

# TRANSCRIPT\_VIKING\_CAH1\_SESSION2\_27 032024

00:00

All right. But welcome back, everyone. It's now 1115. And this hearing is resumed. We are due to move on to the item regarding human rights. Now, but just before we do have just got one point of clarification on a previous agenda item, just a question that comes to mind. And that was in respect of the land interest groups. For my understanding of what was said that the land interest group is working with the applicant to agree sort of the standard conditions for a lease or such or for for the agreements. Obviously, the land interest groups are going to be representing a lot of individual farmers and farms. And we as the examiner authority are just concerned that the the requests or the needs of the individual farmers are being heard that they're not lost food that this additional layer. So what sort of comfort, can you give us that the requirements of the individual farmer in relation to their farms are actually being accounted for please? Yeah,

01:16

Rob Brown for the applicant, at all times we write to the London interest group, we include the individual landowners and make the offers and offer meetings with them. We've met with anybody who's requested a meeting, and taken on board their concerns, and then reflect those individual concerns within that determines our offered.

01:34

Okay, fair enough. And just in respect of, of meeting people, appreciate there's a large number of people in the book of reference and everything else, but from the sheduled of negotiations that we had the information and the evidence before us was that these people were invited to the non statutory consultation, then the statutory consultation, and then there are heads of terms served on them. So in terms of individual meetings as such, that there wasn't any sort of evidence recorded there that I could say, you know, you've spoken to Mr. X or Mrs. Y, you know, three times four times or whatnot, it may not be possible to do that, because of the sheer number of them. But can you just reassure us that you have had meetings with each of the landowners there? Yeah.

02:22

Rob Brown about Quicken, where were they requested, we've met them each and every time we are recording that and we can include that in the statement and negotiations. And it just becomes a very incredibly long document. And then we just kept it to pertinent information on what we felt was pertinent. Okay, Miko,

02:43

thank you very much for those clarification. So I met to Mr. Goss for the next agenda item.

02:48

Thank you, Mr. Wallace. We can have the agenda up, please where you're at, we're now on to three B, which is human rights and the Equality Act. So just wonder if you give us a brief outline as to how the applications take into account human rights and any issues arising from the equality i Thank you.

03:21

Thank you, sir Craig Welton, for the applicant. Section 11, of the statement of reasons sets out a summary of how the applicant considers that has complied with the Human Rights Act 1998, which of course incorporates the ECHR, the European Convention on Human Rights into UK domestic law. The applicant doesn't think there's anything that needs to be specifically brought to the attention of examining authority in respect of a potential breach of human rights legislation, but I'll provide a brief overview of how particular articles of ECHR are being complied with. And these are identified in Section 11 of the statement of reasons. Article, one of the first protocol to the convention protects the right to peaceful enjoyment of possessions. No one shall be deprived of those possessions except where it is in the public interest. And we're relevant provision of water over it, and the applicant submits that there is a clear public interest in the development coming forward. As I've mentioned, they're always set out in the design and access statement and the need to case for the scheme. And as we've already discussed, acquisition of wind and interest in the land is something that is authorised under the provisions, the Planning Act 2008. In terms of Article Six, and the convention protects the right to a fair and public hearing, or effective parties haven't continued to have the opportunity to make representations to yourselves and to appear at hearings and other bases that opponent submits there's no infringement of Article Six. Article eight on the convention protects the right to for the right Respect for private and family life, home and correspondence. And it says no one shall be deprived of that except in cases where it is in accordance with relevant laws and necessary in the interests of national security, public safety or economic well being. The dclg guidance on Article eight says it would apply in cases where there's the acquisition of a dwelling, and the applicant, the applicant is not proposing to acquire any wonder rights which encompass private residential dwellings. And it's submitted that article eight is, is not engaged. And overall on human rights, the Artbooking considers the approach taken as proportionate from legitimate inclusion of compulsory purchase powers and the order would not amount to an unlawful infringement of the Human Rights Act 98 or the ECHR.

