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The Infrastructure Planning (Examination Procedure) Rules 2010

Fosse Green Energy
Development Consent Order 202[]

Statement of Common Ground Between
Fosse Green Energy Limited and Phillips 66 Limited

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Statement of Common Ground

This Statement of Common Ground has been prepared and agreed by Fosse Green Energy Limited and Phillips 66 Limited.

Signed on behalf of Fosse Green Energy Limited

Name:

Position:

Date:

Signature:

Signed by British Pipeline Agency Limited on behalf of Phillips 66 Limited

Name:

Position:

Date:

Signature:

1. Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (“SoCG”) relates to the application submitted to the Planning Inspectorate on 18 July 2025 (the “Application”) by Fosse Green Energy Limited (the “Applicant”) for a Development Consent Order (“DCO”) for the Fosse Green Energy solar project (“the Proposed Development”).
- 1.1.2 This SoCG has been prepared by the Applicant and Phillips 66 Limited (“P66”) (together known as “the Parties”) in respect of the Proposed Development.
- 1.1.3 The P66 Pipeline was purchased by P66 on 28 April 2026. Prior to this, Prax Lindsey Oil Refinery Limited (in liquidation) (“PLOR”) was the owner of the P66 Pipeline and Prax Downstream UK Limited (in liquidation) (“PDUK”) was the beneficiary of the land rights relating to the P66 Pipeline. PDUK and PLOR are together referred to as “Prax”.
- 1.1.4 This SoCG has been produced to confirm to the Examining Authority (“ExA”) where agreement has been reached between the Parties and where agreement has not yet been reached. This SoCG will be revised and updated as appropriate and/or required by the ExA at relevant examination deadlines.
- 1.1.5 Key issues discussed in this SoCG include:
- a. agreeing a safe crossing and design parameters relating to the P66 Pipeline; and
 - b. embedding the details agreed in relation to (a) above in protective provisions appropriate for safeguarding a nationally significant fuel infrastructure asset.
- 1.1.6 The Applicant's solicitor, Womble Bond Dickinson LLP, provided P66's solicitor, Fieldfisher LLP, with draft protective provisions on 20 February 2026 (the "Applicant PPs"), based on the Applicant's risk assessment dated 29 January 2026 (produced by AECOM) (the "January Risk Assessment"). The data contained in the January Risk Assessment was inadequate in its scope and incorrect in its calculations. The Applicant PPs were generic protections based on a format typically used for statutory undertakers. Given the fact that the January Risk Assessment had failed to appropriately and adequately show that the proposed crossing of the P66 Pipeline could be carried out safely it was not possible at that stage to meaningfully negotiate protective provisions.
- 1.1.7 On 18 March 2026 (updated on 16 April 2026 to include reference to the drawing showing the angle that the P66 Pipeline would be crossed), in accordance with the submissions and timeline outlined at CAH2, P66's solicitor provided the Applicant's solicitor with draft bespoke protective provisions based on the Exolum protective provisions included in the Net Zero Teesside DCO ("P66 PPs"). On 16 April 2026 an updated risk assessment (produced by AECOM) was sent to BPA (the "April Risk Assessment") and this was discussed at an all Parties call on 22 April 2026. The Applicant's solicitor

issued its comments and amendments on the P66 PPs to P66's solicitor on 22 April 2026. P66's solicitor issued its further comments and amendments on the P66 PPs to the Applicant's solicitor on 24 April 2026. The Applicant's solicitor returned the P66 PPs to P66's solicitor on 27 April 2026 and P66's solicitor provided a list of the points that it believed were not agreed but this was subject to P66's instructions. The Applicant's solicitor provided further comments on the list of points on 27 April at 22.23.

- 1.1.8 On Friday 24 April 2026 at 16.24, a revised version of the April Risk Assessment was sent to Prax based on the discussions at the all Parties call on 22 April 2026 ("Updated April Risk Assessment"). A further revised version was sent to BPA on 27 April 2026 following a discussion between the Applicant and BPA ("Final Risk Assessment"). The Final Risk Assessment is agreed in principle subject to final approval by P66.
- 1.1.9 As set out in its request for further information pursuant to Rule 17 of the Infrastructure Planning (Examination Procedure) Rule 2010 dated 2 April 2026 **[PD-019]**, the ExA has requested:
 - a. details showing how the P66 Pipeline can be crossed safely ("Crossing Details");
 - b. the outstanding final and signed SoCG; and
 - c. a set of bespoke protective provisions showing agreed and any disagreed text are submitted not later than Deadline 5 (28 April 2026).
- 1.1.10 Draft Crossing Details were sent by the Applicant to BPA, as part of the Updated Risk Assessment, on Friday 24 April 2026 at 16.24. The Final Risk Assessment, sent by the Applicant on 27 April 2026, contained updated Crossing Details. The draft Crossing Details incorrectly refer to a gas pipeline. The draft Crossing Details are approved in principle provided that reference to the gas pipeline is corrected and subject to final approval by P66.
- 1.1.11 The Applicant did not send its revisions to the SoCG to P66' solicitor until 23 April 2026. Due to late receipt of the Final Risk Assessment and Crossing Details, together with the transfer of pipeline assets by Prax, the SoCG has not been agreed with the Applicant and this SoCG is subject to P66's final approval.
- 1.1.12 Application document references are taken from the **[EN010154]** – Fosse Green Energy Examination Library.

1.2 The Proposed Development

- 1.2.1 The Application is for the construction, operation (including maintenance), and decommissioning of a ground-mounted solar photovoltaic (PV) electricity generating station with a capacity exceeding 50 megawatts, with battery storage, onsite substation, and associated infrastructure to generate and export/import electricity. The associated development includes, but is not limited to, access provision, battery storage, underground cabling, areas of landscaping and biodiversity enhancement, and a 400 kV underground Grid

Connection Cable to connect the Proposed Development to the national electricity transmission network.

