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FULL TRANSCRIPT (with timecode)

00:00:05:27 - 00:00:41:09

Good morning. It's now 10:00 and time for this hearing to begin. I would like to welcome you all to this issue specific hearing on project definition and the draft or development consent order for the Hinckley National Rail Freight Interchange Project. Can I just confirm that everybody hear me clearly, both in the room and online? Thank you. Can I also confirm with the case team that live streaming and recording the event has commenced? Thank you. From the back of the room. My name is Robert Jackson and I've been appointed by the Secretary of State to be the lead member of the panel to examine this project.

00:00:41:14 - 00:00:46:02

I'm going to now ask my fellow panel members to introduce themselves.

00:00:47:29 - 00:00:55:07

My name is Graham Sword have been appointed by the Secretary of State to be a member of the panel to examine this application.

00:00:56:27 - 00:01:08:20

Good morning. My name is Matthew Herron. I've been appointed by the Secretary of State to be a member of this panel to examine the application. I'm also going to be keeping a list of action points throughout this meeting so we can run through these at the end. Thank you.

00:01:09:16 - 00:01:42:17

Thank you both. Together, we constitute the examining authority for this application. I'll now deal with a few housekeeping matters for those attending in person. Could everybody please ensure that all devices, including phones and watches, are set to silent? If you need the toilets, these are to be found in the corridor. On on this side, on my left. You're right. There are no fire alarms due today. So should the alarm go off? We need to treat it as the real thing and leave calmly and quickly.

00:01:42:19 - 00:02:10:08

The muster points are the hotel opposite to the entrance and the park on the other side of the road. Thank you. This meeting will follow the agenda published in the National Infrastructure Planning website on the 11th of August 2023. Examination Reference zero five. It would be helpful if you had a copy of this in front of you. Is it possible to have that displayed on the screen for those who haven't got it?

00:02:20:07 - 00:02:20:29

Thank you.

00:02:23:22 - 00:03:10:02

The agenda is for guidance only. And so there may be other considerations or issues as we progress. We will conclude the hearing as soon as all the relevant contributions have been made and all questions answered and responded to. But if the discussions can't be concluded, then it may be necessary for us to prioritize matters and defer other matters to written questions. Likewise, if you cannot answer the questions being asked or acquire time to respond to get the information requested, then can you please indicate that that you need to respond in writing? Today's hearing is being heard in a blended way, meaning some of you are present here in the hearing room and some of you are joining virtually using Microsoft teams.

00:03:10:04 - 00:03:42:14

We make sure that whoever you have decided to attend today, you will be given a fair opportunity to participate. A recording of today's hearing will be made available on the Hinckley National Rail Freight Interchange section of the National Infrastructure Planning website as soon as practicable after the hearing has finished. A transcript will also be made available, which will utilize a technology. With this in mind, please ensure that you speak clearly into a microphone stating your name and who you are representing each time before you speak.

00:03:42:19 - 00:04:17:01

For those with a microphone, you will need to press the button to work. The red light indicates that the microphone is live. If you are not at a table with a microphone, there is a roving microphone. So please wait for one of those to be brought to you before you speak. A link to the planning Inspector's Privacy Notice is provided in the notification for this hearing. We would assume that everybody today has familiarise themselves with this document which establishes how the personal data of our customers is handled in accordance with the principles set out in the data protection laws.

00:04:17:08 - 00:04:38:10

Please speak to either Mr. Williams or Mr. Parker at the back who are here as part of the case team or Mr. Atkins, if you are on dealing with him virtually. Right. Well, next, move on to those attending today. So I'm going to ask Mr. Herron to deal with this item on the agenda.

00:04:38:14 - 00:05:09:02

Thank you. Thank you. So I'm not I'm not going to ask those of you who are participating in today's meeting to introduce yourselves when state your organisation's name. Could you please introduce yourself stating your name and who you represent and which agenda item you wish to speak on? If you are not representing an organisation, please confirm your name, Summarise your interest in the application and confirm the agenda item upon which you wish to speak. Please could everybody also state the title by which you wish to be addressed? Can we start with the applicant in their advisors, please?

00:05:10:19 - 00:05:36:02

Thank you, sir. My name is Paul Male. I'm a solicitor and partner at Eversheds Sutherland LLP, and I anticipate this morning that I'll be joined by a number of colleagues along the table here from both the legal and DIA teams who will be participating in all agenda items. And if it's okay with you, so what I'll do is I'll ask them to introduce themselves individually now.

00:05:39:29 - 00:05:47:23

Good morning, Mrs. Laura Beth Hutton, solicitor and partner at Eversheds Sutherland LLP, acting for the applicant.

00:05:50:25 - 00:06:01:11

Morning. I'm Mr. Daniel Smythe. I'm a director of Environment and Infrastructure and is responsible for the Environmental Impact Assessment Coordination.