05:51

I think thank you for that, and moving on to the Equality Act and any any persons with protected characteristics. Thank

05:59

you. Thank you. So the Equality Act imposes a range of duties on public thorough public authorities, and seeks to tackle systematic discrimination and disadvantage affecting people with particular protected characteristics. For example, there's a general duty on public authorities under Section 149. It sets out matters and authority has to have regard to an exercising its functions. The applicant itself does not fall within the definition of a public authority, and set out in schedule 19 of the act. And so the Equality Act does not impose any obligations on the applicant directly in this regard. However, the applicant has sought to conduct the application so as not to exclude any groups with protected characteristics from participating. For example, the hosting of virtual events and exhibitions for those

who may not be able to attend in person offering documents in different formats and holding events accessible and convenient of venues. During the pre application stage and consultation, the applicant sought to engage with harder to reach groups who often overlap with with those protected characteristics. And this is set out in the statement of community consultation, that those are protected. So I set out in Section 5.5, on the statement of community consultation and makes Express reference in that document to the equalities act 2010. Section five point 5.5 also sets out how the applicant was to work with local authorities to reach those groups, and how engagement was undertaken through the pre application stage. Just for your reference, the statement of community consultation is at Appendix B of the consultation report. A PP. 36. So in summary, whilst the Equality Act 2010 does not directly apply to the applicant, the applicants approach has ensured that the Act requirements have been taken into account.

08:01

You Yeah, thank you for that. It wasn't raised in any any of the relevant representations. But one protected characteristic that I particularly associate with is those of a certain age. And I think I would just remind you that some of the landowners are perhaps elderly, perhaps not not quite aware of the process. So I just like to to ask you to take that into account and make sure that they are engaged. Thank you.

08:46

Thank you for that. So moving down the agenda. Now moving on to statutory undertakers, and perhaps before I asked the applicant to talk about this, we did have national highways that I think wanted to talk to us briefly. So I don't know whether they're still with us and want to make their two or three minutes or however however long it was. Sorry, sorry. You've been kept waiting, you're very patient. Would you just like to to make the point that you mentioned referred to earlier. Thank you.

09:25

Yeah, no, thank you appreciate that. It's Paul Bellingham national highways. And yeah, two very, very brief points. First of all, listen to the very grateful to hear are very appreciative to hear that the applicant is you know, willing to enter into sort of lease arrangements with with affected landowners, which national highways are just on that note, please, can I make a request to the applicant that they always contact a named individual, not use sort of generic mailboxes. I'm not criticising the applicant there. It's no fault of their own, but it does cause issues. Our side and we've recently found a letter which was issued three months ago and So we'd like to crack on with those negotiations as soon as possible and yet not not experience any delays. So I can follow up after this after this hearing with with names direct to the applicant. So yeah, just wanted to make that note. So that was that was point one. And the second. The second point is just to just to note the change application that's been made. We note that that removes some of the interests so it affects the SRN less, so we're supportive of that, and I just wanted to record that put that in the record, and they were the only points I wish to make. So thank you.

10:33

Well, I think you're well within your time estimate. So thank you very much indeed for that, Mr. Bellingham, and, and thank you for being patient and hanging on and appreciate you attending today. So thank you very much indeed. No problem. Thank you. Okay, moving on to Sachi enter to undertake

as in in, in general. I don't think there's we've heard from Anglian Water we know from national highways. We now know that we're we're not hearing today from national gas. But obviously, they we we've we've seen their representation are over 70. Perhaps you could bring up page 41 of the statement of reasons, which is as Oh, one three. And this relates to due to the position with national gas transmissions. And I appreciate the negotiations are ongoing that no, there's a lot of talking that has been taking place. And both parties are hopeful that agreement will be reached. But just just just assuming that you can't reach an agreement for the end of the examination. Can I just ask you, is your position still that MGT? Or what is your position about whether or not they are actually Undertaker under section one to seven, because you are seeing their representation and what they've said.

12:13

So that pretty well, to have the outcome. The first point I'd like to make is that negotiations with MGT are at a very advanced stage, which is, which is perhaps reflected in the fact that they didn't feel necessarily to attend today there has been a series of in person and virtual meetings with the MGT. Team. And as I said, very significant progress has been made. So I'm saying that because I think this point may become moot quite quickly. But I take the point that until it's done, it's not. So the the applicants position is that MGT as an entity can be a statutory Undertaker, the the applicants position is that as far as the former federal Thorp site is concerned, that does not constitute operational land doesn't constitute NGTC operational land because it's no longer required by them for the purposes of they are undertaking.

