation land is delivered within a wider geographical area so that it can be rotated across fields under ongoing arable use over the 60 year operational lifetime of the Proposed Development, rather than fixed to specific locations. This flexibility would ensure that the landowners' preferred farming methods can be facilitated within the Principal Site, maximising the extent to which the land can remain in use for arable farming alongside the solar farm. The approach of allowing arable farming and solar energy generation to coexist, whilst retaining agricultural use of the land to the fullest extent practicable, is supported by paragraph 2.10.11 of NPS EN-3 (2024) which sets out that '*solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land, and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement.*' As such, the use of the land within this flexible area of *'proposed species rich grassland or retained arable – outside of PV areas',* as shown on the Landscape Mitigation Plan (as found at Appendix A, Figure 7.15-1 of the Framework LEMP **[REP7-020]**), will either be; - retained arable land use (i.e. continued arable use, currently used for maize, barley or wheat, by the landowners), noting the requirements for bird mitigation such as a minimum quantum of this habitat type and management prescriptions within this habitat (detailed in paragraphs 5.2.17 – 5.2.22 of the Framework LEMP **[REP7-020]**); or - the establishment of species rich grassland in line with the requirements and management prescriptions set out in paragraphs 5.3.39 – 5.3.51 of the Framework LEMP **[REP7-020]**. It is noted therefore that this flexible land functions as mitigation land whilst still allowing current farming practices to continue alongside the Proposed Development. As noted by the SoS, these flexible land areas are identified on the Works Plans **[AS-105]** as part of '*Works No. 9 – landscaping, biodiversity, and ancillary works*', or *'Works No. 6 – interconnecting cables*'. The proposed flexible land areas which form part of Work No. 9 are situated between plots which will be utilised for the solar generating areas (Work No. 1), the battery energy storage system (BESS) (being either Work No. 2 (if the centralised BESS option is chosen) or Work No. 3 (for the distributed BESS option)), and the onsite substation (Work No. 4). Accordingly, these areas will also be used for the 33 kV underground electrical cables (Work No. 6) which are required to be laid in order to connect Work No. 1 and Work No. 2 or Work No. 3, to Work No. 4.

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	The detailed design of the Proposed Development has yet to be undertaken, and, as per the ordinary process for NSIPs, will be progressed post-consent. Therefore, the precise location and configuration of these interconnecting cables has yet to be determined. Further ground surveys will be undertaken post-consent to inform the detailed design process. These surveys may reveal currently unknown third party assets, localised buried archaeology or localised environmental constraints. Whilst the findings of these surveys will be the main factor influencing the detailed design, it may be further influenced in line with findings from pre-construction checks. Flexibility is therefore sought with regards to the extent of Work No. 6 to enable the installation of the interconnecting cables anywhere within this area. In order to safeguard the deliverability of the Proposed Development, the Applicant requires sufficient land within the Order limits to allow for micrositing. It is noted that the flexible retained arable/species-rich grassland habitat is, on the face of it, most closely aligned with Work No. 9. It is also noted that the use of the land within Work No. 6 for the installation of the underground interconnecting cables relates to the construction phase of the Proposed Development (up to 30 months in duration). As such, during the 60-year operational lifetime of the Proposed Development, given the below-ground nature of the infrastructure within these areas, land within Work No. 6 will be used for mitigation purposes as set out above and within the Framework LEMP **[REP7-020]**. The Works Plans **[AS-105]** therefore show (where relevant) that this land comprises both Work No. 6 and Work No. 9. Whilst the Applicant has entered into voluntary option agreements with all freehold owners for the land within the Principal Site, powers of compuslory acquisition are sought over the entirety of the Order limits (including the Principal Site). These powers are sought to ensure that the Applicant can deliver the Proposed Development in a scenario where the contractual provisions of the option agreements are not adhered to, or the contract is otherwise set aside. Such scenario may arise where, despite agreement having been reached, the freehold owners of the land within the Order limits do not grant a lease in accordance with the terms of the completed option agreements, or where the contracting party dies, is subject to divorce proceedings, or is declared insolvent. It is imperative that, in the event such circumstances were to arise, this does not impede the delivery of the Proposed Development. Furthermore, the Applicant needs the powers to extinguish and / or suspend rights over land, and override easements over land within the Order limits, to the extent that such rights and easements would be incompatible with the Proposed Development. Therefore, compulsory acquisition powers are required over the full extent of the Order limits. The compulsory acquisition powers ensure the delivery of a development that is in the national interest, accords with policy and meets a critical national need.