00:06:04:29 - 00:06:09:24

Good morning. I'm Stefan. I'm a director in the Savills economics team.

00:06:13:07 - 00:06:23:18

Good morning, Mr. Malcolm Ash. I'm associate director of Consulting and a transport planner will be working discussing the traffic and transport element of the EIA.

00:06:27:13 - 00:06:33:11

Fiona McKenzie, director and owner of the Environmental Dimension Partnership and discussing Landscape Matters.

00:06:37:23 - 00:06:38:12

Thank you.

00:06:41:09 - 00:06:49:21

Can we then move on to the organizations and individuals that have given notice of their intention to speak? Anyone from District Council, please.

00:06:52:24 - 00:07:13:04

Mr. Stacey. I'm a major schemes officer at Blaby District Council. The project officer for the scheme joined by my colleagues. But I'll be the one primarily speaking, if. If, if needed. I don't have any intention to speak on a particular item, but I know in gender item five you might have questions. So I'm happy to to answer any at that time. Thank you.

00:07:14:21 - 00:07:15:09

Thank you.

00:07:17:12 - 00:07:19:21

Hinckley and Bosworth Borough Council, please.

00:07:20:14 - 00:07:33:14

Good morning. My name is Mr. Mike Parker. I'm a planning consultant and I'm here to represent Hinckley and Bosworth Borough Council. No particular item I wish to speak on, but very happy to help out where I can, if any matters need clarifying.

00:07:34:05 - 00:07:37:22

Thank you. And Rugby Borough Council, please.

00:07:39:20 - 00:07:41:15

No. Anybody from.

00:07:41:25 - 00:07:42:20

Yes. Hello.

00:07:42:28 - 00:07:44:02

Oh, sorry. Not virtual.

00:07:44:19 - 00:07:55:24

Sorry. I was turning my microphone on. Um, it's mascara. McCulloch from Rugby Borough Council. I don't have any specific items to to speak on, but I'm here if you need me to assist.

00:07:57:05 - 00:07:57:23

Thank you.

00:08:00:19 - 00:08:03:00

And Harborough District Council, please.

00:08:04:15 - 00:08:16:16

Oh, good morning. Rob Thornhill from Harborough District Council. Again here to help with any questions that you might need answering, but no need to talk on any specific agenda item.

00:08:18:11 - 00:08:18:29

Thank you.

00:08:20:21 - 00:08:22:11

Leicestershire County Council, please.

00:08:23:04 - 00:08:31:23

Miss Julie Thomas, head of Planning, Historic and Natural Environment Leicestershire County Council. Again, not intending to speak on a specific item, but happy to answer questions.

00:08:34:06 - 00:08:42:08

Good morning, Mrs. Rebecca Henderson, Leicestershire County Council in its capacity as local highway authority. Again here to answer any questions if needed.

00:08:45:21 - 00:08:52:15

Good morning. Sharon Wiggins from Leicestershire County Council and I'm here to assist and answer any questions if required.

00:08:55:01 - 00:08:58:10

Thank you. Warwickshire County Council, please.

00:09:00:11 - 00:09:10:10

Morning. Joanne Archer, Warwickshire County Council. I don't need to talk on any items, but here to help and explain what which is structured and processes if needed.

00:09:10:26 - 00:09:11:15

Thank you.

00:09:12:04 - 00:09:21:17

Good morning. Nicholas Hornsey, Warwickshire County Council. Um, hopefully will be assisting Jo to answer any specific questions. Thank you.

00:09:23:22 - 00:09:27:14

Thank you. Burbage Parish Council, please.

00:09:39:24 - 00:09:43:13

David Bill, chairman of the Burbage Parish Council.

00:09:43:23 - 00:09:55:27

Also County councillor. And as of last night, Henry Alderman at Hinckley and Bosworth. I'm here to participate as and when appropriate. Thank you very much.

00:09:56:24 - 00:09:57:13

Thank you.

00:09:59:20 - 00:10:00:28

Network. Rail, please.

00:10:05:04 - 00:10:25:00

Chris Robinson from Dentons Senior Associate and Solicitor. I'm representing Network Rail. We're here because we were requested to do so really by the Rule six letter, but so don't intend to speak it on any of the agenda items. But obviously we'll, we'll respond to any questions that anybody might have.

00:10:26:25 - 00:10:36:05

Stephen Spry from Network Rail just here to listen as requested. Happy to assist as and when required.

00:10:38:08 - 00:10:44:20

Hi, Deborah Fairweather, senior sponsor from Network Rail, again here to answer any questions if required.

00:10:47:04 - 00:10:47:24

Thank you.

00:10:49:09 - 00:10:51:04

And national highways, please.