- 1.2.2 The Proposed Development will provide a significant amount of renewable energy over its 60-year operational lifetime supporting resilience, security and affordability of electricity supplies. It would be a critical part of the national portfolio of renewable energy generation that is required to decarbonise the UK's energy supply quickly.
- 1.2.3 The Proposed Development will help meet the urgent need for this infrastructure to support "energy objectives, together with the national security, economic, commercial, and net zero benefits" as set out in the Overarching National Policy Statement for energy (NPS EN-1) (Ref 1). As such it is infrastructure defined of critical national priority.

1.3 Parties to this Statement of Common Ground

- 1.3.1 The timeline of the engagement between the Parties is shown at Table 2.1.
- 1.3.2 P66 is the owner of the Lindsey Oil Refinery to Buncefield fuel line together with all apparatus and equipment ancillary thereto ("P66 Pipeline").
- 1.3.3 This SoCG also refers to British Pipeline Agency Limited ("BPA") which acts as agent for P66 to operate and maintain the P66 Pipeline and to act on its behalf in relation to the Proposed Development, for consistency matters being discussed with the Parties will be referred to as P66. Assuming that the ExA is happy to accept the substitution of the interested parties, we request that the remainder of this SoCG should be construed accordingly and as if the submissions and previously made by BPA on behalf of Prax had been made by BPA on behalf of P66.
- 1.3.4 The Applicant is a partnership between Windel Energy Limited and Recurrent Energy.
- 1.3.5 Founded in 2018, Windel Energy is a privately held company dedicated to driving the transition towards a sustainable future. Specialising in the origination, development and integration of renewable energy projects and low-carbon disruptive technologies, Windel Energy is at the forefront of clean energy innovation.
- 1.3.6 With a portfolio exceeding 5 gigawatts of renewable power in various stages of development, Windel's team of talented professionals bring a deep understanding and high level of expertise in land viability, electricity networks, planning (Town and Country Planning Act 1990, Developments of National Significance) and consenting for Nationally Significant Infrastructure Projects, legal processes and construction feasibility.
- 1.3.7 Windel Energy adopt a long-term ownership approach, ensuring the efficient operation and management of renewable assets. Leveraging an extensive network of relationships, institutional grade infrastructure and in-house industry expertise, Windel is committed to delivering impactful and enduring energy solutions.

1.3.8 Recurrent Energy, a subsidiary of Canadian Solar Inc., is one of the world's largest and most geographically diversified utility-scale solar and energy storage project development, ownership, and operations platforms. With an industry-leading team of in-house energy experts, Recurrent Energy serves as Canadian Solar's global development and power services business. To date, Recurrent Energy has successfully developed, built, and connected approximately 12 GWp of solar projects and 6.2 GWh of energy storage projects across six continents. As of December 31, 2025, the Company had a total global solar project development pipeline of approximately 23 GWp and a battery energy storage project development pipeline of 75 GWh. The company also has nearly 15 GW of solar and energy storage projects under operations and maintenance (O&M) contracts.

1.4 Terminology

1.4.1 In the tables in Section 3 of this SoCG, 'Matters agreed, not agreed or under discussion' are colour coded in column 5 and categorised as follows:

- a. "Agreed" (green) indicates where the issue has been resolved;
- b. "Not Agreed" (red) indicates a final position that a matter cannot be agreed; and
- c. "Under discussion" (amber) indicates where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the Parties.

2. Record of Engagement

2.1 Summary of consultation

- 2.1.1** A summary of the meetings and correspondence that has occurred between the Applicant, AECOM, BPA and Prax (as predecessor in title to P66) is set out in
- 2.1.2** **The** Applicant's Legal representative is Womble Bond Dickinson (UK) LLP ("WBD").
- 2.1.3** P66's legal representative via its agent the British Pipeline Agency Limited ("BPA") is Fieldfisher LLP ("FF").
- 2.1.4** Table 2-1. Due to the transfer of the P66 Pipeline taking place on 28 April 2026, P66 was not a party to the engagement process prior to that date and was therefore not involved in any meetings, nor copied on or party to any correspondence referred to in Table 2-1.
- 2.1.5** Please note that all correspondence sent prior to 21 October 2024 is likely to have been sent to Prax directly as its liquidators had only recently authorised BPA to act as agents in this matter. BPA can only confirm matters in their own knowledge including correspondence it received and sent from 21 October 2024 onwards (being the timeframe from which the Applicant and its agents started to include BPA as addressee in respect of the Project).
- 2.1.6** The Applicant's Legal representative is Womble Bond Dickinson (UK) LLP ("WBD").
- 2.1.7** P66's legal representative via its agent the British Pipeline Agency Limited ("BPA") is Fieldfisher LLP ("FF").

Table 2-1: Engagement between the Applicant, AECOM, BPA and Prax

Date	Form of Correspondence	Details
26/10/2023	Meeting – MS Teams	Fosse Green Update Meeting 1 Project Introductions. Details of statutory consultation shared.
01/11/2023	Email	Details of proposed permissive paths shared and comments received.
08/08/2024	Letter	Land Interest Questionnaire issued to Prax by the Applicant.
22/08/2024	Letter	Land Interest Questionnaire chaser issued to Prax by the Applicant.
18/09/2024	Email	Email chasing a response for the Land Interest Questionnaire sent to Prax by the Applicant.