The Applicant is requested to update the Book of Reference to list the specific rights required and strictly necessary for the Proposed Development e.g. right of way, or right to have apparatus in the land.	The Book of Reference **[EN010154/APP/4.3]** has been updated accordingly and submitted to the SoS alongside this response document.
Agricultural Land Quality The Applicant is requested to update the Soil Management Plan to clarify the commitment is to restore the soil in the Principal Development Site to the same grade as recorded in its ALC surveys.	The Framework Soil Management Plan **[EN010154/APP/7.10]** has been updated accordingly at paragraph 7.1.5 to make this clarification:

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	"*The agricultural land soil resource within the Principal Site will be returned to the landowners with at least the same grade as recorded in the ALC surveys ~~in its current state~~ following decommissioning of the Proposed Development and reinstatement of the land*". The updated Framework Soil Management Plan is submitted to the SoS alongside this response document.
Ground nesting bird mitigation Without prejudice to the final decision, the Applicant is requested to comment on the below conditions in relation to a requirement for a ground nesting bird mitigation plan: a. the baseline number of skylark and lapwing breeding territories affected by the authorised development and a calculation of the target number of territories to be supported by the mitigation measures, including the evidence and methodology used to establish those figures. b. the location(s) of where the mitigation measures will be delivered and the ecological suitability of the location(s), including details of the capacity and ability of the location(s) to support the target number -as agreed through the strategy- of breeding skylark and lapwing territories. c. an assessment of the suitability of each individual field annually in the retained arable areas for management under a spring cropping regime with overwinter stubble and, where a suitable field is not to be managed under that regime, an explanation for that decision should be recorded and alternate measures capable of delivering an equivalent ecological outcome delivered. d. An assessment of the effects of existing and proposed public walking routes on the effectiveness of retained arable land and permanent grassland as ground-nesting bird mitigation areas, including measures necessary to avoid or mitigate disturbance, and where identified effects cannot adequately be addressed, alternative locations for the mitigation measures, provided that such measures do not alter, or require any further alteration to, the public rights of way network or any changes to that network already provided for. e. evidence that the necessary landowner agreement(s) and approvals are in place, including a review mechanism to provide for the scenario where it is necessary to amend the location(s) where the mitigation measure will be delivered; f. an implementation timetable for delivery of the mitigation measure. g. details for the ongoing management and maintenance of the mitigation measures. h. details for the ongoing monitoring and reporting of the effectiveness of the mitigation measures including: i. survey methods; ii. survey programmes; and iii. measurable success criteria. i. details of adaptive management and remediation measures, including the identification and justification of thresholds used to trigger any alternative or adaptive management measures. j. details of how survey and monitoring data will be shared in the appropriate formats with the relevant Local Environmental Records Centre(s).	The Applicant acknowledges the suggested conditions regarding a requirement for a ground nesting bird mitigation plan, and recognises that the Steeple Renewables Project DCO **[EN010163]** application included a Skylark Mitigation Strategy **[EN010163/APP/6.3.7]**, and in turn the made DCO included a specific requirement (Requirement 7) relating to the Skylark Mitigation Strategy with similar conditions as suggested by the SoS. A mitigation strategy for ground-nesting birds (Skylark and Lapwing) is already adequately secured through the provisions set out in the Framework LEMP **[REP7-020]** (see the 'Retained managed arable land' section at paragraphs 5.2.17 – 5.2.22 of the Framework LEMP **[REP7-020]**, and the pre and post-construction monitoring commitments made at Section 7 of the Framework LEMP **[REP7-020]**). This includes the