

Fieldfisher LLP ("**Fieldfisher**") 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 are referred to as Prax and reference to BPA is used to refer to BPA in their capacity as agents for BPA.

References to "**Pipeline**" are to be interpreted in line with the definitions in RR-038.

This submission is further to:

- (a) Prax's relevant representations RR-038 and RR-039;
- (b) The issues outlined in Prax's request to participate in compulsory acquisition hearing 1 (CAH1) and issue specific hearing 2 (ISH2) (PDA-004);
- (c) The oral submissions made by Fieldfisher on behalf of Prax at both CAH1 and ISH2 on 8 January 2026;
- (d) Prax's post hearing submission (REP1-085 and REP1-086);
- (e) Prax's written representation (REP1-087);
- (f) Prax's additional submission (AS-129);
- (g) The letter sent to PINS on behalf of Prax dated 6 March 2026 in respect of ISH4; and
- (h) The oral submissions made by Fieldfisher on behalf of Prax at CAH2 on 12 March 2026

1. **Summary of Oral Representation at CAH2**

Agenda Item 3.1

- 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 and (iv) whether adequate engagement had been provided by the Applicant.
- 1.2 Prax's position remains as described in its submissions remained to date with particular focus on the technical matters outlined in AS-129.
- 1.3 At CAH1 and ISH2, it was outlined that Prax were awaiting adequate safety data to be provided. Prax's agents originally chased this data on 2 April 2025 and safety data / risk analysis materials were subsequently provided by the Applicant on 29 January 2026. As set out in AS-129, however, the data provided is insufficient and based on incorrect underlying calculations.
- 1.4 In the Applicant's representation REP2-032, it stated that the risk assessment it had provided, concluded that there was "no corrosion risk" to the Pipeline. As set out in AS-219, the Applicant's reliance on that risk assessment, and thus the conclusions presented in REP2-032, is incorrect and potentially dangerous as it contains unproven assumptions on the potential interference from the Project with the Pipeline.

- 1.5 Since that original data was provided, Prax has been continuing to chase for further data and risk assessment to be carried out. As of 10 March 2026, following a meeting between BPA (as agents for Prax) and AECOM (as agents for the Applicant), it was confirmed that AECOM would be carrying out further investigations and testing. In the absence of such data being provided, Prax has no way of assessing whether the Project can go ahead safely and whether any mitigation work required can be guaranteed. It should be noted that Pipeline is a piece of nationally important infrastructure and must be protected, especially given the current global focus on such matters.
- 1.6 The Applicant is currently unable to demonstrate that has adequately assessed the risks or impediments of the Project in respect of the Pipeline.
- 1.7 Crucially if the safety data shows that mitigation is in fact required to keep the Pipeline safe, the Applicant has no means of assessing whether said mitigation can be carried out within the Order limits and pursuant to Order powers. By way of example BPA is currently dealing with another DCO project (Norwich-Tilbury) where the mitigation required falls significantly outside order limits.
- 1.8 In the absence of further satisfactory risk analysis and safety data being provided, the risks to the Pipeline and the potential for damage to the Pipeline cannot be said to have been adequately taken into account by the Applicant and neither has the balance of public vs private loss test been met.
- 1.9 Notwithstanding that the data provided by the Applicant is based on incorrect calculations, the initial assessment by Prax's agents concluded (on the basis of that part of the data that could tentatively be relied on) that there is in any event a material risk posed by the Project to the Pipeline (as further outlined in AS-129).
- 1.10 Prax is in liquidation and as such would prefer as such to reach an agreement with the Applicant in order to withdraw from the Examination. However, that remains impossible while there remains a continued lack of engagement from the Applicant.
- 1.11 On 26 November 2025, in the all (only) all-parties meeting to date, Fieldfisher suggested that if safety issues could not be adequately resolved in time, the only way to address this would through bespoke protective provisions which would need to include confirmation that the Project would not be energised until such time as necessary safeguards had been put in place.
- 1.12 Fieldfisher has received draft protective provisions from the Applicant's solicitors, but these are generic in nature and do not adequately address the concerns above.
2. Fieldfisher note (and welcome) that the Examining Authority require an active dialogue between Prax, the Applicant and their respective agents so that appropriate safety parameters can be identified in order to inform the basis of any protective provisions to ensure that Prax's interests are addressed whilst allowing the Applicant to maintain the desired flexibility in the Project.
3. BPA and Prax continue to reserve the right to make further representations during the examination process.