



Fosse Green Energy

EN010154

8.14 Statement of Common Ground with
Prax / BPA

VOLUME

8

Planning Act 2008 (as amended)

Regulation 8(1)(e)

Infrastructure Planning (Examination Procedure)

Rules 2010

24 March 2026

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

Fosse Green Energy
Development Consent Order 202[]

8.14 Statement of Common Ground with Prax / BPA

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1. Statement of Common Ground Signatures

This Statement of Common Ground has been prepared and agreed by Fosse Green Energy Limited and Prax Downstream UK Limited and Prax Lindsey Oil Refinery Limited (in liquidation) (jointly to be referred to as Prax).

Signed on behalf of Fosse Green Energy Limited

Name:

Position:

Date:

Signature:

Signed on behalf of Prax Downstream UK Limited and Prax Lindsey Oil Refinery Limited (in liquidation) (jointly to be referred to as Prax)

Name:

Position:

Date:

Signature:

2. Introduction

2.1 Purpose of this document

- 2.1.1 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").
- 2.1.2 This SoCG has been prepared by the Applicant and Prax Downstream UK Limited and Prax Lindsey Oil Refinery Limited (in liquidation) (jointly to be referred to as 'Prax')(together known as "the Parties") in respect of the Proposed Development.
- 2.1.3 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.
- 2.1.4 Key issues discussed in this SoCG include matters relating to assets, infrastructure, land, potential procedural inadequacies and concerns regarding health and safety.
- 2.1.5 As set out at Section 3 of this SOCG Prax is not of the view that the Applicant is actively consulting or meaningfully addressing Prax's significant safety and other concerns relating to the Prax Pipeline (which is part of critical national infrastructure).
- 2.1.6 Prax has fundamental concerns relating to (inter alia) the lack of formal risk assessment relating to the proposed interaction with the Prax Pipeline, the ability for the Proposed Development to be carried out safely within the Order limits, the ability of the Order to deliver the necessary rights for any necessary mitigation, and the lack of agreement in respect of appropriate protective provisions and indemnities.
- 2.1.7 Prax is of the opinion that the protective provisions provided are generic protections based on a format typically used for statutory undertakers. Given the fact that the Applicant has so far failed to provide an appropriate and adequate set of risk analysis data to show that the proposed crossing of the Prax Pipeline can be carried out safely it is also difficult to assess how protective provisions could be meaningfully negotiated at this stage.
- 2.1.8 As set out in the procedural decision made by the ExA on 22 August 2025 **[PD-005]**, the ExA requires final and signed SoCGs to be submitted at the midpoint of examination. In line with the Examination Timetable set out at Annex A to the Rule 8 Letter [PD-010], this is Deadline 3A (24 March 2026). Further to this, the procedural decision dated 21 November 2025 **[PD-007]** includes Prax as a party with which the Applicant must enter into a SoCG.
- 2.1.9 Application document references are taken from the EN010154 – Fosse Green Energy Examination Library.

2.2 The Proposed Development

- 2.2.1 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.
- 2.2.2 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.
- 2.2.3 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.

2.3 Parties to this Statement of Common Ground

- 2.3.1 The timeline of the engagement between the Parties is shown at Table 2.1.
- 2.3.2 "Prax" refers jointly to Prax Downstream UK Limited and Prax Lindsey Oil Refinery Limited (in liquidation). Prax Downstream UK Limited is a private limited company in mineral oil refining. Prax Lindsey Oil Refinery Limited is a private limited company within mineral oil refining, wholesale of petroleum and petroleum products, and wholesale of fuels and related products and is the owner of the Lindsey Oil Refinery to Buncefield fuel line together with all apparatus and equipment ancillary thereto ("Prax Pipeline").
- 2.3.3 This Statement of Common Ground also refers to British Pipeline Agency Limited (BPA) which acts as agent for Prax to operate and maintain the Prax 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 Prax.
- 2.3.4 The Applicant is a partnership between Windel Energy Limited and Recurrent Energy.
- 2.3.5 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.
- 2.3.6 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.