13:27

Right, I hear what you say there. And I'm we been round the site round, obviously not on the site, but around the perimeter of the site when we had our own accompanied site inspection. But from what you're saying, it seems as though you're saying that once it's closed down, that at that moment, they no no, no longer fall within section 127. And that doesn't allow us to actually undertake or in those circumstances, to plan for the next use of the site. And we know there's a planning application from them somewhere in the system for some purpose. I don't know what it is. I'm locked into it. But there is that the song going? And it's an interesting proposition that you're putting to us, which I, I'm not entirely sure I'm entirely with you at the moment. And I think if you want to keep maintaining that position, you've got to start giving us chapter and verse as to when they stopped using the site where they are with a planning application. What is the next proposal that may well be contained in the planning application documents? But you know, when does a facility and installation like that? When is it no longer up? operational, isn't the day that the gates are closed or is it six months after a year after? It? I think it's an interesting proposition that you're you're putting to me.

15:12

Thank you. So critical time for the applicant? And yes, I do think that it is quite an interesting one. And it has engaged the team here as well. And what I would say, is it our position is that it's it's facts sensitive, it's highly fact sensitive. And there is, as far as we can, we can ascertain very limited case law commentary on this point. And, of course, nothing around the 2008 Act itself that we've identified, I would suggest that we're one has what was our gas, gas power, gas, our power station, that the that it remains, it doesn't stop being operational. And the minute you turn it off, I would accept that point that the the decommissioning of a site is part and parcel of the statutory undertakers operation. And that

process, as you've seen from the former TGT site is effectively done, the site has levelled and is now in that in the last stages of understanding of, of being sort of fully decommissioned. It is absolutely possible that national gas or a start to jump to take or could retain wind and had a clear intention to use it for another purpose consistent with it's consistent with its statutory undertaking. And I think that is reflected in the legislation. So there's two there's two branches to it. One is you're using it the other as you're intending to use it. But and I'll come back to the status of the site in a moment for me, but if I could put it this way, if the site in its current form, when you visited, it had had a billboard on it, saying that it was available for the redevelopment of 500 houses etc. I think that, to my mind, that's very clear that its operational, one status no longer applies, it may still be owned by MGT. But if if the statue Undertaker is promoting the land for a wholly different use, as happens, then it's lost its operational land status. And my understanding of alternative uses on or additional uses to to this proposal on the third with ArcSight is that they are at a very early stage, there are no planning applications in the system, you will have seen the representation from Mablethorpe that, as I understand it is as is as advanced as anything is for the site. I think our position on that would be that that is that would be a use by if that was to come forward at a future date. And that would remain to be seen that that is a use by a different entity. So it may be to complicate it. So he further it may be that that could then be capable of becoming the operational use of that operator depending on their status. But it wouldn't be operational one for NG TS purposes. So our position is that we're looking at the site and its condition now. It doesn't meet the requirements to be considered operational land in terms of section 1271. But I would stress that our expectation is as interesting a legal point as it is it will it's likely to become moot because because agreement will be reached.

18:59

Right. I mean, I where what I do accept is that the application is very site sensitive, as you said. And therefore what I'm going to ask is that at least by deadline one, you give, give the examining authority chapter in verses to the history as to when when they when they did close the gates, where if there is any planning application, where where, where that is, and what are your discussions, current discussions with with MGT because they say quite clearly in the representation that there is operational. So you know, I don't I don't want to find the point. Five months down the line, that we're still arguing about this, or sorry, you're still arguing about this, because you know, something which I think we need to clarify it at an early stage. because it could be quite critical in in terms of the framing of our report. You know, I can understand you don't necessarily want to concede the point when you're when you've got discussions going on with ng t. But I think it's, you know, bearing in mind, it's been raised in the in the statement of reasons and responded to in the in their representation. You know, I think it's something that we need further information for. And you know, I hope well, I'd expect that deadline one.

20:39

We've talked about a few. Sorry, we've talked about a few statutory undertakers is, is there anything else you want to say in general terms about about others, such as the Undertaker's and where you've got to know just just give us a brief update?