00:10:53:07 - 00:11:06:20

Mr. Ben SIM, a spatial planning manager for the Midlands at National Highways. And we don't have any specific items, but happy to hear provide answers to any questions you may have or support. I'll let my colleague introduce yourselves.

00:11:07:19 - 00:11:15:22

Ms.. You're a senior planning lawyer at National Highways, and I'm here to assist my colleague Ben and answer any questions that you may have.

00:11:17:06 - 00:11:20:08

Thank you. Stoney Stanton, Action Group.

00:11:25:02 - 00:11:34:03

Hello, I'm Dave Harold, representing Stoney Stanton Action Group and also resident of Stony Stanton. Just here to observe. Really Thank. Okay.

00:11:35:08 - 00:11:39:13

Thank you. Are there any other individuals in the room?

00:11:43:12 - 00:11:44:11

Or indeed online.

00:11:47:09 - 00:11:56:11

Thank you. Good morning, Miss Clarkson. It's Mr. for Leicestershire County Council. I don't intend to speak on any matters, but happy to help if I can. Thank you.

00:11:58:26 - 00:12:01:00

Sorry, could you just repeat the organization, please?

00:12:02:06 - 00:12:03:24

Sorry. Leicestershire County Council.

00:12:04:07 - 00:12:04:22

Issue.

00:12:07:27 - 00:12:08:15

Thank you.

00:12:08:25 - 00:12:09:20

Councillor Paul.

00:12:09:22 - 00:12:10:09

Williams.

00:12:11:23 - 00:12:12:08

Of.

00:12:13:09 - 00:12:19:11

Bosworth Council and also Burbage Parish Council. Now intention to speak at the moment.

00:12:20:25 - 00:12:21:13

Thank you.

00:12:25:15 - 00:12:28:29

Is there anybody else in the room who wishes to speak today? If they could, let me know now.

00:12:30:05 - 00:12:35:24

Hi, Stuart Bacon. Hancock Parish Council. No intention to speak, but here to answer any questions.

00:12:43:02 - 00:12:48:00

Now if could move to virtual attendees or there are there any online that wish to participate?

00:12:55:01 - 00:13:03:04

Okay. Thank you. Think that concludes the first item on the agenda. I'm going to pass you back to Mr. Sword, who is going to take you through the second item on the agenda.

00:13:06:17 - 00:13:39:26

Thank you. Let me briefly explain the purpose of this issue specific hearing. Firstly, we want to have a discussion about the nature and scope of the application insofar as it relates to its energy generation aspects and whether or not such elements need to be limited in some way, and if so, how. Secondly, we want to discuss the draft development consent order or draft as it's likely to be referred to the draft as an important document.

00:13:39:29 - 00:14:02:28

This hearing has been held on a without prejudice basis. So in essence, even if your position is that the development consent should not be granted and therefore that the Secretary of State should not make the draft DCO, you can make representations in this hearing on the drafting of the DCO without conceding your wider position that the draft should not be made.

00:14:04:15 - 00:14:40:08

It is important for the examining authority because we are under a duty to provide the Secretary of State with the best drafted that we can. Even if we end up recommending that the Secretary of State should not make the DCO, this is because we do not decide these applications. We make recommendations to the Secretary of State and they make the decision. So even if our report to the Secretary of State were to recommend that the development consent should not be granted, we must still append a draft and showing that the Secretary of State can decide to make the order if they wish.

00:14:41:21 - 00:14:45:24

Does anyone have any questions about the purpose of today's hearing?

00:14:52:22 - 00:14:58:05

Okay. Thank you. I'll hand over to Mr. Jackson to take us through item three.

00:14:59:27 - 00:15:34:23

Now we're going to come to deal with project definition and limitations. Have you seen from the agenda? We have two main parts to this. First, dealing with the so-called Rochdale envelope and secondly, the energy generation elements of the proposed development. Yesterday we had a discussion about the environmental statement, so we don't need to repeat our discussion about that, which is useful, as you'd expect. Following on from that, we'd like the applicant to submit for deadline one. A simple arithmetic summary of how the 8 to 10,000 jobs figure has been derived.

00:15:35:16 - 00:16:02:02

Please, can it be as simple as possible with the only commentary being where where each input can be found in the documentation submitted to date or in any other documentation submitted with the summary as a separate document, as it were. Whether you can manage it is another matter entirely. But in simple terms, what would be ideal is a single sheet of A4 setting out, setting out how the figures figures been derived.

00:16:03:19 - 00:16:54:22

Similarly, do you think that would be achievable? Yeah, I'm being nodded to for those those online who can't necessarily see. I'm getting nods from from the applicants team say that. And secondly, if the basic arithmetic for the traffic traffic volume models model volumes could also be provided along with a revised version of the traffic assessment, making it clear that the 8400 jobs in that document is a byproduct of the model rather than being the other way around, has been taken from the other part rather than being having been taken from Chapter seven of the ES, because I think that was the misunderstanding that was prevalent by several readers of the of the when they read it.

