

The Planning Inspectorate  
c/o QUADIENT  
69 Buckingham Avenue  
Slough  
SL1 4PN

Riverbank House  
2 Swan Lane  
London EC4R 3TT  
T +44 (0)330 460 7000  
F +44 (0)20 7488 0084  
E info@fieldfisher.com  
CDE 823

[www.fieldfisher.com](http://www.fieldfisher.com)

## By Email

Our ref: RS34/RS34/UK01-000162-00367/138814467 v1

██████████  
Director  
██████████ (Direct Dial)  
██████████ (Mobile)  
██████████@fieldfisher.com

10 April 2026

Dear Planning Inspectorate

## Fosse Green Energy Limited (the "Applicant") Development Consent Order (EN010154)

### Response to the Examining Authority's Rule 17 Letter Sent 2 April 2026 (PD-019) (the "Rule 17 Letter")

Fieldfisher LLP ("**Fieldfisher**") continue to act for British Pipeline Agency as agents for Prax Downstream UK Limited (in liquidation) and Prax Lindsey Oil Refinery Limited (in liquidation) (together being herein referred to as "**Prax**") (interested party reference ██████████ and ██████████). Any reference to 'BPA' should be interpreted as a reference to BPA acting on behalf of and as agents of Prax.

1. We note the contents of the Rule 17 Letter and write further in response.
2. We welcome the Examining Authority's intervention in seeking to ensure more proactive engagement by the Applicant. In respect of the three action points for Deadline 5, we note that the BPA / Prax input is required in relation to items 1 and 3 concerning the Crossing Details and the Statement of Common Ground ("SoCG").
3. By way of update, as at 10 April 2026:
  - 3.1 Notwithstanding the Examining Authority's comment on item 1 that "*the parties should ensure that the other party has sufficient information available to it to complete this task*", the updated report, without which BPA cannot provide the information requested at item 1 or agree the SOCG, has still not been provided (despite this being promised in *early* April 2026).
  - 3.2 The Examining Authority may also wish to note that, during a call on 18 March 2026, it was confirmed that the updated report will be based on data from only three testing locations, rather

than the multiple locations requested. During that call, BPA expressly confirmed that additional testing data would be required.

4. While the updated report may be helpful, it is may therefore not be sufficient to enable a full assessment of the risks to the pipeline or the adequacy of proposed mitigation measures.
5. Further, BPA cannot determine the extent to which the proposed crossing affects the Pipeline, or what mitigation (or land take) may be required, until the revised crossing details have been provided and reviewed.
6. The Applicant confirmed by email dated 2 April 2026 that it does not wish to proceed with the protective provisions supplied by Fieldfisher on 18 March 2026, which were submitted in line with the CAH2 submissions and are based on the precedented Net Zero Teesside framework, and instead wishes to revert to its own earlier version.
7. In the same email of 2 April 2026, the Applicant further confirmed that, in order to “avoid unnecessary costs”, it does not propose to commence negotiations on protective provisions until after the updated report has been provided.
8. We have referred the Applicant's solicitors to the Examining Authority's comment that any disagreements as to the protective provisions would need to be explained (given that the version Fieldfisher submitted is both precedented and reasonable in the circumstances) and urged urgent engagement on the same.
9. Fieldfisher has further requested that the Applicant supply the updated safety data by midday on 13 April 2026 in order for BPA / Prax to have sufficient time to analyse the data and to allow the parties to agree engineering solutions and negotiate both the protective provisions and the SoCG in time for Deadline 5.

Yours faithfully

**Fieldfisher**