- 2.3.7 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.
- 2.3.8 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.
- 2.3.9 To date, Recurrent Energy has successfully developed, built, and connected 12 GWp of solar projects and more than 5 GWh of energy storage projects across six continents. As of September 30, 2025, its global pipeline includes approximately 23 GWp of solar power and 73 GWh of energy storage capacity. The company also has over 14 GW of solar and energy storage projects under operations and maintenance (O&M) contracts.

2.4 Terminology

- 2.4.1 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:
- "Agreed" (green) indicates where the issue has been resolved;
 - "Not Agreed" (red) indicates a final position that a matter cannot be agreed; and
 - "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.

3. Record of Engagement

3.1 Summary of consultation

- 3.1.1** A summary of the meetings and correspondence that has occurred between the Applicant and Prax is set out in
- 3.1.2** **The** Applicant's Legal representative is Womble Bond Dickinson (UK) LLP ("WBD")
- 3.1.3** Prax's legal representative via its agent the British Pipeline Agency Limited ("BPA") is Fieldfisher LLP ("FF")
- 3.1.4** Table 3-1.
- 3.1.5** Please note that all correspondence sent prior to 21 October 2024 is likely to have been sent to Prax Lindsey Oil Refinery Limited ("PLOR") and/or Prax Downstream UK Limited ("PDUK") (together Prax") directly. PLOR is in liquidation and its liquidators have 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 Fosse Green Limited and its agents started to include BPA as addressee in respect of the Project).
- 3.1.6** The Applicant's Legal representative is Womble Bond Dickinson (UK) LLP ("WBD")
- 3.1.7** Prax's legal representative via its agent the British Pipeline Agency Limited ("BPA") is Fieldfisher LLP ("FF")

Table 3-1: Engagement between the Applicant 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.
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.

Date	Form of Correspondence	Details
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 Prax Pipeline.
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.
06/08/2025	Email	WBD asked BPA for details of its legal representatives to allow discussions on protective provisions to commence.
20/08/2025	Email	WBD asked BPA for details of its legal representatives to allow discussions on protective provisions 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 a generic set of protective provisions (PPs). 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.
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

Date	Form of Correspondence	Details
		of British Pipeline Agency Ltd for Prax Lindsey Oil Refinery Ltd.
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 send a holding response regarding location and design information
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 protective provisions to be agreed.
24/10/2025	Relevant Representation (F7876C980)	FF on behalf of British Pipeline Agency Limited for two Prax Entities.
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.
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 FF would prepare bespoke PPs.
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.

Date	Form of Correspondence	Details
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 this 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 protective provisions while the question of whether the Order limits were sufficient to deliver any mitigation remained open in the absence of a risk assessment. • FF pointed out that if a risk assessment was unlikely to be achievable in the necessary timeframe the Parties could simply agree protective provisions which confirm that the Proposed Development will not be constructed or energised over the Prax Pipeline until the Parties had (acting reasonably) agreed on how this could be done safely and referred WBD to protective provisions agreed in respect of the CATS pipeline as part of the Net Zero Teesside DCO.
5/12/2025	Email	<ul style="list-style-type: none"> • BPA provide the Applicant with further detail of the Prax Pipeline, including the location of cathodic protection post locations. • BPA request an update on when modelling data will be provide 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

Date	Form of Correspondence	Details
12/12/2025	Email	the Applicant provides a copy of the draft SoCG to BPA for comment.
17/12/2025	Email	<p>WBD confirm 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 protective provisions and any associated agreements, including the justification for this amount based on similar work required with statutory undertakers <p>WBD also:</p> <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	WBD update 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 together with title references - WBD confirm to FF that the Book of Reference and Schedule of Negotiations 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.

Date	Form of Correspondence	Details
16/01/2026	Email	FF email WBD to request an update on the risk assessment information and query their mistaken understanding that this was 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 confirmed that the results would be shared once received and considered by the Applicant's team. WBD requested an update on the draft SoCG
20/01/2026	Email	BPA chase the Applicant for the results of the AC Interference Modelling Study (or Risk Assessment)
29/01/2026	Email	WBD provide FF with a copy of the completed AC Interference Modelling Study (or Risk Assessment).
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.
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.

