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Applicant and Prax Downstream UK  
Limited (in liquidation) and Prax Lindsey  
Oil Refinery Limited (in liquidation)

Our Ref: EN010154

Date: 02 April 2026

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Dear Sirs

## The Infrastructure Planning (Examination Procedure) Rules 2010 – rule 17

### Application by Fosse Green Energy Limited for an order granting development consent for the Fosse Green Energy

#### Request for further information

We are writing under rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 further to the various submissions you have made about the issues of concern to Prax Downstream UK Limited (in liquidation) and Prax Lindsey Oil Refinery Limited (in liquidation) (Prax) relating to:

- the proposed development's crossing of and proximity to the Finaline Pipeline (the pipeline) operated by Prax
- the preparation of bespoke protective provisions in favour of Prax
- the submission of a statement of common ground (SoCG)

The Examining Authority (ExA) is very concerned about the limited constructive progress that has been made to address the issues of concern to Prax following the airing of those matters during the course of compulsory acquisition hearing 2 (CAH2) (12 March 2026). The issues discussed at CAH2 being similar to those that were discussed during the course of CAH1 and Issue Specific Hearing 2 (both held on 8 January 2026). We raise those concerns in the context of:

- the pipeline being associated with a core fuel sector activity for the purposes of the Energy Act 2023
- the parties having been advised on **22 August 2025** of the ExA's: expectation that *'... agreed or partially agreed protective provisions should be available without fail for incorporation into the dDCO no later than around what will be the MIDPOINT for the examination ...'*; and final and signed statements of common ground (SoCG) should similarly be available for submissions at the examination's midpoint [[PD-005](#)]

- the ExA providing further advice about what should be included in SoCGs and when SoCGs would be for submission in [\[PD-007\]](#)

The ExA considers it has not been shown that there has been an injection ‘... of impetus into conducting technical discussions and negotiating bespoke protective provisions in favour of Prax’, the third action point arising out of the holding of CAH2 [\[EV8-002\]](#). It is of particular concern to the ExA that as of 24 March 2026 an updated modelling report had not been shared with Prax’s advisors and that at Deadline 4 (31 March) the applicant was only able to advise that an updated report would be shared with Prax’s advising engineers “... as soon as practical to facilitate further discussion. The Applicant intends to submit this to the Examination at Deadline 5 ... The updated modelling report will be shared with Prax’s agents, BPA in early April 2026 with the aim of reaching agreement on this matter by Deadline 5” [e-page 13 in [REP4-018](#)].

The ExA is of the view that the level of engagement between the applicant and Prax since CAH2 has been unsatisfactory. To address that deficiency the following items **MUST** be submitted as examination documentation not later than **Deadline 5** (28 April 2026):

- 1) **Applicant and Prax** - a sketch drawing (or drawings) and/or a technical specification demonstrating how the pipeline could be crossed in a safe manner that accords with all of the relevant legislation and/or guidance. In preparing and submitting that information a worst case safety case should be assumed and the parties should ensure that the other party has sufficient information available to it to complete this task.
- 2) **Applicant** - a copy of the updated modelling report referred to in [\[REP4-018\]](#).
- 3) **Applicant and Prax** – the outstanding final and signed SoCG, including a set of bespoke protective provisions showing agreed and any disagreed text. With respect to the protective provisions in the event of there being any disagreement, the reasons for any such disagreement must also be provided.

With respect to the first item listed above (sketch drawing/technical specification), the parties should note it will be published as examination documentation, unless Prax and/or the applicant consider that all or part of it should not be placed in the public domain and any reasoning for that should be included as part of the submission.

Yours faithfully

*Grahame Gould*

**Grahame Gould**  
**Lead member of the panel of Examining Inspectors**

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