

**Fieldfisher LLP ("Fieldfisher") continue to act for The British Pipeline Agency Limited ("BPA") as agents for United Kingdom Oil Pipelines Limited ("UKOP")**

This submission is further to:

- (i) BPA/UKOP's relevant representations (RR-0413)
- (ii) The issues outlined in BPA/UKOP's request to participate in compulsory acquisition hearing 1 (CAH1) and issue specific hearing 1 (ISH1) (PDA-011)
- (iii) The written submission made by Fieldfisher on behalf of BPA/UKOP in relation to the preliminary meeting (AS-086)
- (iv) The oral submissions made by Fieldfisher on behalf of BPA/UKOP at CAH1 on 11 February 2026; and
- (v) The written summary made by Fieldfisher on behalf of BPA/UKOP following CAH1 as submitted on 18 February 2026

This submission constitutes a short update outlining the issues affecting BPA/UKOP as a result of the Project. BPA/UKOP's position remains largely as set out in RR-0413, PDA-011 and AS-086 and as outlined in this submission.

Although BPA and UKOP do not object to the Application in principle, BPA and UKOP continue to have significant concerns as outlined in this submission.

## **1. Safeguarding of Critical National Infrastructure**

- 1.1 The nature of the Pipeline and UKOP's operations (including its critical role in supplying fuel to major national infrastructure) means that it is essential that UKOP's infrastructure remains operational and safely and adequately protected. Any failure to do would not only pose risks to persons and the environment but also would risk significant fuel disruption and resultant losses across the country if UKOP's operations were to be interrupted.
- 1.2 UKOP requires temporary and permanent rights to install, retain, repair, replace and maintain proposed mitigation works for a term coextensive with the residue of its lease terms. This includes access rights and working compounds wider than current easement widths granted to UKOP as well as surface mounted AC mitigation pillars and monitoring posts.
- 1.3 Currently, absent any successful change request, the Applicant is unable to guarantee that the necessary mitigation works required to protect the Pipeline can be installed and retained within the Order limits. The proposed acquisition of rights in the dDCO as currently drafted to enable UKOP to safeguard its Pipeline are significantly outside current Order limits and do not allow for the permanent acquisition of appropriate land rights to repair replace and maintain said mitigation for the operational life of the Pipeline.
- 1.4 As set out in RR-0413 there are significant risks to the Pipeline, the public and the environment inherent to crossing metal fuel pipelines with high voltage cables without adequate and sufficient mitigation being in place. This is due to the potential for uncontrolled and accelerated corrosion of

those pipelines as a result of "AC Interference". The risks associated with AC Interference are more particularly set out in the UKOPA guidance submitted with PDA-011.

1.5 The risks posed by the Project, unless adequate mitigation can be guaranteed, would be contrary to both the NESO and UKOP guidance (both submitted with PDA-011). Any failure to guarantee the installation and long-term retention / upkeep of the proposed mitigation would further result in damage to the Pipeline due to accelerated and unpredictable corrosion and therefore comprises a level of unacceptable risk (inter alia) to:

- (i) the public and the environment due to the potential of rupture and leakage ; and
- (ii) the safety and security and resilience of the country's nationally significant fuel infrastructure

1.6 BPA/UKOP's position as to the adequacy, lawfulness and as they believe, unprecedented approach taken in the dDCO remain as set out in RR-0413. There remains a very real need to ensure robust protections (both practically and in terms of legal rights) to ensure the ongoing use and maintenance of the Pipeline given the reasons of national energy security.

## **2. Consultation**

2.1 A timeline of the correspondence and consultation between the Applicant and BPA/UKOP is included in the bundle of documents submitted with RR-0413 which shows that BPA/UKOP have been seeking engagement /resolution on this issue since June 2023 and that it was made clear prior to the Order submission that the Order limits were insufficient for the proposed mitigation. There has not been any discussion as to potential alternative routes which avoid the Pipeline and limited discussion were had regarding the proposed angle of crossing.

2.2 While BPA/UKOP are very happy to work with the Applicant towards facilitating obtaining the necessary land rights via private treaty, there is no guarantee that landowners will engage (or will do so in a timely and reasonable manner) as there is currently no threat that compulsory purchase powers can be exercised over their land.

2.3 BPA/UKOP therefore need to ensure that the necessary rights can (if needed) be guaranteed to be obtained via the Order powers, especially when considering the need to ensure the ongoing use and maintenance of the Pipeline given the reasons of national energy security. To this end BPA/UKOP support the Applicant in respect of its change request (1) as set out in its Additional Submission (AS-049) entitled "*Notification of proposed change EN020027 - Norwich to Tilbury Document Index Transmission (NGET) to DCO application - Change Request 1 (Bulphan)*".

## **3. Environmental Statement**

3.1 BPA/UKOP remain of the view that the Environmental Statement is potentially defective in its scope in circumstances where the necessary protective works are not secured as the potential for material adverse effects of the Project will not have been scoped out of the Environmental Statement.

3.2 The Applicant has not included the risks associated with the crossing of the Pipeline within its Environmental Statement on the basis that once the proposed mitigation works have been constructed and are operational, the risks will not sufficient to warrant inclusion pursuant to the requirements of Regulations 4 and 5 and Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. As stated in previous submissions this does not, take into account that the Applicant may not (absent any successful change request) be able to deliver the rights in respect of the necessary mitigation works as outlined in this submission.

## **4. Update**

- 4.1 BPA/UKOP would note that the Applicant has been engaging proactively with a view to finding solutions to these issues and working towards draft contractual protections.
- 4.2 However, until such time as the Applicant is able to guarantee the installation and long-term retention and upkeep of adequate mitigation and safeguards there remains a significant risk that damage to the Pipeline will be caused due to accelerated corrosion as outlined at paragraph 1.5 of this submission.
- 4.3 In addition BPA/UKOP need to have adequate protective provisions and interface agreements in place (with appropriate indemnities) in respect of any damage or interference caused to the Pipeline by the Project (whether that is on the face of the DCO or by way of private treaty or both)

## **5. Conclusion**

While BPA and UKOP continue not to object to the Project in principle, they do continue to have material objections to the dDCO in its current format and consequently need to reserve the right to make further representations during the examination process.