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By Fosse Green DCO Portal

Our ref: CC33/CC33/UK01-000162-00367/139684298 v1

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12 May 2026

Dear Planning Inspectorate

Fosse Green Energy Limited (the "Applicant") Development Consent Order (EN010154) (the "Application") Deadline 5A Submission

Unique Reference Number: ██████████

Fieldfisher LLP ("**Fieldfisher**") continue to act for British Pipeline Agency Limited ("**BPA**").

We refer to our letter dated 28 April 2026 [REP5-035] and the Examining Authority's subsequent response dated 1 May 2026 [PD-023] which confirmed that Phillips 66 Limited ("**P66**") would be treated as having become an interested party under s102(A) of the Planning Act 2008. We understand that P66 are in effect inheriting the examination status previously held by Prax Downstream UK Limited ("**PDUK**") and Prax Lindsey Oil Refinery Limited (in liquidation) ("**PLOR**") (PDUK and PLOR together being herein referred to as "**Prax**").

As was the case with Prax (and as set out in the Deadline 5 submission [REP5-035]), BPA act as agents for P66 (as successors in title to Prax) in respect of this Application and any reference to 'BPA' should be interpreted as a reference to BPA acting on behalf of and as agents of P66.

Any reference to "**dDCO**" "**Order**" "**Order Limits**" "**Pipeline**", "**Project**" and "**Project Works**" are to continue to be interpreted in accordance with the definitions in AS-129.

1. AC Interference Modelling Data

- 1.1 BPA were provided with the updated AC interference modelling report correctly referring to the 'fuel pipeline' on 8 May 2026.

1.2 Whilst the enclosed outline specification in respect of the Project's interaction with the Pipeline has been approved by BPA as P66's agents in principle, it has not (given the limited time available) yet been signed off by P66's engineering team and so must remain strictly subject to detailed review and approval by P66.

2. Protective Provisions

2.1 P66 has approved the P66 Deadline 5 preferred protective provisions.

2.2 The Applicant's solicitor subsequently circulated a revised draft of the Applicant's preferred protective provisions (as against the P66 Deadline 5 submissions) on 11 May 2026 and confirmed that it would be submitting these at Deadline 5A.

2.3 To assist the Examining Authority, Fieldfisher encloses protective provisions in both portable PDF and clean Word form. However, given the limited time available before this submission, final confirmation from BPA / P66 has not yet been obtained. Accordingly, the version submitted is provided on the basis of Fieldfisher's current understanding of BPA / P66's preferred position, but remains strictly subject to final review, confirmation and approval by BPA / P66.

2.4 By way of confirmation, the following matters have not been agreed:

- (a) The Applicant has (having previously agreed the 'restricted works' definition at REP5-020) has now significantly amended the definition of "restricted works" to exclude most effects on the pipeline outside a 15-metre radius.
- (b) The Applicant's has reinserted deemed approval provisions (this is not acceptable or appropriate given the significant security and safety concerns)
- (c) The Applicant has specifically sought to exclude any increased AC Interference load over the P66 Pipeline due to any extra electricity supply from the Project being fed into the existing overhead National Grid line (ref NGET OHL 4ZM). This is contrary to the modelling data on which the P66 outline specification is based, as it is the overall effect (including total AC Interference) of the Project on the P66 Pipeline which is relevant to the protective provisions
- (d) We accept the drafting in respect of the "P66 outline specification" definition provided that this includes both Appendic C and D of the AC interference Modelling Report (ie both the in principle agreed narrative and diagrammatic crossing methodology)
- (e) The Applicant's repeated insertion of a liability cap of £50 million is not accepted (as with (b) above this restriction is not appropriate given the nationally critical nature of the asset in question).
- (f) The Applicant's deletion of all reference to cost recovery by BPA of historic costs.
- (g) The Applicant has significantly lessened the ability of P66 and its agents to recover costs and expenses arising from the Project/ the Order and complying with the obligations in the protective provisions.

2.5 The Applicant intends to incorporate the version of the draft protective provisions provided at 10:07 on 11 May 2026 into its Deadline 5A submissions but, for the avoidance of doubt, the version of the draft protective provisions submitted by the Applicant has not been agreed by BPA / P66. Key stakeholders at P66 were unavailable during the course of 11 / 12 May 2026 in order to comment on the draft protective provisions and final confirmation is therefore awaited.

3. Statement of Common Ground

- 3.1 On 10 April 2026, Fieldfisher returned the draft statement of common ground to the Applicant's solicitors for review. Thereafter, on 23 April 2026 at 20:00, AECOM returned the draft statement of common ground with further amendments.
- 3.2 On 7 May 2026, AECOM circulated the draft statement of common ground with further amendment for BPA / P66's review.
- 3.3 Fieldfisher currently await further instructions and confirmation from BPA / P66 in respect of the draft statement of common ground but, to assist the Examining Authority, we enclose a statement of common ground in both portable PDF and clean word copy which we believe to be the BPA / P66 agreed statement of common ground (albeit this remains strictly subject to approval by P66).

4. Update

- 4.1 For the reasons set out in our letter dated 28 April 2026 [REP5-035], including the recent acquisition of the P66 Pipeline assets, P66 and their engineering teams have been very busy during the period from Deadline 5 to date.
- 4.2 BPA / P66 note the Applicant's comments in its letter dated 28 April 2026 [REP5-001]. BPA / P66 respectfully disagree with the Applicant's assertion that there was a notable lack engagement in progressing both the statement of common ground and the final elements of the protective provisions in the days leading up to Deadline 5 (especially given the transfer of the P66 Pipeline assets was coterminous with Deadline 5).
- 4.3 BPA / Prax / P66's engagement and progress in respect of the Application can be clearly seen in BPA / Prax / P66's submissions to date, including (a) discussing the proposed transfer of assets in the last all parties meeting albeit not for confidentiality reasons mentioning specific dates and (b) making clear throughout that any protections negotiated for Prax, would need to be capable of benefitting successors in title as the intention was to transfer the P66 Pipeline.
- 4.4 P66 / BPA's position remains that they cannot support the draft Order in its current form until BPA's concerns (as set out in the submissions made on behalf of BPA to date) have been satisfactorily addressed and appropriate protections have been agreed.
- 4.5 P66 / BPA must reserve the right to make further representations (including whether to object in principle to the DCO) during the Examination for the reasons outlined above.

Yours faithfully

fieldfisher.

Fieldfisher

Encs:

1. "P66 Outline Specification" – PDF (Document to be certified under Article 41 (certification of plans and documents etc) for the purposes of the Order)
2. P66 Protective Provisions – Word (Clean)
3. P66 Protective Provisions – PDF
4. P66 Statement of Common Ground – Word (Clean)
5. P66 Statement of Common Ground - PDF