Date	Form of Correspondence	Details
		<ul style="list-style-type: none"> FF respond to WBD to provide a copy of the additional submission which it has submitted to the Examination [AS-129].
26/02/2026	Email	FF provided the draft Statement of Common 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
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 (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 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
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.
19/03/2026	Email	The Applicant sent the revised version of Statement of Common Ground 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 Statement of Common Ground.
23/03/2026	Email	Prax/BPA confirmed they would respond on 24/03/2026 following a review of the Statement of Common Ground.
24/03/2026	Email	Prax/BPA responded on the Statement of Common Ground advising they would be submitting an amended version of a previous iteration of the draft Statement of Common Ground in to Examination at Deadline 3A.

4. Matters agreed, not agreed or under discussion

4.1 Land Matters

Table 4-1: Land Matters

Reference	Description of Matter	Prax Position	Applicant Position	Status
4.1.1	Engagement	<p>Prax is not currently of the view that the Applicant is engaging meaningfully with a view to addressing Prax's concerns as outlined in its Relevant Representation [REDACTED] as evidenced by:</p> <ul style="list-style-type: none"> No risk assessment having taken place despite this having been requested by BPA in April 2025 and chased regularly since then Despite the issue of potentially inadequate Order limits required for critical mitigation having been raised in its Relevant Representation on 24/10/2025 this had not been appreciated or acted on by the Applicant until repeated in the all parties meeting on 26/11/2025 Very little engagement on agreeing reasonable cost cover (which is 	<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 is subject to ongoing discussion between the two parties. The Applicant does not expect the changes to the modelling requested by Prax to change the conclusions of the modelling and will share the updated report as soon as feasible following the completion of the onsite soil resistivity testing (which shall confirm assumptions) that Prax has requested. The Applicant considers the existing report to be reliable and does not consider the level of uncertainty associated with input parameters would change the conclusions;</p>	Under Discussion

Reference	Description of Matter	Prax Position	Applicant Position	Status
		<p>particularly important given one of the Prax entities is in liquidation)</p> <p>Prax were provided with an AC modelling report on 29 January 2026. BPA/Prax have been advised by SESTech (developers of the CDEGS software used for the AC interference modelling in the risk assessment provided) that the AC current density calculation is incorrect. As a result, the risk assessment provided by the Applicant is defective and remains unacceptable to Prax on the basis that the incorrect calculations are vital to the assessment of risk on the Prax Pipeline (as Prax have outlined to AECOM).</p>	<p>this will be discussed further following the updated report.</p>	
4.1.2	Prax's position vis a vis the dDCO	<p>Prax have considerable concerns vis a vis the Project as has been addressed in their written (Relevant Representations RR 038 and RR 039) and oral submissions (at CAH1 (EV3 002 – EV3 005) and ISH2 (EV4 002 and EV4 003)). These include but are not limited to:</p> <p>(a) Risk assessments reasonably acceptable to Prax must demonstrate that</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 underground Cable Corridor. The AC Interference Modelling Study is subject to ongoing discussion between the two parties. AECOM does not expect the changes to the modelling requested by Prax to change the</p>	Under Discussion

Reference	Description of Matter	Prax Position	Applicant Position	Status
		<p>the Proposed Development can be carried out safely within Order limits; and</p> <p>(b) Formal agreement must be reached in terms of safeguarding Prax's continued ability to operate, access, repair, maintain, and replace the Prax Pipeline; and</p> <p>(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 Prax Pipeline (and by extension, 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 Prax from damage caused to the Prax Pipeline together with any claims flowing therefrom; and</p> <p>(e) Acceptable protective provisions to be agreed.</p>	<p>conclusions of the modelling and will share the updated report as soon as feasible following the completion of the onsite soil resistivity testing that Prax has requested.</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 assessment based on the detailed design after consent, which shall be provided for Prax agreement ahead of any works. The works shall be structured so that the cable installation and operation shall not interfere with the Prax's ability to meet its obligations under the Pipeline Safety Regulations (PSR. 1996), in particular not obstructing 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</p>	