details of the mitigation and where the mitigation measures will be delivered, the creation and management programme for the mitigation measures and the monitoring and reporting protocols for ensuring compliance with the strategy. Compliance with the Framework LEMP itself is secured by Requirement 8 of the Draft DCO **[REP7-004]**. As such, the Applicant did not consider it necessary to submit, or secure by separate requirement, a standalone outline mitigation strategy specific to ground nesting birds as part of the Fosse Green Energy DCO Application, as this would have duplicated existing controls. It should also be noted that this was not required or requested by the Local Planning Authorities (LPAs), Natural England, relevant consultees or the Examining Authority. The approach and nature of bird mitigation was discussed with the County Ecologist and Lincolnshire Wildlife Trust (LWT) on 23 January 2025 and in follow up emails. As shown in the Statement of Common Ground with Lincolnshire Wildlife Trust **[REP3A-012]** (Ref. 4.1.6), the impacts on ground nesting birds and related mitigation is 'Agreed'. Furthermore, as set out in the Statement of Commonality for Statements of Common Ground **[REP7-034]**, paragraphs 4.1.25 and 4.1.65, Lincolnshire County Council (LCC) and North Kesteven District Council (NKDC) are in agreement that the ground nesting bird mitigation measures proposed (secured by the Framework LEMP **[REP7-020]**) are suitable and adequate. It should also be noted that, in relation to the Steeple Renewables Project DCO [EN010163], the Ecology and Biodiversity Chapter of the Environmental Statement (ES) (ref. paragraph 7.8.113 of Chapter 7 [EN010163/EX/6.2.7]) produced for that application, concludes that there will be an adverse residual effect on skylark, significant at a Local level. Nottinghamshire Wildlife Trust also raised concern over the skylark mitigation proposed for that development, noting that the proposals did not represent adequate compensation for habitat that would be lost for the species – this matter was not agreed at the close of that Examination, as shown in the Statement of Common Ground between the applicant for the Steeple Renewables Project DCO and Nottinghamshire Wildlife Trust [EN010163/EX/8.45] (ref. NWT2) and Statement of Commonality [EN010163/EX/8.5]. In contrast, the assessment in Chapter 8: Ecology and Nature Conservation of the ES in relation to the Proposed Development **[REP1-019]** (ref. paragraph 8.12.26) concluded that, with the application of the mitigation measures secured within the Framework

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k. Results from a monitoring and reporting scheme must be submitted to the Secretary of State and the local planning authority for the area in which the mitigation measure is to be provided following the monitoring timetables set out in the ground nesting bird mitigation strategy.	LEMP **[REP7-020]**, the magnitude of habitat loss for ground-nesting birds is reduced to low, resulting in a minor adverse effect which is not significant in EIA terms. As such, it was concluded that there was no residual significant effect. This position was agreed with the relevant consultees and supports the Applicant's position that mitigation measures for ground-nesting birds are already adequately secured and no further specific requirement or conditions are necessary. The Applicant would also like to note that the Great North Road Solar and Biodiversity Park DCO [EN010162], Springwell Solar Farm DCO [EN010149], and the Frodsham Solar Farm DCO [EN010153], three recent solar made DCOs, did not include a specific skylark (ground-nesting bird) Requirement, on the basis that skylark mitigation as relevant and required for each DCO was appropriately secured within the respective outline LEMPs. As such, the Applicant considers that a suitable mitigation plan for ground nesting birds is already secured within the Framework LEMP [**REP7-020**] and that this is an appropriate mechanism for providing assurance of delivery, as agreed with the relevant LPAs and statutory bodies, and does not require a standalone ground nesting bird mitigation plan. The Framework LEMP **[REP7-020]** is be developed into a detailed LEMP, substantially in accordance with the Framework Plan, secured under Requirement 8 of the Draft DCO **[REP7-004]**. This existing Requirement ensures that the suitable and agreed ground nesting bird mitigation measures will be carried forward into the detailed LEMP for their successful implementation.