

Fieldfisher LLP ("Fieldfisher") continue to act for The British Pipeline Agency Limited ("BPA") as agents for Prax Downstream UK Limited ("PDUK") and Prax Lindsey Oil Refinery Limited (in liquidation) ("PLOR") (PDUK and PLOR together being herein referred to as "Prax").

This submission is further to:

- (i) Prax's relevant representations [RR-038](#) and [RR-039](#);
- (ii) The issues outlined in Prax's request to participate in compulsory acquisition hearing 1 (CAH1) and issue specific hearing 2 (ISH2) ([PDA-004](#)); and
- (iii) The oral submissions made by Fieldfisher on behalf of Prax at both CAH1 and ISH2 on 8 January 2026.

1. Summary of Oral Representation at CAH1

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- 1.1 Fieldfisher summarised the concerns held by Prax relating to the Project as including (i) the balance of public interest against private loss in respect of the Project, (ii) whether risks or impediments have been managed the Applicant, (iii) whether account has been taken of the physical and legal matters regarding the Application, (iv) whether adequate consultation has been carried out in respect of the interests in the relevant land, noting that the Applicants should seek to acquire land by negotiation.
- 1.2 Prax's position remains as described in [RR-038](#).
- 1.3 Prax continue to have no objection to the Project in principle but do have significant concerns in relation to health and safety which are not currently being addressed. Prax would therefore need to see an assessment of the potential risks of the Project to its pipeline as well as the impacts on Prax's ability to repair, access and maintain its pipeline.
- 1.4 Prax require certainty that mitigation measures and the necessary land rights needed in order to protect the pipeline can be provided within the Order limits and similarly require protective provisions to be provided which include indemnities and making good obligations in respect of any damage to the Pipeline.
- 1.5 Section 127(5) of the Planning Act 2008 ("PA") states that in the case of statutory operators, the Secretary of State should be satisfied that the necessary rights can be acquired without any serious detriment to the carrying on of the undertaking and that any consequential detriment to the carrying on of the undertaking can be made good by the undertaker by the use of other land belonging to or available for the acquisition by the undertaker.
- 1.6 Whilst Prax is not a statutory undertaker (and therefore does not have any automatic land rights), it is the owner of nationally significant high pressure fuel infrastructure and the risks associated with its infrastructure should be treated equivalently (see paragraph 4 below in respect of the importance of the pipeline). Prax has its own regulatory requirements in respect of the pipeline and require 24/7 access to the pipeline in order to remain compliant.

- 1.7 As set out in [RR-038](#), there are significant risks to the pipeline, the public and the environment inherent to crossing metal fuel pipelines with high voltage cables due to the potential for uncontrolled and accelerated corrosion of those pipelines due to alternating current ("AC") interference.
- 1.8 BPA (as agents for Prax) have been requesting specific risk assessments of the proposed crossing of the Prax pipeline since April 2025 and have chased on a number of occasions. On 24 October 2025, AECOM, as agents for the Applicant, advised that a risk assessment would be carried out "post-consent". Given the current stage of the Examination, Prax remain concerned that the results will not be available in sufficient time and will not be adequate to provide an appropriate mitigation plan.
- 1.9 As set out in [RR-038](#), there are significant risks to the public, the pipeline, and the environment as a result of the potential for uncontrolled corrosion of the pipeline due to AC interference. The documents enclosed with [PDA-004](#) (being the guidance of the United Kingdom Onshore Pipeline Association ("**UKOPA**") set out:
- (a) The relationship between AC interference and corrosion rates;
 - (b) The fact that AC interference can cause corrosion and affect pipeline integrity;
 - (c) The need for mitigation where AC corrosion risks exist; and
 - (d) The importance of long term continued monitoring of AC corrosion risks.
- 1.10 Any damage to the Prax pipeline would also constitute an offence under Article 15 of the Pipeline Safety Regulations 1996.
- 1.11 Prax and the Applicant have had one all-parties meeting on 26 November 2025 where Prax stressed the critical nature of the safety issues and the ongoing concerns it has in respect of the Project. At this meeting, the Applicant agreed to prioritise a risk assessment in order to ascertain the issues. To date this has not been provided, meaning Prax is unable to assess whether sufficient mitigation can be provided and whether such mitigation can be delivered within the current draft Order limits.
- 1.12 Prax therefore submit that the Applicant cannot demonstrate that it has assessed the risks and impediments and the Order cannot provide the necessary powers or land rights to cross the pipeline and provide the necessary mitigation.
- 1.13 In respect of the procedural errors encountered by Prax in relation to the Application, in relation to [APP-020](#) and [APP-022](#), there are several plots in which Prax have an interest (and are land critical in respect of access to the Prax pipeline) but which are not included. It is understood that the Applicant intends to address this by Deadline 1. A copy of the relevant Prax plots (as submitted to the Applicant's solicitors on 5 November 2025) is at Schedule 1 to this submission, as revised in an email to the Applicant's solicitors on 7 January 2026.
- 1.14 The "Fina Line" of which the Prax pipeline forms a part, is mentioned at paragraph 14 of [APP-039](#) and in [APP-189](#) where it is stated by the Applicant that consultation and a desk based study would be carried out prior to construction of the Project. Whilst it is appreciated that mitigation could be provided prior to the construction of the Project, this misunderstands the issue of corrosion on a high-pressure pipeline. If mitigation works are required and those mitigation works needed are outside the Order land and/or cannot be delivered safely then there is the risk of material harm and damage which has not been assessed in the Environmental Statement.