Reference	Description of Matter	Prax Position	Applicant Position	Status
			<p>Development progresses. Industry best practices (ie. UKOPA GPG) shall be followed, or suitable alternative agreements shall be progressed. The specific points flagged by Prax are capable of being addressed by the Applicant and it is expected that agreement can be reached.</p>	
4.1.3	Land rights	<p>The Proposed Development will take place underground, in close proximity to the Prax Pipeline.</p> <p>Please see Prax's comments in 3.1.2 above</p> <p>Furthermore, Prax does not consider it proportionate to sterilise land rights relating to the Prax Pipeline within the Order limits and suggests that the Prax Pipeline and necessary rights of access are excluded from the ambit of the dDCO (sharing rights where appropriate).</p>	<p>The Applicant notes that Prax do not object to the principle of the Proposed Development provided that a number of critical concerns can be met in terms of health and safety, potential damage to the Prax Pipeline and the retention of critical land rights can be satisfactorily addressed, and acknowledges the objection to the proposed acquisition of land and rights in their current form.</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</p>	Under discussion

Reference	Description of Matter	Prax Position	Applicant Position	Status
		Prax reserves its position in terms of making further representations once further investigations have been carried out .	necessary rights to allow continued operation and maintenance of its pipeline. The Applicant position is identified at matter 3.1.2. The Applicant considers it very unlikely that works would be required in the area, however in the unlikely event that problematic modelling results are developed, mitigation measures will be considered as the detailed design of the Proposed Development progresses to ensure risk to the Prax asset is maintained at an acceptable level, (for example increasing cable separation distance/depth, crossing angle, cable arrangement or placement of additional AC corrosion protection equipment).	
4.1.4	Order Limits	Prax is a private pipeline owner. As such it only has limited property rights derived from its deeds of grant in respect of the Prax Pipeline and cannot rely on the wide compulsory powers available to statutory operators. Therefore, if mitigation works are needed to protect the Prax Pipeline from damage and such works / rights fall outside the draft Order limits, the dDCO would not be able to guarantee that such rights could be delivered which in turn could pose an unacceptable health and	The Applicant position is identified at matter 3.1.2.. The results of this 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

Reference	Description of Matter	Prax Position	Applicant Position	Status
		safety risk to the Prax Pipeline as well as to the environment.		
4.1.5	Protective Provisions	<p>The draft DCO fails to include bespoke protective provisions for Prax. Adequate protective provisions must be put in place so as to safeguard the ability to access, operate, repair, maintain and replace the Prax Pipeline. Prax 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 Prax Pipeline (to include cover for indirect and consequential loss bearing in mind that any damage would also affect supply of product). • Appropriate protective measures will be installed over any parts of the Prax 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 health and safety requirements and Prax's reasonable requirements ; and • That the Prax Pipeline is not to be relocated and that the safety and 	<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]. WBD have requested that FF review the draft PPs, take instructions and provide comments. Until WBD is in receipt of such comments, consideration cannot be given to any amendments FF consider required. The Applicant 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 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>	Under discussion

Reference	Description of Matter	Prax Position	Applicant Position	Status
		<p>integrity and ability to move product through the Prax Pipeline is safeguarded at all times</p> <ul style="list-style-type: none"> • 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 and Prax in terms of engaging or complying with the dDCO and any protective provisions or side agreements collateral therero 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 has been highlighted by the fact that it appears that not all of Prax's interests (including critical access and working rights) have in fact been identified and set out in the draft Order.</p> <p>Draft protective provisions were provided to Prax's solicitors on 20 February 2026 but remain inadequate for the reasons set out above. The draft protective provisions are considered <i>"appropriate given the</i></p>		

Reference	Description of Matter	Prax Position	Applicant Position	Status
		<p><i>results of the AC interference assessment"</i> by the Applicant. As outlined above, BPA have been independently advised that the AC current density calculation in the Applicant's AC interference modelling report is incorrect. An accurate assessment of these risks is however vital to the assessment of the impact of the Project of the Prax Pipeline in order to assess whether it can be carried out safely within Order limits and pursuant to Order powers.</p>		
4.1.6	Works Plans	<p>The DCO Application (specifically the Works Plan) does not include the information necessary for BPA/Prax to assess and quantify: 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>	<p>The Applicant position with regard to AC Interference Modelling Study (or Risk Assessment) is identified at matter 3.1.2. The Applicant will develop procedures that are in accordance with industry best practice and regulatory requirements (i.e. The Construction (Design and Management) Regulations 2015).</p>	Under discussion