Date	Form of Correspondence	Details
21/10/2024	Letter	S42(d) – Notice of statutory consultation issued.
07/03/2025	Email	Email chasing a response for the Land Interest Questionnaire sent to Prax by the Applicant.
02/04/2025	Meeting – MS Teams	Details of the proposed Cable Corridor shared and comments received. The Applicant agrees to supply to BPA exact locations and design information in respect of the proposed crossing of the P66 Pipeline. At this meeting a 90 degree crossing angle was requested / verbally agreed.
02/06/2025	Email	BPA chases the Applicant for location and design information (pursuant to 02/04/25 email).
03/06/2025	Email	WBD provided BPA with the requested shapefiles and requested the details of its legal representatives to commence discussion on protective provisions ("PPs").
06/08/2025	Email	WBD asked BPA for details of its legal representatives to allow discussions on PPs to commence.
20/08/2025	Email	WBD asked BPA for details of its legal representatives to allow discussions on PPs to commence.
21/08/2025	Email	BPA provided WBD with the details of its legal representatives.
22/08/2025	Email	WBD write to FF to confirm they act for the Applicant and to supply draft generic PPs for comment. WBD asked that FF review these PPs and take instructions from its client as to whether these would provide appropriate protection to its client's rights and apparatus within the Order Limits of the Proposed Development.
07/09/2025	Email	WBD followed up with FF in relation to email of 22/08/2025.
08/09/2025	Email	FF confirm they are not yet instructed and will keep WBD posted.

Date	Form of Correspondence	Details
18/09/2025	Letter	S56 – Notice of acceptance of DCO application.
22/09/2025	Email	BPA chases the Applicant for specific location and design information (pursuant to 02/04/25 email).
30/09/2025	Email	BPA chases the Applicant for specific location and design information (pursuant to 02/04/25 email).
02/10/2025	Relevant Representation (FE20B848E)	Relevant Representation received following submission of the application from FF on behalf of BPA for PLOR.
07/10/2025	Email	BPA chases the Applicant for location and design information (pursuant to 02/04/25 email).
10/10/2025	Emails	<ul style="list-style-type: none"> • BPA chases the Applicant for location and design information pursuant to 02/04/25 email). • The Applicant sends a holding response saying location and design information will be shared in due course.
13/10/2025	Email	The Applicant responds to BPA with confirmation that the crossing angle will be 60 degrees or greater and to supply generic crossing information relating to 400kV crossings.
22/10/2025	Email	BPA email the Applicant to confirm that specific risk assessment is needed in respect of AC interference.
24/10/2025	Email	The Applicant responds to say that the <i>"modelling [BPA] have requested would be undertaken post-consent"</i> but to offer the potential for PPs to be agreed.
24/10/2025	Relevant Representation (F7876C980)	FF on behalf of BPA for Prax.
05/11/2025	Email	FF emailed Relevant Representations [REDACTED] and [REDACTED] to WBD confirming FF were now instructed and requesting an urgent all parties meeting.

Date	Form of Correspondence	Details
07/11/2025	Email	WBD email FF to request availability for an all parties meeting and to ask if FF had bespoke PPs to share so that WBD could review these and take instructions.
12/11/2025	Emails	<ul style="list-style-type: none"> • WBD email FF to follow up on availability for an all-parties meeting and request bespoke PPs be provided. • FF email WBD to confirm they are waiting for their client's availability and confirm that given that there has been no AC interference testing and thus no certainty that the Order limits will be sufficient to install any mitigation work needed to protect the P66 Pipeline, bespoke PPs would be needed which FF would prepare subject to an undertaking being given by WBD.
25/11/2025	Email	FF email WBD to refer to the Inspectorate's request for the Parties to act urgently in respect of agreeing a statement of common ground and request engagement on that front. FF also requesting confirmation of BPA/Prax cost recovery.
26/11/2025	Meeting – MS Teams	<ul style="list-style-type: none"> • Attended by legal representatives and project teams of both the Applicant and Prax. Details of the proposed Cable Corridor shared. • FF repeated significant safety concerns set out in Relevant Representation [REDACTED] as to whether the dDCO and Order Limits as drafted were sufficient to deliver the necessary rights and powers to protect the high pressure Nationally Significant fuel pipeline given that to date no risk assessment as to what (if any mitigation) might be required has been carried out • The Applicant agreed to undertake modelling of AC interference as a matter of urgency. • The Parties discussed that it would be difficult to negotiate PPs while the

Date	Form of Correspondence	Details
		<p>question of whether the Order limits were sufficient to deliver any mitigation remained open in the absence of a risk assessment.</p> <ul style="list-style-type: none"> FF pointed out that if a risk assessment was unlikely to be achievable in the necessary timeframe the Parties could agree PPs which confirm that the Proposed Development will not be constructed or energised over the P66 Pipeline until the Parties had (acting reasonably) agreed on how this could be done safely and referred WBD to PPs agreed in respect of the CATS pipeline as part of the Net Zero Teesside DCO.
05/12/2025	Email	<ul style="list-style-type: none"> BPA provide the Applicant with further detail of the P66 Pipeline, including the location of cathodic protection post locations. BPA request an update on when modelling data will be provided to BPA.
09/12/2025	Email	FF chase WBD as a matter of urgency in respect of the requested risk assessment and to ask for cost cover.
12/12/2025	Email	The Applicant emails BPA to confirm that the draft SoCG would be provided in the coming weeks.
17/12/2025	Email	<p>WBD confirms that:</p> <ul style="list-style-type: none"> AC modelling is "ongoing" and that a draft of the PPs could be provided subject to the risk assessment. Cost cover of £6,500 offered in respect of Prax's legal fees for the preparation and negotiation of PPs and any associated agreements, including the justification for this amount based on similar work required with statutory undertakers. <p>WBD also:</p>

Date	Form of Correspondence	Details
		<ul style="list-style-type: none"> • Share the email from 12/12/2025 which enclosed the draft SoCG with FF. • Give advance notice to FF of the details for the upcoming hearings due to take place the following January.
22/12/2025	Email / Document	The Applicant provided Prax with a draft SoCG for review and comment.
22/12/2025	Email	WBD updates FF that the Applicant hope to have the results of the risk assessments by the end of January 2026.
07/01/2026 - 08/01/2025	Emails	<ul style="list-style-type: none"> • FF send WBD an updated version of the plot interactions' table highlighting where plots relevant to Prax are still missing from the Book of Reference ("BoR") together with title references. • WBD confirm to FF that the BoR and Schedule of Negotiations ("SoN") have been updated and provide comments/queries from the land referencing team. • FF respond to comments/queries sent by WBD. • BoR / SoN updated in line with information confirmed by FF.
08/01/2026	Hearing	During CAH1, the Applicant stated that the results of the risk assessments would be ready for the Applicant's team to consider at the end of the following week (i.e. 16/01/2026). The Applicant stated that these would then be released to Prax for review as soon as possible afterwards.
16/01/2026	Email	FF email WBD to request an update on the risk assessment information due to be provided by 16/01/2026 (but which remains outstanding).
19/01/2026	Email	WBD clarified that, as per the oral submissions at CAH1, the Applicant had been expecting to receive the results of the risk assessment on 16/01/2026 and once the Applicant's team had considered these, they would be shared with Prax. WBD requested an update on the draft SoCG.