00:16:54:28 - 00:16:59:28

It's making that that making that clear. So again, is that going to be possible for deadline one.

00:17:02:00 - 00:17:03:07

Be good. Thank you.

00:17:05:10 - 00:17:23:16

And it would also be useful to have a paper explaining the relationship between the two models and explaining to us so we can show that the two models are robust with each and consistent one with the other. Um, so we're to make sure we're effectively considering the same thing.

00:17:24:01 - 00:17:29:19

No, just clarify, sir. When you say the two models, you mean the socioeconomic model and the transport model?

00:17:29:27 - 00:17:30:25

Correct? Yes.

00:17:32:25 - 00:17:40:15

Is that is that going to be. That would be those should be possible. Yeah I've been nodded to thank you. Is anybody else want to

00:17:42:07 - 00:18:02:11

follow our discussions yesterday. Does anybody else want to add anything to what I've just said on that particular point? Like everybody. Everybody is happy with what we have. What support we've suggested. That's good and pleased to hear that. Thank you. And you should be in deadline. One submission should be okay for that, which is good. Again, I'm being nodded to.

00:18:04:05 - 00:18:07:21

Uh, and they'll also think it

00:18:09:12 - 00:18:18:25

a fair few of the other chapters of the environmental statement make reference to the fact that the effects have been judged from the transport assessment.

00:18:20:10 - 00:18:37:12

Could you make you probably need a canter through them all just to make sure that it's clear that it's that is that that is how it is rather than it's been from the socio economic model. Think that that's what they should be. But it would be useful just if you could just check them please, and if necessary obviously in your revisions.

00:18:43:01 - 00:18:46:12

Okay. Is that all right? Thank you. Thank you.

00:18:48:23 - 00:18:55:02

Right. I think that deals with that. So we can now move on to the energy elements. Right. What we are.

00:18:56:21 - 00:19:09:15

I'm sure everybody is aware that as part as well as the proposed strategic rail freight interchange, the applicant is proposing to put photovoltaic cells on the roofs of the buildings.

00:19:11:09 - 00:19:43:21

And what we are trying to understand and there's two elements we want to look at firstly in legal terms, whether it is there a particular reason why the energy elements of the proposed development should be restricted. We're particularly interested in whether this energy and generation should could be properly considered as associated development and Section 120 and paragraph five of Schedule five of Planning, Act 2008.

00:19:44:14 - 00:20:10:00

And again, as opposed to whether it's associated development as whether it's an entity in its own right. And we're asking you're on a legal position as opposed to a policy position, which will or how they might, if it does need to be restricted, how that might be achieved. So after where they. It should be, whether it is in its own right or not. If in principle, in legal terms. I'm grateful for the applicant's response.

00:20:12:05 - 00:20:46:19

Thank you, sir. Paul Mitchell on behalf of the applicant. I think the short answer to that question is it's not an entity in its own right. And what the provisions in the DCO are trying to do is to make that clear on the face of the order. Now, clearly a combination of the solar PV and the energy center fall within the broad definition of a generating station as defined in the Electricity Act, which is the relevant one for the Planning Act 2008.

00:20:47:04 - 00:21:40:22

And what Section 15 of the Planning Act 2008 makes clear as if the capacity of the generating station exceeds 50MW, then that is an end sip in its own right. And so there is no intention under this application to consent and energy ends it. And so the provisions in the DCO are simply trying to make that clear. There is also a related legal procedural point to that in that had the application purported to consent an energy and SIP, then there would also have been additional requirements in relation to that application under Regulation six of the regs in terms of the information that needed to be submitted to form part of it.

00:21:41:09 - 00:22:25:00

So the the aim in again, just imposing a restriction on the generating capacity through the DCO was simply to make it clear that this wasn't an energy sip. And that also falls back on the proposed generating capacity of the various elements that are described there. So my understanding is that the potential generating capacity of the rooftop solar will be up to 42.4MW and that of the the energy center would be five megawatts.

00:22:25:02 - 00:22:31:04

So you put the two together and you get 47.4MW, which is obviously below the the SIP threshold.

00:22:40:25 - 00:22:57:13

And I ask your thoughts view in relation to the following proposition. And I'm not I'm not saying that we as a body hold this view. I'm just asking. I'm putting a case which would like the applicant and other interest parties so far as you like to respond to respond to it.

00:22:59:10 - 00:23:19:23

Section 1151 of the Planning Act allows for consent not only for development, which is for which development consent is required, but also for the purposes of this query associated development. Section 152 defines associated development as development, which in simple terms is associated with the development within subsection one A or any part of it.