- 1.15 We refer to the NSIP Advice on Preparing Applications which highlights that all parties ought to have made reasonable effort to engage early and reach resolution and that issues should be widely understood by all at the earliest point to minimise risk during examination.
- 1.16 Whilst noting that one of the Prax entities is in liquidation so was delayed in engaging with the Applicant, Prax remain of the view that there has not been reasonable engagement by the Applicant and that the issues affecting Prax as a result of the Project cannot be fully known whilst a risk assessment is awaited. Insufficient activity has been taking place to resolve the issues raised by Prax and to ensure that there are effective protective provisions agreed with the Applicant.
- 1.17 Generic protective provisions relating to statutory undertakers have been provided by the Applicant but are inadequate and inappropriate for a private entity such as Prax. Such provisions do not address the safety concerns of a private operator. There is a crucial need to safeguard Prax's pipeline and its associated land rights given the reasons of national energy security.
- 1.18 Prax has not seen any information or been provided with any comfort from the Applicant that the design of the Project could be such as to include a sufficient mitigation strategy. Prax's position is therefore reserved on that front. Prax require sufficient certainty that construction and energisation of the Project will not take place until there is sufficient mitigation in place in order to ensure the safety of the Pipeline.
- 1.19 As requested by the Examining Authority, a plan showing the interaction of the Prax pipeline with the draft Order limits is included at Schedule 2 of this submission.

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- 1.20 Prax are of the view that it is disproportionate for the Applicant to seek to unilaterally acquire and extinguish land rights respect of all the Prax pipeline land. Prax have been provided with no evidence to suggest that the Applicant has considered other reasonable alternatives to compulsorily acquiring such rights.
- 1.21 There is no compelling case for the sterilisation of Prax's land rights and no sufficient or legitimate reason to justify the compulsory acquisition of the pipeline land. Alternatives (which remain) available have not been explored by the Applicant despite the risk of private loss which would be suffered by Prax if its pipeline land is to be acquired.
- 1.22 Instead, the Pipeline land (and by extension Prax's ability to deal with its infrastructure) should be excluded from the ambit of the draft Order with rights being shared where necessary.

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- 1.23 As submitted, draft protective provisions have been provided which remain inadequate to private entities such as Prax. Similarly, there is no side agreement yet in place between Prax and the Applicant.
- 1.24 Fieldfisher were provided with a draft statement of common ground ("**SoCG**") on 22 December 2025 despite the Inspectorate's direction that the parties engage urgently in that regard.
- 1.25 Given that an adequate risk analysis in order to determine whether Prax's pipeline can be safely crossed by the Project using those rights within the current draft Order limits is currently awaited, any SOCG will necessarily be subject to significant caveats.
- 1.26 Fieldfisher note the Examining Authority's requirement to see any issues which cannot be agreed between Prax and the Applicant by the mid-point of the Examination in order to include such issues in written questions or any subsequent hearing following the Examination's mid-point.

2. The Strategic Importance of Prax's Pipeline.

- 2.1 At CAH1, the Examining Authority requested a summary of the strategic importance of Prax's pipeline.
- 2.2 We therefore confirm that the Prax Fina line high pressure Lindsey Oil Refinery to Buncfield fuel pipeline is one of the pipelines used to supply London Heathrow and London Gatwick Airport with jet fuel and as such a key part of Nationally Significant Infrastructure and National fuel security.
- 3. BPA and Prax continue to reserve the right to make further representations during the examination process.

Schedule 1

Plots Listed in Statement of Reasons as relevant to Prax	Applicable? (Y/N)	Prax Plots missing from Statement of Reasons
14/9	N	
15/4	N	
15/6	N	
15/8	N	
	Y	15/9
	Y	15/10
15/11	Y	
	Y – (access)	15/12
15/13	Y	
	Y – (access)	15/14
	(adopted road)	15/15
15/16	N	
16/2	Y	
16/3	Y	
16/5	Y	
	Y	16/6
16/7	Y	
16/8	Y	
16/9	Y	
16/10	Y	
16/11	Y	
16/12	Y	
	Y	16/13
16/14	N	
16/15	N	
16/17	N	