Date	Form of Correspondence	Details
20/01/2026	Email	BPA chase the Applicant for the results of the AC Interference Modelling Study (or Risk Assessment).
22/01/2026	Email	The Applicant chases Prax / BPA for any comments or amendments to the draft SoCG.
29/01/2026	Email	WBD provide FF with a copy of the completed AC Interference Modelling Study (or Risk Assessment).
06/02/2026	Emails	BPA provide comments and concerns on the Risk Assessment to WBD. WBD acknowledges email.
11/02/2026	Meeting	Meeting between the Applicant and BPA to discuss the results of the AC Interference Modelling Study (or Risk Assessment). It was discussed that the Applicant would re-run and re-issue the AC Interference Modelling Study (or Risk Assessment) to include other developments in the area and including soil test data.
20/02/2026	Emails	Draft PPs provided to FF by WBD with WBD acknowledging that these may need amending to refer to the correct entity. WBD requested FF review these PPs, take instructions and provide comments. FF confirm that the PPs should be for the benefit of Prax, reiterated that the Risk Assessment was inadequate and confirmed that there were errors in the land categorisation.
24/02/2024	Emails	<ul style="list-style-type: none"> • WBD provide amended draft PPs referring to “Prax” (as opposed to “BPA”) as requested and ask for FF to review these, take instructions and provide comments. WBD note that AECOM are to liaise directly with BPA to address queries on the risk assessments and requested soil resistivity testing. • FF respond to WBD to provide a copy of the additional submission which it has submitted to the Examination [AS-129]. • FF reiterated the Risk Assessment was inadequate.

Date	Form of Correspondence	Details
24/02/2026	Email	WBD provided a cost undertaking of £6,500 plus VAT.
26/02/2026	Email	FF provided the draft SoCG Ground with amendments.
27/02/2026	Email	WBD note the statement from FF that " <i>the provisions provided are generic in nature and unsuited to govern the specific concerns relating to the crossing of an operational fuel pipeline</i> " and confirm that WBD await receipt of comments on / proposed amendments to the draft PPs in order to consider these and take instructions.
27/02/2026	Email	FF reiterate that the Risk Assessment is inadequate therefore it is not possible to assess the safety issues and any mitigation required, as such the generic PPs can only be based on assumptions. FF confirmed it can create bespoke PPs but these will need to be very wide to cover any potential risks. Confirmed the cost undertaking provided is not on acceptable terms.
06/03/2026	Email (incl. BPA response)	Applicant emailed BPA to suggest a meeting to discuss the soil test methodology. BPA responded to say the team did not have availability. Statement of preferred requirements of soil testing from BPA.
09/03/2026	Email	WBD confirm that: <ul style="list-style-type: none"> • The Applicant expects soil sampling to be undertaken on 12 March and that the modelling will then be updated (w/c 16/03/2026). • Any draft PPs will be subject to the final outcome of the remodelled risk assessment and whether any mitigation is deemed to be required. • The Applicant does not intend to cover Prax's costs in relation to engaging including in respect of the SoCG.
09/03/2026	Emails	FF outline to WBD that:

Date	Form of Correspondence	Details
		<ul style="list-style-type: none"> • Prax is not a statutory undertaker and does not benefit from statutory rights or powers and therefore needs bespoke PPs and agreement relating to the area where the Proposed Development crosses the P66 Pipeline. • The Applicant has not been able to provide what Prax considers to be correct or sufficient safety data meaning that Prax needs to maintain their objection to the dDCO as drafted. • Provided the terms of an acceptable cost undertaking.
09/03/2026	Email (incl. BPA response)	Applicant emailed BPA engineering team with further details on the soil testing. Further clarification of preferred requirements of soil testing from BPA/comment on approach. Request for call/meeting.
09/03/2026	Email	Applicant emailed BPA to suggest a meeting to discuss the soil test results and proposed approach to the revised modelling.
10/03/2026	Meeting	Discussion held between the Applicant and BPA to review basis for soil testing requirements and modelling works. BPA confirmed position on opposition until such a time that BPA are satisfied that impact on pipeline is minimal, including consideration of cumulative impacts across multiple planned projects potentially impacting pipeline.
16/03/2026	Email	WBD not willing to provide cost undertaking on FF terms.
18/03/2026	Email	The Applicant emailed BPA to suggest a meeting to discuss the soil test results and proposed approach to the revised modelling.
18/03/2026	Email	FF provide WBD with draft bespoke PPs in line with the basis agreed at CAH2.
19/03/2026	Email	The Applicant sent the revised version of SoCG to Prax/BPA for review and comment.