00:23:21:16 - 00:23:53:27

Section 120 goes on to set out that what may be included within an order granted development sent then particular references section Subsection four to part one of section five be referring to paragraph five and five in schedule five then sets out the operation of a generating consent. The proposition is whether a generating station of whatever size can properly be considered associated with an end site development as a matter of planning judgment subject to normal Wednesbury tests.

00:23:53:29 - 00:24:42:19

If the energy generators is that is less than that used on the site. In other words, if the energy generated by the development is ancillary and appreciate, that's not what a normal word to the main use can it considered to be associated development? The proposition continues that development cannot be both principal development and associated development. We've been looking at the associated development guidelines in a certain development principles in the guidance on Associated Development for major infrastructure published published by the former Dclg in April 2013, which I'm now going to paraphrase one, it has to have a direct relationship between the associated development and the principal development.

00:24:43:15 - 00:25:14:27

The associated development should not be an aim in itself, but subordinate to the principal development. Not providing a cross-subsidy to the principle development and associated element should be proportionate to the nature and scale of the principal development. Here the proposition is that if the energy generated is notably less than that, which would be used by the development and the energy generation you have provided indicates a potential need on site for 150MW.

00:25:16:00 - 00:25:26:01

Why? If you've got essentially why if you've got a 50 megawatt cap, if it is, if it could be the associated development because it is less than is being used on site.

00:25:29:04 - 00:25:53:18

Well, I think might take that away and provide a more detailed explanation fully a deadline one. So but I think in summary terms, the position is that it is associated development. Yeah. And we can run through the reasons in the more detailed note as to how it satisfies that guidance and. The. My

00:25:55:05 - 00:25:59:04

initial reaction would be that it is not a.

00:26:01:01 - 00:26:23:01

Particularly unusual for Sata. Any form of development to have its own generating source of any kind? It might be a backup generating source. It might be anything else. So think. Think. The purpose of providing a generating station for the purposes of energy use on site is perfectly something that's capable of following that definition.

00:26:23:06 - 00:26:44:20

What we what we're saying is if that generation was shown to be less than the amount of energy that would be used in the development, but more than 50MW essentially. Is that reasonable to say that actually it should be associated development rather than being of itself an end in its own terms?

00:26:45:24 - 00:26:46:21

Okay, I'll take that away.

00:26:46:23 - 00:27:03:11

Could you take away and have a look at it? We would appreciate a legal if if you feel a legal view could be put in on that you know you may want to need to go and get a counsel opinion or something like that a legal opinion to support how you answer that question. It really would be appreciated from our point of view.

00:27:07:10 - 00:27:07:25

Okay.

00:27:10:19 - 00:27:20:24

Doesn't. Does anybody else want to make any comment on that proposition when, say, we're not saying we're holding that proposition, we just want to test that proposition rather than

00:27:22:18 - 00:27:24:29

because obviously it's a matter at the end of the day, it will be a matter of law.

00:27:26:23 - 00:27:37:26

To as eventually for the secretary of state. But what we wanted we wanted to test that particular proposition. And so if anybody equally well, if anybody, any other interested party wanted to put in

00:27:39:16 - 00:27:55:12

a view as to whether that if even if it was more than 50 megawatt, um, in generation, we could still constitute associated development that would be very happy to take take views on that from any interested party. Okay.

00:28:00:15 - 00:28:01:02

Okay.

00:28:03:09 - 00:28:04:24

Just let Mr. Miller catch up.

00:28:07:01 - 00:28:27:04

Let me. I'll let you finish making notes, Mr. Mayor. And then before we come up to the next point, you're okay. Okay. Next, we want to move on to discuss whether in policy terms, any limit to the amount of generation of generating capacity is appropriate. And if so, the method chosen for the applicant is also appropriate. So

00:28:29:01 - 00:28:44:23

under using that proposition, I've just been through how the limit if if the general use so and legitimately was ancillary at 150MW, how you would impose the 150 megawatt limit rather than the 50 which has been imposed by yourself. That makes sense. So we're off.

00:28:47:03 - 00:28:49:14

Thank you, sir. Paul Merrill again for the applicant. Um,

00:28:51:07 - 00:29:22:06

just think, to be clear, the the limitation is driven by the the threshold stated in section 15 of the act and that and that is the purpose of including the limitation on the order as far as the applicant is concerned, to make it clear that we are not consenting. Another insight now as to whether there is any policy position as to a limitation related to a number higher than 50MW in the in the event that that were to happen.

00:29:22:08 - 00:29:55:07

I think the the established position as far as the consenting of generating stations has evolved over certainly the last five years or so, is that there shouldn't be such a limitation. And certainly in relation to, you know, solar intercepts and offshore wind density, the convention now is to describe those and as a generating station with a capacity of more than either 50MW or 100MW, depending on what the relevant threshold is for that particular project.

