

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](#));
- (iii) The oral submissions made by Fieldfisher on behalf of Prax at both CAH1 and ISH2 on 8 January 2026; and
- (iv) The written submissions made by Fieldfisher on behalf of Prax following both CAH1 and ISH2.

This submission constitutes a short written update outlining the issues affecting Prax as a result of the Project. Prax's position remains largely as set out in [RR-038](#) and as outlined in this submission.

1. Objection

- 1.1 Although Prax do not object to the scheme in principle, Prax do object to the compulsory acquisition of both land and associated rights in their current form and reserves its position in terms of making further representations once further investigations have been carried out in order to:
 - (a) assess the potential risks posed to the Pipeline and Prax's continued ability to operate access, repair, maintain and replace it;
 - (b) guarantee that all necessary mitigation measures and land rights necessary to protect the Pipeline (and by extension the environment) from risk of harm over the short and long term, can be delivered by the Order;
 - (c) ensure that the Project can be delivered safely vis a vis the Pipeline; and
 - (d) ensure the integrity and safety of the Pipeline.

2. Risk to Critical National Infrastructure

The Prax Pipeline is part of the pipeline network comprising Critical National Infrastructure, which has the ability to supply key end users including Heathrow and Gatwick Airports with. As such is it a key part of the National Fuel Security / Resilience matrix and therefore its continued safe and uninterrupted use operation and maintenance must be a key issue for this examination.

To date Prax have received no crossing specific risk analysis or modelling in order to assess the potential for damage to be caused to the Pipeline by the Project particularly by reference to AC interference in particular (and we refer to the UKOPA guidance on this topic at [PDA-004](#) and Fieldfisher's oral submissions at CAH1 in that regard).

3. Failure to engage meaningfully

Fieldfisher/Prax despite chasing regularly have still have only had one all parties call with the Applicant which was on 26 November 2025. Furthermore, despite requesting detailed crossing methodology and specifications since April 2023 (and which the Applicant promised to prioritise on 26 November 2025) no such information has to date been provided. In its submissions for CAH1 and ISH2 on 8 January the Examiners urged the parties to engage on these matters and the Applicant agreed to do so. The Applicant in its submission at CAH1 further confirmed that risk assessments were expected by 16 January 2026 and would be remitted to BPA/ Prax without delay thereafter. However, on 19 January 2026 the Applicant's solicitors confirmed they not yet received any safety or risk analysis data, which given timings of the Examination and the nature of the risk in question is extremely disappointing. Fieldfisher have asked the Applicant's solicitors to confirm the scope and exact nature of the risk analysis data to be provided (such that BPA / Prax are likely to be able to assess whether the information is likely to be sufficient to assess the likely risk to the Prax Pipeline) and a date by which the information will be received by BPA/Prax.

To cross a high pressure liquid fuel line without adequate mitigation (long-and short term) in place would pose an intolerable safety risk to the Prax Pipeline and therefore by extension the Project, the public and the environment and we would therefore urge that this issue is given due weight in this Examination and by any future consideration by the Secretary of State. Prax will understandably need to reserve its position in terms of the position it takes vis a vis this objection if its concerns are not satisfactorily addressed. While BPA has been sent a draft statement of common ground ("**SoCG**") by the Applicant this cannot be meaningfully progressed until the parties are able to ascertain that the Project will not constitute an unacceptable health and safety risk to the Pipeline.

4. Potentially inadequate Order limits

4.1 Until the necessary risk analysis and site-specific modelling has been carried out and mitigation works (or at least the general scope and extent thereof) has been agreed, the Applicant cannot guarantee that:

- (a) mitigation will not, as the Applicant maintains, be required;
- (b) or that if mitigation is required that it can be delivered within Order limits and within Order powers as drafted (as part of the submissions following ISH2, Fieldfisher have supplied the Examining Authority with example wording of how this issue is proposed to be managed by NGET as part of the Norwich to Tilbury DCO (EN020027); or
- (c) construction and operation of the Project will not create an unacceptable risk to the safety and security of the Pipeline and its ability to supply fuel to key national stakeholders and to the public and the environment in the event of a breach.

5. Potentially defective Environmental Statement

Prax's position remains as set out [RR-038](#) and as per Fieldfisher's oral submissions at CAH1. The crossing of the Pipeline and the potential risks flowing therefrom have not been addressed in the Environmental Statement as required by Regulations 4 and 5 and Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. 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.

6. Timing and route fixation

6.1 BPA and Prax remain acutely concerned given the timings of the examination and the lack of safety analysis and mitigation planning to date that the DCO risks being sent for approval before these

issues can be resolved. As set out in [RR-038](#) if the draft DCO is confirmed in its current form Prax may be prevented from accessing using and maintaining its pipeline in accordance with statutory and regulatory requirements and therefore not be in a position to operate it safely; and

6.2 Rather, rights in respect of installation and long term retention repair and replacement of land rights are needed in the DCO to benefit BPA/Prax.

7. Update since [RR-038](#):

7.1 The crossing angle has now been set.

7.2 In respect of our statements in [RR-038](#) as to the incorrect plot interactions being listed in Book of Reference ([AP-022](#)) and the Statement of Reasons ([APP-020](#)), the Applicant is now in dialogue with BPA /Prax in respect thereof albeit the matter is not yet resolved.

7.3 BPA/Prax remain of the view that there is insufficient engagement from the Applicant both in terms of assessing and mitigating risk to the Pipeline or engaging on protective provisions and collateral agreements and would urge urgent dialogue in that regard.

7.4 BPA/Prax request that the DCO is not put forward for submission unless it contains provisions to confirm that:

(a) the Project must not be constructed or energised in the vicinity of the Pipeline unless adequate mitigation is in place to keep the Pipeline safe in accordance with current industry and regulatory guidance including British Standards; and

(b) that all necessary long- and short-term rights for Prax to retain use upkeep and maintain (a) the Pipeline and (b) said mitigation is in place.

8. As Prax is in the process of selling its assets all rights granted to it will need to benefit its successors in title and be capable of being assigned / novated.

9. BPA and Prax continue to reserve the right to make further representations during the examination process.