Date	Form of Correspondence	Details
20/03/2026	Email	The Applicant followed up with Prax/BPA for any comments or amendments to the SoCG.
23/03/2026	Email	Prax/BPA confirmed they would respond on 24/03/2026 following a review of the SoCG.
23/03/2026	Email	WBD email FF outlining that acknowledge receipt of FF's draft PPs but given the timings will be submitting their own previous version for Deadline 3.
24/03/2026	Email	Prax/BPA responded on the SoCG advising they would be submitting its own version of the SoCG.
24/03/2026	Meeting	The Applicant hosted an all Parties meeting to discuss the crossing of the P66 Pipeline. At this meeting, the Applicant agreed that it would provide an updated AC interference modelling report by 27 March 2026. BPA requested that a 90 degree crossing angle be considered.
02/04/2026	Email	WBD email FF outlining that the Applicant's technical experts are continuing to work on updating modelling and that the Applicant would hope that when the updated modelling report is provided the draft PPs it provided previously would be form the basis of negotiations rather than the FF drafted PPs provided on 18 March 2026. WBD suggest that progress on negotiating PPs is paused pending the outcome of technical discussions.
07/04/2026	Email	FF confirm that the updated report expected by 27 March 2026 remains outstanding. FF requests WBD/the Applicant to review and return the draft PPs provided by FF on 18 March 2026 and that further delay is not justified.
07/04/2026	Email	Following feedback from BPA on the original report, the AC interference report was updated and shared with BPA. This included site soil testing to gather soil resistivity data, and incorporated some other updated modelling assumptions based on comments from BPA, most notably the request to include the existing overhead line within a

Date	Form of Correspondence	Details
		baseline calculation. This report utilised a 600mm separation but maintained the 58-degree crossing angle.
08/04/2026	Email	FF provide the form of undertaking to WBD that is considers acceptable.
08/04/2026	Email	The Applicant notifies BPA and FF that the AC interference report will be further updated to accommodate a 90 degree crossing, which BPA has previously suggested verbally should resolve matters.
09/04/2026	Email	WBD confirm to FF that the Applicant will commit to crossing the P66 Pipeline at 90 degrees and sought clarification as to whether this would change the form of draft PPs provided on behalf of Prax.
10/04/2026	Email	Amended draft SoCG provided to the Applicant by FF.
10/04/2026	Email	FF respond to WBD stating that the PPs drafted by FF remain Prax's preferred position, and this is not altered by the proposed crossing angle. FF requested the updated risk assessment to be provided by midday on 13 April 2026 as Prax is unable to make an assessment around what safeguards may or may not be required until it has received the updated risk assessment. FF requested confirmation that the PPs it provided on 18 March 2026 would now be reviewed.
10/04/2026	Email	WBD respond to FF noting Prax's position and confirming that the draft PPs provided by FF would be reviewed.
13/04/2026	Email	BPA confirm that an updated report was received on 7 April, but it did not propose reviewing this as the Applicant would be providing a further revision.
13/04/2026	Email	WBD acknowledged Prax's position and confirmed that review of the draft PPs provided by FF was ongoing.
14/04/2026	Email	WBD confirmed it will provide a revised undertaking subject to some terms.

Date	Form of Correspondence	Details
14/04/2026	Email	FF reiterated Prax's requirements in relation to the AC interference study in an email to WBD which was passed to the Applicant's technical team. FF reiterated that the continued delay will prejudice Prax's ability to deliver the material required for Deadline 5.
14/04/2026	Email	WBD confirmed to FF that Prax's comments had been passed to the Applicant's technical team, but asked that technical correspondence is passed directly between the relevant experts, without legal involvement.
15/04/2026	Email	FF clarified that the 'incorrect assumptions' relate to the crossing report not be based on the correct crossing angle which is fundamental to any AC load calculation.
15/04/2026	Email	The Applicant provided BPA and FF with a copy of the updated AC Interference Modelling Study (or Risk Assessment), which now includes a 90 degree crossing. The Applicant suggested a meeting on 17 th April 2026 and regular meetings thereafter up to Deadline 5.
15/04/2025	Email	FF query the angle of the crossing which does not look to be 90 degrees.
15/04/2025	Email	The Applicant confirms that the crossing is at 90 degrees.
16/04/2026	Email	BPA suggested a meeting 22 nd April 2026 to discuss the updated AC Interference Modelling Study (or Risk Assessment).
16/04/2026	Email	FF provide WBD with updated draft PPs following receipt of the slightly updated report by Prax.
16/04/2026	Email	WBD confirms receipt of the revised draft PPs and requests copies of the documents listed under "the Prax requirements" in the draft PPs so that these can be reviewed in parallel to the draft PPs.
17/04/2026	Email	BPA provided the documents requested by WBD.

Date	Form of Correspondence	Details
20/04/2026	Email	FF chase WBD for comments on the draft PPs and SoCG.
20/04/2026	Email	FF provide to WBD an alternative format for the cost undertaking.
21/04/2026	Email	BPA provided feedback on the AC interference report (risk assessment) to assist a meeting scheduled on 22 April 2026.
22/04/2026	Meeting	Meeting between the Applicant team and BPA and Fieldfisher. Discussed comments on the risk assessment and proposed design parameters. The Applicant team agreed to share the updated Proposed Development Parameters ahead of Deadline 5 for BPA and Prax to review.
22/04/2026	Email	WBD sent FF a markup of the draft PPs with comments.
23/04/2026	Email	As agreed at the Meeting on 22 April 2026, FF sent WBD copies of all invoices incurred by BPA to date. WBD requested additional information in relation to cost per item on the invoices. FF confirmed it would not share these details.
23/04/2026	Email	AECOM sent FF updated SoCG.
24/04/2026	Email	AECOM sent Prax the updated Proposed Development Parameters, draft Drawing to be embedded in the PPs and Risk Assessment.
24/04/2026	Email	FF sent to WBD the updated draft PPs with comments and requested that these are returned by midday on 27 April 2026.
27/04/2026	Email	WBD sent to FF the updated draft PPs with comments.
27/04/2026	Email	FF sent to WBD comments on the draft PPs which were subject to Prax's instructions.
27/04/2026	Email	AECOM requested meeting to discuss SoCG.
27/04/2026	Email	FF confirmed that Prax was not available for a meeting and it would be submitting its own version of the SoCG and will be accepting all amends that can be agreed.