00:29:55:09 - 00:30:01:00

So in short, no, I don't think there is worried and a need to limit the capacity.

00:30:01:02 - 00:30:07:12

Okay. Thank you. Um. The other. There's a couple of other points which.

00:30:10:10 - 00:30:45:29

Could could you because draft three which obviously is not for which this this project would be judged out in any event but it obviously may well be important and important and relevant to be considered has does make the comments that energy generation is now generally measured in AC rather alteration current rather than direct current. So again, we could we have some clarification, just confirmation that if we are having a limit that it would be done in alternating capacity rather than direct current.

00:30:48:08 - 00:30:50:01

Certainly. So we can do that and provide it in the notice.

00:30:50:03 - 00:31:27:25

Thank you. Again, it just just so it going forward, it'd be it would be sensible. Um, and the other problem which we've got we would like to see you ask you to address is again which is the problem of energy improving over time. Now the efficiency of photovoltaics are getting better. So when you say such an area of photovoltaic cells today produce x megawatts and say in five years time when when built, such an area will produce, say, 1.5 times x megawatts.

00:31:28:00 - 00:31:30:23

So one wondering.

00:31:34:07 - 00:31:59:17

Therefore, how that's going to be addressed in given the buildings that we designed and capacity created. And you suddenly find you've built something that is more when you actually turn the turn it on to actually produce more than 50 megawatt because of the area, because of the efficiency of the panels that have been created. I'm wondering how that can be dealt with.

00:32:04:06 - 00:32:12:25

Again, happy to address that in in in the note. Um. Yeah, I'll take that away and address it more fully.

00:32:13:02 - 00:32:26:18

Again, it's fine to say, Oh, we'll just do it x square meters, but then it doesn't necessarily help. Yeah, because obviously you'll be aware that again, draft three

00:32:28:17 - 00:32:47:14

it's now says quote, Therefore installed export capacity should not be seen as an appropriate tool to constrain the impact of a solar farm. Other requirements, such as panel size, total error in percentage of ground cover should be used to set the maximum extent of development when determining the planning impacts of an application.

00:32:50:20 - 00:33:01:01

So what we are obviously are interesting interested in is because obviously there is nothing which means that you cannot have an application for an asset that is more than one in.

00:33:03:11 - 00:33:16:02

Indeed, sir, it is. Just as I said, there are additional legal requirements that would flow from this application, including an energy and suit which are not currently part of that application.

00:33:16:19 - 00:33:42:18

Yes, but we equally well, we obviously need to be we want to note for making sure the state because if the reality is that if, let's say, got consent and as soon as you got consent, you're coming in for a minor, a change to to allow you to do to allow you to have generation as well over the threshold which may or may not change over in the interim whether that's actually a good use of everybody's time.

00:33:45:06 - 00:33:46:18

Understood, sir. Thank you.

00:33:47:04 - 00:33:47:19

Um.

00:33:49:15 - 00:34:17:29

Now, can we? I'd like to discuss two scenarios. If we and or more importantly, the Secretary of State were to conclude that a restriction wasn't justified or that a restriction was justified and what applications that may have. Um, can we start with that a position that a restriction is not justified? We appreciate you don't hold that view but can have you would be. What would be your view as to the implications for the consideration of the application?

00:34:21:13 - 00:35:00:16

Well, I think if if the restriction wasn't justified, then the restriction would obviously be removed from the order and then the the order would stand as made. And I think the answer to that question comes back to the one that you raised earlier about whether it was possible for associated development to be an end ship, as it were, without being stated as an end CIP and whether the enforcement mechanism would actually then come through as a result of it being described as associated development because it couldn't then be a generating station above 50MW.

00:35:00:18 - 00:35:22:18

And I, I understand that that's the proposition and it's something that certainly was considered by the applicant. And again, I think that is probably likely to be the ultimate position. But it was simply putting the limitation on the face of the order to make that clear to everyone in several years time.

00:35:25:09 - 00:35:25:24

Um.

00:35:27:16 - 00:35:31:24

Does anybody else want to make any comments on that? I'm not shaking your heads.

00:35:33:19 - 00:36:04:18

Now we want to move on to the session as to where a restriction were to be justified, either in legal or in general policy terms doesn't matter. Then. It's how it's done, whether the use of a requirement is appropriate or whether another mechanism, for example, an article with a development consent order. It would be preferable as a reminder to everybody here for the six tests or requirements are necessity relevant to planning, relevant to development being permitted, enforceable, precise and reasonable in all other respects. You know, Mr.

00:36:04:20 - 00:36:11:09

Miller, you almost implied that putting a limit on energy generation wasn't.

00:36:13:07 - 00:36:26:09

Necessary almost in policy terms, and thus whether it is an appropriate as a requirement or whether if it were to appear, it should appear as an article rather than as a requirement as currently drafted. Any thoughts?