20:55

Thank you so quickly, for the outcome. Yeah. I wouldn't propose to go through the whole list. At this stage. No, thank you. I would say that. We are. We are, obviously shedule. Nine of the draft order

contains protective provisions. But we are starting to Undertaker's are seeking bespoke protective provisions, we are actively engaged with those those parties that are at varying stages in terms of how advanced we have got to pick up Mr. Belding. On this point, we'll make sure that we're contacting the right people. I have his email address. So we've got him. We've got him. But I would say that we are making good progress, and are confident that we'll get to a position that we will reach agreement with with statutory undertakers during the examination process. Okay.

21:48

And you include reference to them on the CEA tracker. So there's a there's reference there, so so that will be updated. But deadline one again, so we can see where we are. So that that's fine. Thank you. So you know, I was just saying, what was the the update on the CIA tracker? So we'll get that deadline? Deadline? One.

22:14

Yes. So quickly out of the applicant? Yes. Thank you. So I was just being reminded about the, the the IoT operators that we are expecting to be in a position to to provide them with draft protected provisions. Shortly to subject again, final client pleadings on that just unconscious, they're on the line, so just wanted to say that No.

22:38

Okay, thank you. Thank you for that. As you've just mentioned that I don't know if there is anyone virtually for a secretary Undertaker, who wants to say anything else at this stage. Now, no hands raised? Fine. Can we move on to the Crown Estate, then back to the agenda? And we'll see when our to 3d. So we've obviously seen, there are a few bits of Crown land plans, a few bits of Crown land, which we've seen from the plans, what's the latest position with negotiations?

23:22

Rub round for the applicant in respect of dbsa, we've had very positive engagement with both their surveying team and legal representatives. And we've been iterating heads of terms and were close to reaching final agreement on that. And we expect to do so during the course of the examination.

23:42

Yeah, I think of virtually every DCO application that takes place. The applicant gets asked this at the first first compulsory acquisition hearing and the applicant will say, much as you you just said there. But over the course the next few weeks and months. I'm sure you found that crown estates are not the easiest body to to negotiate with. And it does tend to drag on a little bit.

24:13

So quickly Melton for the applicant and I have that experience. I'll admit, I think I'll draw a distinction where I have seen that elsewhere on this project. As as as we said the DVS e which is driving vehicle standards agency are actively engaged in any event as a as a landowner and the level of engagement there is quite significant. As for the Crown Estate themselves, there have actually been detailed discussions between the applicants, team and Crown Estate on because the chrome line there is the wolves pipeline. And they've been detailed discussions relating to that. There was a bit of a delay

because Chrome were focusing their efforts instead I'd say on what we're not what are known as the track one CCS project. So that's the first wave of CCS projects. But they have confirmed in the last few weeks, I think that they are able now to focus on on the track two projects, which includes Viking. And we're confident that because of the nature of those discussions to Section 135, consent will obviously be wrapped up in that process. And given the the nature of the discussions to date, and the limited nature of the impact on crime rates, we don't see there's been up being a particular difficulty in this case.

25:41

Thanks for that. And I accept what you say the the amount of land is not not not that significant. So fingers crossed the letters hope that it's it's proves to be a faster negotiation than then we've seen on other projects. But I think I'm going to revert to what I was talking about earlier, which is the offshore element. And as the bridging document says, It clearly states that you'll need a lease from the crown estates. The lease that's in place is obviously for taking gas out, this will be a new lease for taking the carbon capture the other way. So can you tell tell me where we are with them making an app or negotiations for that lease?

26:49

So Craig, read some of the upgrades so that the, the offshore lease is part of that discussion I was referencing before. So I should have made that clear that that's part of the wider discussion that the project that horrible we're having with the Crown Estate, so it's, it is part of that discussion, and those, it's ongoing.

27:11

Fine. It'd be useful if you could update us that deadline, one about that. Because clearly, we are going to have to refer to it in the recommendation report. eats it is its won't necessarily be the case that the that consent from the crown or the leases is in place, by the end of the examination. I think it's very unlikely that it will be but as as I indicated earlier, it's a question of sort of seeing progress with the negotiations generally, so be useful if we could, we could have that term, deadline one. So thank you for that.