Date	Form of Correspondence	Details
27/04/2026	Meeting	BPA and AECOM discussed the exact parameters for the cable and where any transition from trefoil to flat formation will be carried out.
27/04/2026	Email	AECOM sent the updated Risk Assessment.
27/04/2026	Email	WBD sent to FF the updated draft PPs with comments.
27/04/2026	Email	FF sent to WBD comments on the draft PPs which were subject to Prax's instructions.
27/04/2026	Email	WBD sent to FF comments on the list of outstanding PP points.

3. Matters agreed, not agreed or under discussion

3.1 Land matters

Table 3-1: Land matters

Reference	Description of Matter	P66 Position	Applicant Position	Status
3.1.1	Engagement	<p>The Applicant has only recently addressed the significant safety and other concerns relating to the P66 Pipeline (which is part of critical national infrastructure), in respect of the risk and safety data as outlined in AS-129 as evidenced by:</p> <ul style="list-style-type: none"> • The January Risk Assessment (provided on 29 January 2026) contained incorrect calculations in relation to AC interference. • An updated risk assessment was due to be provided by 27 March 2026. • The April Risk assessment was eventually provided on 16 April 2026. 	<p>The Applicant is in discussion with FF regarding bespoke protective provisions to be included in the draft DCO [APP-016] and has undertaken and provided an AC Interference Modelling Study (or Risk Assessment) which assessed the risk to the pipeline from the underground Cable Corridor. The AC Interference Modelling Study has been updated to account for comments from BPA on the earlier iteration, to amend the crossing angle to 90 degrees, which was suggested by BPA, and with a separation distance of 600mm from the pipeline. It also now includes the existing overhead line. The report shows that the Proposed Development contributes less than 0.1% of the corrosion threshold, and when added to the existing overhead line, the Proposed Development AC current interferes with and shields the pipeline</p>	Under Discussion

Reference	Description of Matter	P66 Position	Applicant Position	Status
		<ul style="list-style-type: none"> The April Risk Assessment was however incorrect as it was based on an incorrect crossing angle. The Updated Risk Assessment based on a 90 degree crossing angle and proposed Crossing Details for embedding in the P66 PPs was not received until 16.24 on Friday 24 April 2026 (one working day prior to Deadline 5). The Updated Risk Assessment provided on the 24 April 2026 was subsequently updated following discussions between the Applicant and BPA. The Final Risk Assessment and Crossing Details are in principle agreed provided that the reference to the gas pipeline is corrected and subject to final approval by P66. There has been very little engagement on agreeing reasonable cost cover. A cost undertaking for £6,500 plus VAT was received from WBD on 24 February 2026 however this was on unacceptable terms and a cost 	<p>from the AC current from the existing overhead line, leading to a negligible beneficial effect overall.</p> <p>The Applicant has carried out soil test data and retained the previous assumptions in the model, which are an unrealistic worst case and therefore the Applicant considers likely to have overestimated the impact of the Proposed Development on the pipeline. With this in mind, with the negligible beneficial effect associated with the Proposed Development, the Applicant considers the confidence associated with the soil parameters to be adequate. The report demonstrates that safety thresholds are met, and the safety risk is acceptable, subject to the Proposed Development Parameters being updated to reflect the report parameters.</p> <p>The Applicant's comments on the draft Protective Provisions were provided to FF on 22 April 2026.</p>	

Reference	Description of Matter	P66 Position	Applicant Position	Status
		<p>undertaking on acceptable terms has not to date been provided.</p> <p>Please see 3.1.5 in relation to the protective provisions.</p>		
3.1.2	Prax's position vis a vis the dDCO	<p>Considerable concerns vis a vis the Project have been addressed in the written submissions (Relevant Representations RR-038, RR-039, REP-1087 and AS-129) and oral submissions (at CAH1 (EV3-002 – EV3-005) and ISH2 (EV4-002 and EV4-003) and at CAH2). These include:</p> <ul style="list-style-type: none"> a) Please 3.1.1 in relation to the Final Risk Assessment and Crossing Details; and b) Formal agreement must be reached in terms of safeguarding P66's continued ability to operate, access, repair, maintain, and replace the P66 Pipeline; and c) Formal agreement must be put in place to ensure that all short and long term mitigation measures and land rights necessary to protect the P66 Pipeline (and by extension, 	<p>The Applicant is in discussion with FF regarding bespoke protective provisions to be included in the draft DCO [APP-016] and has undertaken and provided an AC Interference Modelling Study (or Risk Assessment) which assessed the risk to the pipeline from the underground Cable Corridor. The report demonstrates on its own the Proposed Development has a negligible effect on the corrosion and safety risks of the pipeline, contributing less than 0.1% of the corrosion threshold. When added to the baseline, it reduces the corrosion risk by a negligible extent, due to the interaction of AC currents leading to the shielding of the AC current from the existing overhead line.</p> <p>It is expected (and is to be confirmed formally within the terms of the protective provisions) that no work shall be undertaken without an updated risk</p>	Under Discussion

Reference	Description of Matter	P66 Position	Applicant Position	Status
		<p>the environment) from the risk of harm can be delivered by the Order and within the Order limits as drafted; and</p> <p>d) Formal agreement needed to indemnify P66 from damage caused to the P66 Pipeline together with any claims flowing therefrom; and</p> <p>e) Acceptable protective provisions embedding agreed Crossing Details and design parameters to be agreed.</p> <p>P66's position on the protective provisions is shown at 3.1.5.</p>	<p>assessment based on the detailed design in the event the DCO is granted, which shall be provided to Prax ahead of any works. The works shall be structured so that the cable installation and operation shall not interfere with Prax's ability to meet its obligations under the Pipeline Safety Regulations (PSR. 1996), in particular not obstructing its ability to meet PSR Regulation 13. The Applicant is aware of its responsibilities under PSR Regulation 15, and shall provide suitable demonstration of minimisation of risks (including demonstration of suitable: work approaches/procedures, technical impact, ongoing monitoring, where required) as the detailed design of the Proposed Development progresses. Industry best practices (i.e. UKOPA GPG) shall be followed, or suitable alternative agreements shall be progressed if required during detailed design. The specific points flagged by Prax are capable of being addressed by the Applicant and it is expected that agreement can be reached.</p>	