4.2 Pipeline Matters

Table 4-2: Pipeline Matters

Reference	Description of Matter	Prax Position	Applicant Position	Status
4.2.1	Pipeline crossing	<p>The Proposed Development will involve the crossing of the Prax Pipeline with a high voltage electricity cable ("the Cable"). The Cable will be laid underground in close proximity to the Prax Pipeline. The following information is therefore required:</p> <p>(a) full details what works and working methods are proposed within 20 meters of the Prax Pipeline; and</p> <p>(b) how close the Project Works will be to the Prax Pipeline and modelling data to show the predicted levels of AC (Alternate Current) interference ("AC interference") likely to be caused thereby and whether these are within British Standard safety limits; and</p> <p>(c) whether a final decision has been made as to the crossing angle currently proposed in respect of the Prax Pipeline (as this will have a direct impact on AC interference). Initial discussions have indicated that the Applicant wishes to cross the Prax Pipeline at a 60 degree crossing angle. An angle</p>	<p>The Applicant position with regard to 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 alongside these investigations. Further information on the proposed works, offset distances, and crossing angle will be provided in the updated AC interference modelling report.</p>	Under discussion

Reference	Description of Matter	Prax Position	Applicant Position	Status
		<p>less than 90 degrees of crossing will make the need for mitigation more likely; and</p> <p>(d) what mitigation works (if any) are envisaged to:</p> <ul style="list-style-type: none"> (i) safeguard the Prax Pipeline from physical harm during the works, and (ii) to protect the Prax Pipeline in the future (once the Cable is energized) from potential damage from AC interference, as this could seriously damage the measures currently in place to protect the Prax Pipeline from corrosion; and <p>(e) to the extent that mitigation measures are necessary (due to operational or safety concerns) that the draft Order has included the necessary land and rights within the draft Order limits. Typically mitigation works might require:</p> <ul style="list-style-type: none"> (i) the installation of multiple subsurface 'sacrificial' zinc strips either side of and parallel to the Prax Pipeline together with surface mounted monitoring equipment and surface to subsurface cabling); <p>and/or</p>		

Reference	Description of Matter	Prax Position	Applicant Position	Status
		<p>(ii) the installation of a concrete or other barrier above or below the Prax Pipeline; and/or</p> <p>(iii) a concrete 'raft' above the Prax Pipeline to protect against vehicles / other loads).</p>		
4.2.2	Risk to National Infrastructure (and by extension the Environment)	<p>The Prax 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 raises serious concerns regarding:</p> <ul style="list-style-type: none"> • lack of accurate and correct modelling to assess safety and operational impacts; and • the potential for AC interference and stray currents from electrical infrastructure; and <p>the potential for accelerated corrosion of the Prax 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.</p>	<p>The Applicant position with regard to 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 evidenced by the AC interference modelling report. The Applicant is updating this report and will share this with Prax in due course.</p>	Under discussion
4.2.3	Environmental Statement	<ul style="list-style-type: none"> • The crossing of the Prax Pipeline and the potential risks flowing therefrom have not been sufficiently 	The potential interaction between the Prax Pipeline and the Proposed Development has been considered within Chapter 14:	Under discussion

Reference	Description of Matter	Prax Position	Applicant Position	Status
		<p>addressed in the Environmental Statement as required by Regulations 4 and 5 and Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <ul style="list-style-type: none"> The current EIA assumes that mitigation can and will be undertaken. However given that no risk assessment has in fact been carried out the Applicant cannot guarantee that this will in fact be the case. 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 Prax 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, Prax would argue that it is ab initio defective.</p> <ul style="list-style-type: none"> If the Applicant cannot demonstrate that the Proposed Development as 	<p>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 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</p>	

Reference	Description of Matter	Prax Position	Applicant Position	Status
		<p>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 Prax Pipeline by AC interference. Any damage so caused would be a breach of the Pipeline Safety 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>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 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. The Applicant intends to consider if additional commitments are required following the updated AC modelling report.</p> <p>The Applicant position with regard to AC Interference Modelling Study (or Risk Assessment) is identified at matter 3.1.2. 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>	

References

- Ref 1 Department for Energy Security & Net Zero (2025). Overarching National Policy Statement for Energy (EN-1). Available at: [EN-1 Overarching National Policy Statement for Energy](#)