00:36:29:00 - 00:36:29:27

Well, don't.

00:36:32:06 - 00:37:08:27

See that a requirement which sought to limit the scope of a consent to the scope of development that was described in the application would fail to meet the tests of a of a valid requirement. However, I take your point that this is something that could be dealt with in many ways to the same effect, and we'll reflect on whether that's something that might be better proposed as an article as opposed to a requirement, and we will put that in our response as requested.

00:37:10:11 - 00:37:20:10

You're very much. Um, is there anyone, anything anyone else would like to raise on this matter before we move on to the next item on the agenda?

00:37:22:10 - 00:37:37:03

I'm looking. Just checking. There's nobody on the online Thing's got to have hand up. And it hasn't. So we can then move on. Thank you. In which case I'm going to pass on to Mr. Saud to lead us through the next item on the agenda.

00:37:39:07 - 00:38:06:15

Okay. Thank you, Mr. Jackson. So in terms of the overall structure of the DCO, can we ask the applicant explain its overall approach to the drafting and clarify what matters ought to be secured by alternative methods such as planning obligations and other forms of agreement. In addition, please confirm that you're happy to submit draft funding agreements together with deadlines imposed for the draft DCO.

00:38:10:14 - 00:38:48:00

Thank you, sir. Mrs. Laura Bretherton for the applicant. And briefly, as explained in the explanatory memorandum, the DCO has its provenance in the model provisions, as do most development consent orders. And it has also, of course, most significantly followed drafting of other details such as West Midlands Interchange, Northampton, Gateway and East Midlands Gateway in particular, and all referred throughout the examining throughout the explanatory memorandum.

00:38:49:19 - 00:39:01:12

I don't know if it would be helpful to sort of broadly run through the structure, the contents and each part of the of the order or whether you're happy that that's that's contained in the explanatory memorandum.

00:39:06:17 - 00:39:07:18

Sorry. Happy with that?

00:39:09:11 - 00:39:10:10

To run through it.

00:39:10:12 - 00:39:10:27

Run through?

00:39:11:01 - 00:39:33:10

Sure. So the part one of the order contains this sort of preliminary drafting in terms of definitions, etcetera, and I might most of which are the usual and are self-explanatory. I might just draw attention to the definition of undertaker, which

00:39:35:05 - 00:40:05:06

along with or in line with other is probably different to many other orders in which it doesn't seek to apply. Section 146 of the Planning Act 2008, and this is in order to ensure that ultimately the final occupiers of the warehouses take the benefit of the order, whereas other DCS, which are infrastructure, for example, are often personalised to the applicant. That isn't the case. For Hinkley,

00:40:06:25 - 00:40:33:19

Part two of the order contains the principle powers, so setting out the development consent with reference to schedule one where the authorised development is defined by reference to the works plans, and it also importantly limits the consent to the parameters plan obviously, which is relevant to the environmental assessment for the scheme.

00:40:36:23 - 00:40:57:05

Part three deals primarily with with the street works and gives powers for various street works and how orders to to be consented. Also by reference then to the various schedules and the numerous highway plans from speed limits and classifications and general arrangement drawings.

00:40:58:20 - 00:41:13:06

Part four of the order then deals with some supplemental powers specifically relating to discharge of water and authority to investigate and survey land. Again, these broadly follow model provisions and many other made DCO.

00:41:14:25 - 00:41:45:12

As the examining authority is aware, the application does seek powers of compulsory acquisition and temporary possession, and these are contained in part five of the draft DCO. And then finally, in terms of the operative provisions of the order, we've got Part six, which is picking up mostly miscellaneous and general matters ranging from operational land, the felling of trees and giving effect to various schedules that follow later in the order.

00:41:47:13 - 00:42:32:25

Um, the schedules then follow mostly the operative provisions and the articles which give effect to them. So as mentioned, we have schedule one which defines the authorised development and schedule two then contains the proposed requirements. And and then a second part of that schedule deals with the mechanism for how those requirements will be discharged and approved schedules three through to nine all relate to part three of the order which are the street powers and also public rights of way by reference to to various various plans, schedules.

00:42:32:27 - 00:43:18:06

Ten, 11 and 12 then relate to the compulsory acquisition powers. Schedule ten specifically sets out particular parcels of land where only temporary temporary possession may be taken, and then 11 sets out the parcels of land where only new rights may be created, and that is to limit the powers that may be exercised on those those particular parcels. And then schedule 13 contains several parts which are individual protective provisions for various various third parties network rail, national highways, the local highway authority, and then various statutory undertakers where there is existing apparatus which needs to be protected.