Reference	Description of Matter	P66 Position	Applicant Position	Status
3.1.3	Land rights	<p>The Proposed Development will take place underground, in close proximity to the P66 Pipeline.</p> <p>Please see P66's comments in 3.1.2 above.</p> <p>Furthermore, P66 does not consider it proportionate to sterilise land rights relating to the P66 Pipeline within the Order limits and suggests that the P66 Pipeline and necessary rights of access are excluded from the ambit of the dDCO (sharing rights where appropriate).</p> <p>P66 reserves its position in terms of making further representations once further investigations have been carried out.</p> <p>It should be noted that only one all parties call has occurred (in November 2025) where land rights were discussed between the Parties.</p>	<p>The Applicant notes that Prax do not object to the principle of the Proposed Development provided that a number of concerns can be met in terms of health and safety, potential damage to the Prax Pipeline and the retention of land rights can be satisfactorily addressed. The Applicant acknowledges the objection to the proposed acquisition of land and rights in the absence of agreed protective provisions.</p> <p>The Applicant is in discussion with FF regarding bespoke protective provisions to be included in the draft DCO [APP-016] and has undertaken and provided an AC Interference Modelling Study (or Risk Assessment) which assessed the risk to the pipeline from the Cable Corridor. These PPs will ensure that Prax maintain the necessary rights to allow continued operation and maintenance of its pipeline. The Applicant's position is identified at matter 3.1.2. The Applicant considers it very unlikely that mitigation works would be required in the area and has committed to crossing the pipeline at 90 degrees to reduce impacts.</p>	Under discussion

Reference	Description of Matter	P66 Position	Applicant Position	Status
3.1.4	Order Limits	The results of the Final Risk Assessment appears to demonstrate that no such mitigation works are required and therefore no rights outside of the Order Limits are required to be granted, however this is being reviewed by P66.	The Applicant's position is identified at matter 3.1.2. The results of the risk assessment demonstrate that no such mitigation works are required and therefore no rights outside of the Order Limits are required to be granted.	Under Discussion
3.1.5	Protective Provisions	<ul style="list-style-type: none"> On 18 March 2026, P66' solicitor provided the Applicant's solicitor with the P66 PPs (updated on 16 April 2026 to include reference to the Crossing Details). The Applicant's solicitor issued its comments and amendments on the P66 PPs on 22 April 2026. P66's solicitor issued its further comments and amendments on the P66 PPs to the Applicant's solicitor on 24 April 2026. The Applicant's solicitor returned the P66 PPs to P66's solicitor on 27 April 2026 and P66's solicitor provided a list of the points that it believed were not agreed but this was subject to P66's instructions. 	<p>The Applicant is currently in discussion with FF regarding the nature and scope of the protective provisions to be included within the draft DCO [APP-016]. The Applicant has reviewed the revised draft PPs provided by FF on 16 April 2026 and sent a markup with comments on 22 April 2026. The draft PPs were returned to WBD on 24 April 2026 by FF.</p> <p>The Applicant's position with regard to AC Interference Modelling Study (or Risk Assessment) is identified at matter 3.1.2.</p> <p>The Applicant submitted an amended Book of Reference [APP-022] and Statement of Reasons [APP-020] at Deadline 1 so they are consistent. The</p>	Under discussion

Reference	Description of Matter	P66 Position	Applicant Position	Status
		<ul style="list-style-type: none"> On 27 April at 22.23 the Applicant's solicitor provided further comments on the list on points. <p>The draft DCO fails to include bespoke protective provisions for P66. Adequate protective provisions must be put in place so as to safeguard the ability of a private pipeline operator to access, operate, repair, maintain and replace the P66 Pipeline. P66 requires these to include provisions to ensure that:</p> <ul style="list-style-type: none"> appropriate indemnities and making good obligations are agreed in respect of any damage to the P66 Pipeline (to include cover for indirect and consequential loss bearing in mind that any damage would also affect supply of product); and appropriate protective measures will be installed over any parts of the P66 Pipeline, which could be crossed as a result of the Project Works; and works over and in the vicinity of the apparatus will be agreed between the parties to ensure compliance with 	<p>Book of Reference [APP-022] is accurate in line with HMLR records and has been updated on the basis of additional information provided to WBD by FF. FF confirmed on 27/02/2026 that the BoR is in fact correct and all rights have been included.</p>	

Reference	Description of Matter	P66 Position	Applicant Position	Status
		<p>health and safety requirements and P66's reasonable requirements; and</p> <ul style="list-style-type: none"> • that the P66 Pipeline is not to be relocated and that the safety and integrity and ability to move product through the P66 Pipeline is safeguarded at all times; and • any replacement rights to be provided are to be at least as extensive as those enjoyed for the existing apparatus; and • that all costs incurred by BPA,Prax and P66 in terms of engaging or complying with the dDCO and any protective provisions or side agreements collateral thereto including but not limited to putting in place measures to protect their existing apparatus, and obtaining or varying land rights will be met by the Applicant. <p>The importance of completing an overarching protective provisions agreement or including appropriate protective provisions in the Order has been highlighted by the fact that it</p>		

Reference	Description of Matter	P66 Position	Applicant Position	Status
		<p>appears that not all of P66's interests (including critical access and working rights) have in fact been identified and set out in the draft Order.</p>		
3.1.6	Works Plans	<p>The Application (specifically the Works Plan) does not include the information necessary for P66 to assess and quantify:</p> <ul style="list-style-type: none"> • either the potential risks of the Project Works/Cable installation (in their proposed form) on the Prax Pipeline and whether these can be carried out safely; or • to the extent that the Project Works/Cable installation can be carried out safely with appropriate mitigation what the proposed mitigation is and the data on which that assessment has been made. <p>P66 would hope that the Parties can agree these issues in the P66 PPs.</p>	<p>The Applicant's position with regard to the AC Interference Modelling Study (or Risk Assessment) is identified at matter 3.1.2.</p>	Under discussion