27:59

Yeah, in some ways, is a bit difficult discussing this, because, you know, obviously, the application centres on the on the onshore elements. And we want to hear about the offshore elements as you as you have gathered over the last couple of hours. And you almost feel as if I'm, I'm sort of doing a dance, the Macarena, but you know, just to keep going round and round without looking offshore. And I think it's very important that you do that we don't keep going round. And we do actually look out offshore and take that into account. Because, you know, it's something which is very important to us in, in a consideration. So thank you for that. Special category land. Moving on to that, can we just, I'm not, I'm not gonna ask you to go into great detail on this. But if you just, you know, for the, for the public, and just give a brief outline as to where you are on that.

28:59

Thank you. So there there are. In terms of special category one, there's open space, special category land. parcels at the northern end, which is known as me for our words, though those the land is owned by Phillips 66. And the ongoing negotiations with them about reaching agreement for the use of their land will will should intend it as to, to sweep that up all being all being well, in terms of works on the open space there that that would be done by horizontal directional drilling, so there'd be no occupation of the open space itself. The other areas of open space are at the relate to the logs pipeline, which is already in situ. And that is that that's triggered by virtue of the fact that we're looking for rights or restatement of rights for the use of woggs. But in both cases, both into the norm land under the southern end, we are views LIDAR section 131 or 132. are engaged. It's similar for the small parcels of Commons land that were identified. The applicant has consulted with the county council. And they have submitted representations on on that. No concerns in terms of the commons land. Likewise, no commoners have. There's no evidence of any registered commoners. I'm sorry, can

30:33

you just remind me where that little further of common land is, or

30:38

it's, there's there's three ports in total, but it's to two areas, it's ports to 911 and two 913, which are a ditch to 911 and two 913, which is either side of which is either side of an access track and as areas of death, which I'm thinking and then 30 A week 23, which is part of a part of an access track. And the the there within the pipeline, corridor. So those are the areas sorry, there's no set. There's no registered commoners, there's been no submissions from anyone purporting to be a commoner, and the applicants are discussing voluntary acquisition of wider land with with the landowners that forms part of wider land holdings. So again, our views at section 131132 are not not engaged.

31:36

Yeah, that's fine. Dude. Can you just read my music? Are they both owned by the county council?

31:41

They're not owned by the county council. So we consulted with the county council as Commons authority, but they are owned the landowners chimneys, the brown is probably a better place to linger

31:56

the names. Yeah. Rob Brown for the African, the adjacent landowners, Miss Graves are a r&d unit farms and how.

32:09

But as you say, I don't think we've received any representation about the fact that it is common

32:14

Lilt, and others and that that's correct. So fine. Okay, thanks very much, indeed.

32:23



So looking at the agenda, we're now moving on to three F. And I'll hand over to Mr. Wallace. Thank you.

32:31

Thank you. Yes, indeed, we're on to Item three F, which is the first part of this is to review the options coming out of the immingham facility. Now, I appreciate we've got the change request application, and we may if you'd like to debate some of the content of that as we go through. But in the original submitted application, there were the two routing options. One to the east, if you like that the DVS a and Keller gas both had objections to and then there's the more sort of subtly central option which went through Phillips 66 and objections to it from well, Mary's deeming and facility objections from Phillips 66 and from IMing and VPI. On that, now appreciate that through the change requests, the route through the refinery has been curtailed or looking to be curtailed. But I'm conscious there are still objections, noted objections from the dbsa including a request to move their facility and also from calla gas limited could could the applicant just enlighten us as to what's happening with both of those parties, please?

33:47

Rob Brown for the applicant, I can talk in respect to dbsa. They have a an operational site with the Weybridge, which is if you visit the site has concreted hard standing for parking of vehicles and obviously the Weybridge and then the remainder of the site is a grassed area. The proposed had to terms talk about two routing options through that site subject to further surveys and investigation just on the appropriate location for the actual pipeline to go through. And we've broken down the heads of terms into those two options in agreement with the affected landowner. And one of them would necessitate a relocation and the other would avoid the need for relocation. And we have options for each of those scenarios. One's further information is now

34:34

and just in terms of you know, if there was the necessary relocation how would that sort of be catered for in terms of would you need to seek additional land to compulsory acquire to put them on or how would that work? Should a relocation be needed please? Rob

34:53

Brown to the African we'd work with the dbsa to establish and identify a suitable alternative location to Should they require one? Obviously, the Crown Estate is going through rationalisation. And it's possible they wouldn't require an alternative.

