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By Fosse Green DCO Portal

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31 March 2026

Dear Planning Inspectorate

Fosse Green Energy Limited (the "Applicant") Development Consent Order (EN010154) (the "Application") Deadline 4 Submission

Fieldfisher LLP ("**Fieldfisher**") continue to act for British Pipeline Agency Limited ("**BPA**") as agents for Prax Downstream UK Limited (in liquidation) and Prax Lindsey Oil Refinery Limited (in liquidation) (together being herein referred to as "**Prax**"). Any reference to BPA should be interpreted as a reference to BPA acting on behalf of and as agents of Prax. Any reference to "**Order**", "**Order Limits**", "**Pipeline**", "**Project**" and "**Project Works**" are to be interpreted in accordance with the definitions in AS-129.

1. Protective Provisions

- 1.1 The status in respect of the protective provisions is outlined at paragraph 3 of REP3A-032.
- 1.2 At CAH2, Fieldfisher confirmed that it would provide draft protective provisions, based on the precedent Net Zero Teeside protective provisions, by 18 March 2026 but emphasised during CAH2 that these would need to be amended as a result of the continual lack of critical safety data.
- 1.3 Draft protective provisions were accordingly provided to the Applicant's solicitor on 18 March 2026, pursuant to the timetable agreed at CAH2 but as at 31 March 2026 the Applicant's solicitor has not provided any comments (other than confirming several unspecified aspects are not agreeable). A copy of those protective provisions is at Annex B of REP3A-032.
- 1.4 We refer to the draft development consent order submitted by the Applicant at Deadline 3A (REP3A-004 / REP3A-005) (the "**Draft DCO**"). The Applicant has included, at Part 9 of the Draft DCO, protective provisions for the benefit of Prax. The draft protective provisions currently included in the Draft DCO are not agreed by Prax / BPA.

1.5 The Applicant's position is that Prax / BPA requested protective provisions at CAH1 and subsequent representations, based on those preceded by CATS North Sea Limited in the Net Zero Teesside DCO however Prax / BPA did not make this request. Prax / BPA have provided more suitable protective provisions in line with their CAH2 commitments – no substantial response has been received to date from the Applicant.

1.6 BPA / Prax would be grateful if the Examiner could urge the Applicant to engage in respect of the protective provisions.

2. Statement of Common Ground

2.1 The status in respect of the statement of common ground is outlined at paragraph 1 of REP3A-032.

2.2 The revised draft statement of common ground provided by the Applicant on 19 March 2026 contained significant amendments which did not reflect the fact that:

2.2.1 BPA / Prax has submitted draft protective provisions in line with commitments made at CAH2; nor

2.2.2 the safety data / risk assessments available are insufficient and based on flawed calculations; nor

2.2.3 the Applicant currently has no reliable basis on which to evidence:

(a) its assessment that the Project will cause "no material risk to the Pipeline"; nor

(b) its assessment that any necessary pipeline mitigation rights can be guaranteed to be delivered so as to benefit Prax and its successors within Order rights and within Order limits. As such BPA / Prax have been in the process of reviewing the draft statement of common ground

2.3 Fieldfisher, on behalf of BPA / Prax, will be returning an amended draft statement of common ground to the Applicant / its solicitors imminently.

3. Technical update

3.1 On 24 March 2026, the Applicant hosted its first all parties meeting with representatives of the Applicant in order to discuss the crossing of the Pipeline by the Project, which was welcomed by BPA / Prax. During that meeting, the Applicant agreed that it would provide further safety data by 27 March 2026.

3.2 Despite the assurances made at the above mentioned meeting between the parties, no such data has been provided by the Applicant. Prax / BPA's position in respect of the risk posed by the Project therefore remains unchanged and is more particularly outlined in AS-129.

3.3 Crucially, without adequate assessment of the AC interference risk, it is not possible to ascertain whether or not significant mitigation work will be required and if so whether such works can be undertaken within the Order Limits pursuant to the rights requested pursuant to the Draft DCO and the consultations undertaken with relevant land owners.

3.4 Without prejudice to BPA's position that the data provided to date is based on incorrect AC current density calculations based on the initial modelling undertaken to date (as outlined in AS-129), the results indicate that the AC current density (the relevant corrosion parameter) is above the relevant British Standards levels which are deemed safe. Similarly, while the initial work undertaken to date is sufficient to confirm that there is a credible threat to the pipeline infrastructure, it is not yet possible to quantify the effectiveness or sufficiency of any potential mitigation measures.

4. BPA and Prax continue to need to reserve the right to make further representations (including whether to object in principle to the DCO if Prax's safety and operational concerns are not adequately resolved) during the Examination for the reasons outlined above and as more particularly set out in AS-129.

Yours faithfully

fieldfisher.

Fieldfisher