

Fieldfisher LLP ("Fieldfisher") together with Baker Rose Consulting LLP ("BRC") acts for BOC Limited ("BOC") (Interested Party Reference Number 20049365)

1. Fieldfisher together with BRC attended the Compulsory Acquisition Hearing on 13 January 2024 ("CAH2") on behalf of BOC and submitted the written summary of oral submissions to the Examining Authority on 17 January 2024.
2. The Examining Authority will recall that during the CAH2 on 13 January 2025 the Applicant's Solicitor responded on a without prejudice basis to BOC's mark up of the draft protective provisions of 6 December 2024.
3. Fieldfisher responded to the Applicant's Solicitor without prejudice correspondence of 13 January 2025 on 20 January 2025 which the Applicant's Solicitor acknowledged. On 21 January 2025, Fieldfisher further responded to the Applicant's without prejudice correspondence based on BOC's further instructions.
4. To date, appropriate protective provisions (or a side agreement) have not been agreed.
5. BOC continues to have no objection to the Application in principle, provided that appropriate protective provisions (or a side agreement) are agreed.
6. In the absence of protective provisions (or a side agreement) being agreed by the 6 February 2025 it may be of assistance for the Examining Authority to programme a further hearing date in order to address protective provisions, where there are outstanding issues between the parties. Objectors could also set out why the balance between the relevant interests of each party has not been met and why they think a compelling case for the compulsory acquisition of rights has not been made.
7. To the extent that no protective provisions are agreed between the parties, BOC will request that amendments are made to the Order to include protective provisions drafted by Fieldfisher on behalf of BOC in order to adequately safeguard its business and operations.