35:08

Okay, and would in terms of the working corridor of the 30 metres would we have at some stage during the examination? If you were to agree a routing option through the DVS a site that did not require a relocation? Would you would you be able to provide a plan to a showing how that 30 metre working corridor would be facilitated Rob

35:33

Brown for the applicant, I can provide the two option plans. And I can submit those to you a deadline one they already exist, and one we refer to as the preferred route, which is the preferred route with both

ourselves and the dbsa. And then there's the overall option area but I'm very happy to provide those a deadline one hour before. Okay,

35:52

thank you very much. You're able to speak on the dbsa in terms of colour gas and their objections. What's the situation there at the moment place?

36:04

Crude welcome for the applicant. So my understanding is that there has been further discussion and refinement in terms of the same for famous perhaps we're all having Cal gases, London tres No, no longer are required. In terms of the where the pipe would be, were created, they were owners of subsoil as I understand it. Yes, and there are wider objects related to access, which is a point that we'd be looking to address through agreement with them.

36:48

Okay, and I may have been by memory doesn't serve me well. It's either calor gas or cadent gas centre on the east side of the iminium facility in Rosberg road, there might have been a pipeline running through there an asset of theirs that had not been picked up. You're able to shed any further light on that please.

37:21

I agree wealth of the outcome. So it is cadent. The the applicant has has checked the position and the outcome and Caden as I understand it are satisfied that there's no there's no impact. Okay.

37:34

Thank you very much. And just sticking with this, going back to the the option that you're proposing to remove the change request, obviously, there were objections from both Phillips 66 and IMing, and VPI. First of all, to the land take you're proposing to reduce the amount of land and you're taken or proposing to take a corridor out. That was part of their objections, there was also the associated part of impacts on their commercial facilities, in terms of how they operate and whatnot. Are you able to talk to whether those would also be resolved as a result of the change request? Or would those objections still remain? I will come to the others later on. But just to get your view first.

38:18

Thanks for the the change request, well address a significant proportion of the objections that were submitted by p 66. And somewhere parties and the concerns that have been expressed about impact and operations. There, those those concerns remain, as you might expect, simply because this is an operational oil refinery, and P 66. of their operations VPI have have they are so there's an element of pick up the dancing nowadays, Melbourne, of course, choreography required around this in terms of just making sure that everybody can do what they need to do in a way that is managed effectively that has been are a focus of the discussions between the parties. So I would recognise that those concerns will remain simply because of the nature of the project, even with the change request in terms of potential operational impacts, but there'll be addressed through both protective provisions under terms of voluntary agreement.

39:28

Current first to self service epi MDPI anything Have you wish to add on that?

39:37

Mark Francis on VPI VPI owns and operates the 1.3 gigawatt existing combined heat and power plant in Birmingham along laspo Road and we supply steam to local industry and power to both local and national grid. We are bringing forward PPI number zero project, which we've been designated an anchor emitter project for the Viking CCS pipeline, and we'll be using their transportation and storage system. So as such, we fully support the Viking CCS dcl application. However, there are a number of issues centering around land and construction sequencing that we see as business as usual that we need to resolve, we welcome the opportunity to continue the collaborative process that we've already undertaken, and will be and should be concluded throughout this year.

40:50

Okay. Before I before I let you go, if you like, one of the queries that we would have, you know, come the end of the examination, as you've mentioned, one of the anchor emitters, that the applicant is looking to serve as a way of this, if come the end of the examination, you still have objections to the scheme for whatever reason, if they haven't been resolved, we would then need to report to the secretary of state that in effect, the person or the company that is being served by the project objects to the project, if you like, I mean, are you confident that during the course of the next six months of this examination, that an objection could be removed?

41:35

Yes, it's martial arts itself on VPI. immingham, it's our understanding that any outstanding issues that we currently have with the applicant will be resolved either through protect protective provision or a legal agreement that sits outside of the DCR application.

41:58

Thank you very much. Thank you for that. And if they're still on the line, the representative from Phillips 66, basically the same, the same questions to you, sir.