3.2 Pipeline Matters

Table 3-2: Pipeline matters

Reference	Description of Matter	Prax Position	Applicant Position	Status
3.2.1	Pipeline crossing	<ul style="list-style-type: none"> P66's concerns in relation to safety and security of national fuel supply have been outlined in detail in its written and oral submissions. The Crossing Details are approved in principle subject to final approval by P66. 	<p>The Applicant's position with regard to the AC Interference Modelling Study (or Risk Assessment) is identified at matter 3.1.2.</p> <p>The Applicant is in the process of negotiating bespoke protective provisions with FF and provided comments on FF's draft protective provisions on 22 April 2026.</p> <p>Further information on the proposed works, offset distances, and crossing angle are provided in the AC interference modelling report.</p>	Under discussion
3.2.2	Risk to National Infrastructure (and by extension the Environment)	<ul style="list-style-type: none"> The P66 Pipeline forms part of the Fina network, which supplies fuel to nationally significant sites including airports. Due to the fact that the crossing infrastructure is a high voltage cable and the Prax Pipeline is made of steel, the proximity of the Project Works 	<p>The Applicant's position with regard to the AC Interference Modelling Study (or Risk Assessment) is identified at matter 3.1.2.</p> <p>The Applicant does not consider there to be a likely significant effect on the Prax pipeline. Accelerated corrosion and leakage is not anticipated and this is</p>	Under discussion

Reference	Description of Matter	Prax Position	Applicant Position	Status
		<p>raises serious concerns as has been addressed in its various written and oral submissions.</p> <ul style="list-style-type: none"> • Failure to address P66's significant concerns adequately could lead to catastrophic consequences as a result of the potential for accelerated corrosion of the P66 Pipeline (which, if resulting in instability or rupture) would have a significant impact not only on the national fuel supply but also on the environment. • Approved Crossing Details need to be embedded in the P66 PPs with appropriate safeguards. 	<p>evidenced by the AC interference modelling report.</p>	
3.2.3	Environmental Statement	<ul style="list-style-type: none"> • The crossing of the P66 Pipeline and the potential risks flowing therefrom have not been sufficiently addressed in the Environmental Statement as required by Regulations 4 and 5 and Schedule 4 of the Infrastructure Planning 	<p>The potential interaction between the Prax Pipeline and the Proposed Development has been considered within Chapter 14: Other Environmental Topics of the ES [APP-039] – see paragraph 14.7.10 (g) which notes the consideration within the assessment of the Prax Pipeline referred to: “(g) The</p>	Under discussion

Reference	Description of Matter	Prax Position	Applicant Position	Status
		<p>(Environmental Impact Assessment) Regulations 2017.</p> <ul style="list-style-type: none"> The current EIA assumes that mitigation can and will be undertaken. If adequate mitigation works are not carried out (for example because these cannot be agreed or adequate land interests obtained) then there is significant risk of harm to the environment due to the potential that the P66 Pipeline corrodes at an accelerated and unpredictable rate due to AC interference and there is a resultant fuel leak. <p>By failing to include this risk in the Environmental Statement, P66 would argue that it is <i>ab initio</i> defective.</p> <ul style="list-style-type: none"> If the Applicant cannot demonstrate that the Proposed Development as planned can be carried out in such a manner that will be safe both in the short and long term then it is likely that damage will be caused to the P66 Pipeline by AC interference. Any damage so caused would be a breach of the Pipeline Safety 	<p>Finaline Killingholme to Buncefield underground fuel pipeline”.</p> <p>The assessment establishes the requirement for embedded mitigation to ensure adverse effects are avoided. As such the Framework Construction Environmental Management Plan (CEMP) [APP-189] (ref. MAD-C1) states the following commitment: “To identify any existing infrastructure constraints, both consultation and a desk-based study will be undertaken prior to construction so that appropriate mitigation such as buffers can be incorporated into the design. Cable Avoidance Tool (CAT) scans will also be used by Contractors to check for buried utilities prior to earth breaking site activities. The Applicant will endeavour to engage with utilities providers as appropriate.” The Framework CEMP [APP-189] is to be developed into a detailed CEMP, substantially in accordance with the Framework Plan, as secured under Requirement 12 of Schedule 2 to the draft DCO [APP-016].</p> <p>The ES is only required to identify likely significant effects. The Applicant does not</p>	

Reference	Description of Matter	Prax Position	Applicant Position	Status
		<p>Regulations 1996 which is an offence.</p> <ul style="list-style-type: none"> If the HSE were of the opinion that such damage was occurring or was likely to occur it might need to prevent the Proposed Development going ahead. 	<p>consider there to be likely significant effects associated with the Prax pipeline and its position is that the industry standard mitigation and inbuilt design measures in the ES are adequate to avoid significant effects on the pipeline. This is evidenced by the AC interference modelling report ('Risk Assessment').</p> <p>The Applicant's position with regard to the AC Interference Modelling Study (or Risk Assessment) is identified at matter 3.1.2.</p> <p>The Applicant is aware of its responsibilities under PSR (1996) and shall demonstrate an acceptable works plan and technical assessment ahead of any works being conducted.</p> <p>The HSE has not shared any concerns with the Applicant.</p>	

Appendix A

- Ref 1 Department for Energy Security & Net Zero (2026). Overarching National Policy Statement for Energy (EN-1). Available at:
<https://assets.publishing.service.gov.uk/media/695d1015f41883f4e50ed9ab/overarching-national-policy-statement-for-energy-en-1-web-accessible.pdf>