42:08

Yes, thank you. So So just in short, obviously, are relevant representations that sets out for both for Phillips 66 and the IoT operators, our position that, you know, it's we do very much support that the principle of the scheme is just there, as I said, some concerns around the details. In large part, you know, we're grateful for the change application that's been brought forward. And obviously, we're going through and reviewing that, that detail, and similarly in relation to the reduced Lantech. So they're extremely sort of encouraging developments, obviously subject to review in detail that alongside out on in respect to Phillips 66, there have been sort of productive discussions there as a sort of technical working group, as I understand it to name by discussing issues. And that's as Mr. Walton said, this was in part the residual concerns and issues around the sort of interrelationship between the DCO scheme and the operation of the refinery, both in terms of construction and operational impact. So, so those discussions are ongoing, and I think it's envisaged that we would try to try and capture those in the

agreement that we're in negotiation, perhaps, for instance, having a sort of working group or sort of certainly formalised structure for these discussions to continue moving forward. So certainly, on behalf of Phillips 6060, you know, the intention is to work towards and discussions are at advanced age on the suite of voluntary agreements, existing board ever lease, and easements and, and agreements sitting above that. So certainly the intention to, to seek to resolve those, those concerns in relation to the IoT operators. I'm grateful for the indications of most of our time, but we will receive some draft protective provisions to review and obviously we'll have a look at those, I think, on behalf of the IoT operators, what they would also welcome is some some technical discussions, which I don't think they've had so far with, with the applicants team again, to understand the sort of choreography and interrelationship between their operations and the under proposed DCO scheme.

44:19

Excellent, thank you very much. Thank you. And just before we leave free f A, as it were, does anyone else have anything they want to say about the exit for dealing and facility Okay, nothing heard. And we'll move on then to the next item. There on on the agenda three FB and this relates to category three persons outside the order limits now. The book of reference, a s 015. Paragraph, two point 2.3 states to a no category free persons identified outside do Order limits. And indeed the appendix by Gately Hamer states, to identify persons who may have a claim for compensation as a category free interest outside of the scheme boundary, operational noise, vibration, smell fumes smoke, artificial lighting and or discharge of any solid or liquid substances from the proposed scheme are taken into consideration and the impacts assessed against properties and businesses. It does seem odd if you like that, because of the noise and the emissions of the project projects that have been predicted in the environmental statement that there aren't any category free persons outside the limits. And that almost implies that the applicant has applied its own judgments as to the effects on those on those people. And I just like to, to explore that with you in terms of have have judgments been made about the impacts to then discount those people.

46:02

Thank you so quick, Welton, for the applicant. I think that refer to the statement of statutory nuisance, which is document EPP 124. And the conclusion of that document or para 252. Which is to take it short that with embedded design measures and mitigation impacts will be reduced to a level that means that there would be no breach of Section seven same one, no statutory nuisance section in terms of section 79, one of the Environmental Protection Act 1990 As expected to arise as part of the development. So that's the that's the approach that's been taken. It's it's that that's the applicants. That's what underpins outcomes position on this on this point. That's,

46:57

that's useful putting the connection like that, because that certainly wasn't clear from the the appreciate that. So that revisions, no, that's that's that's fine. Okay. Just for completeness on this appreciate the point there but has the potential for claims by category free persons outside the order limits, if they were to emerge? Has that been factored into the funding statement and estimates as a contingency?

47:26

Rob Brown for the African in it because we've assessed that there are no practical just outside your limits. We haven't taken that account in the funding statement because it wouldn't be necessary on that basis.

47:40

Okay, thank you very much. There then moving on then to three FC any other matters? That was just one matter I wanted to raise under this. We noted from the environment agencies relevant representation does our our zero free four day state do not have ownership over land interests in the plots that were assigned to them? In the book of reference? can it just be explained what's happened there please.

48:09

We plan to update a deadline one in respect to that if that's okay, thank you.

48:13

Okay. Okay, I have nothing else I wish to add Mr. Goss. No, Mr. Jack? No. Okay. What I propose we do before we go on to Agenda Item five, we'll just take a brief five minute German. We'll just run through the action points ourselves, and then we'll be able to convey them to the room. Okay. Thank you.