00:43:18:08 - 00:43:27:27

And those those provisions govern the mechanisms between the parties as to how that will will work. Schedule 14 then sets out some miscellaneous

00:43:29:25 - 00:44:00:16

controls, which are various statutory provisions which the the applicant is seeking to supply in respect of the authorised development because the DCO itself contains the relevant provisions rather than those particular powers applying to the development. And then finally, schedule 15 lists the plans and documents which are specifically referred to within the itself, which will become certified documents.

00:44:00:24 - 00:44:31:03

And this this is not all of the application documentation as the examining authority will be aware, but it's it's those to which the. The specifically refers and needs to identify as those through which the development is to be controlled. That schedule it is intended will obviously be kept under review and where any revised documents or updated documents are submitted throughout the examination. The versions of those will be will be updated throughout.

00:44:34:08 - 00:44:52:11

Okay. Thank you. Could you just confirm that you are happy for the funding agreements to be submitted in line with the deadlines for the DCO as well? And if possible, could you give us an update on discussions, negotiations that are taking place with beneficiaries of the planning obligations.

00:44:53:17 - 00:44:59:20

By the funding agreements? Do you mean the Section 106 planning obligations and financial contributions?

00:45:01:14 - 00:45:03:08

Planning obligations? Absolutely.

00:45:03:29 - 00:45:04:23

Yes.

00:45:06:08 - 00:45:35:20

Sorry. Yes. We can absolutely confirm we are happy to provide updated drafts of those in line with the deadlines discussed yesterday. If it would help for me to outline the current heads of terms that are in the draft Section 106 agreement, which is still the subject of discussions with the various authorities. So at the moment the applicant proposes a bus service contribution and this is, um,

00:45:37:28 - 00:46:10:15

this is up to £500,000 payable in various instalments and is related to the improvement of bus services. There's also then proposed to be a skills and training officer contribution payable to the District council and, and also the usual legal fees and notification for updates in land ownership as say these the section one set of terms is still the discussion of

00:46:12:09 - 00:46:20:02

subject to discussions with the authorities and therefore that those heads of terms may be updated as the examination progresses.

00:46:22:02 - 00:46:23:28

Okay. Thank you. Um,

00:46:25:22 - 00:46:34:03

Sleepy District Council, would you like to give any additional response given your response to the procedural decision?

00:46:38:22 - 00:46:41:20

Um, I think principally we are.

00:46:41:22 - 00:46:42:24

Could you introduce your name?

00:46:42:29 - 00:47:05:26

Of course. Yeah. Um, Mr. Stacey, Uh, um, we are working towards the principally the written representation, including further details of drafting for requirements and for obligations. So we're that's where the detail think of our response is going to be found. And, and we've discussed with the applicant about also putting that in the

00:47:07:11 - 00:47:19:12

statements of common ground duty deadline two So at the moment the council is in a sort of reliable position to give the examining authority any real specifics on it, um, at this stage.

00:47:23:16 - 00:47:25:21

Until Cabinet Council have any.

00:47:27:13 - 00:47:42:09

Julie Thomas Leicestershire County Council can ask where the bus contributions come from because we have no knowledge of it is the County council and also can ask when you will start engaging with us regarding section 106 contributions, because we do need to have that discussion.

00:47:58:02 - 00:48:18:01

Laura Beth Hutton for the applicant. The the proposed contribution is is a suggestion by the applicant and its transport team as a reasonable figure for these types of contributions as say the intention is still to to continue discussions with the county and I'm very keen keen to do so.

00:48:22:19 - 00:48:37:12

Can we ask for those discussions to take place outside the hearings? And so and and obviously, they can be mentioned in the statement of common ground as to where you've got to them and in ahead of the

00:48:38:29 - 00:48:44:02

the draft and then the final submissions of this planning obligation discussed yesterday.

00:48:47:20 - 00:48:52:27

Does anyone else wish to make any other comment on this item?

00:48:55:21 - 00:49:29:15

Thank you, sir. Mr. Benson, National Highways. Just in relation to the draft and schedule two of the requirements and the design and phasing of the highway works, which set out in the table, that from our perspective, isn't the complete list of highway works that are required because the transport assessment is incomplete at the moment. We believe there's a substantial number of junctions that are missing off that list. So obviously that will need to be reviewed and we'll provide further comments in our submission to the and written statements.

00:49:34:05 - 00:49:45:19

Thank you. Yeah, we'll come. We're going to go through the the you've all seen an one so which we're coming to in a minute. We can go through those and you're able to make contributions towards that as we go through.

00:49:47:10 - 00:49:47:27

Okay.

00:49:51:09 - 00:49:56:06

Anybody else like to. Is anything on this item?

00:50:00:08 - 00:50:05:00

In which case will pass back. Mr. Jackson, lead us through the next item on our agenda.

00:50:05:02 - 00:50:05:20

Thank you.

00:50:08:06 - 00:50:18:05

Before we come to this, per se, as to as as was alluded to yesterday, the applicant has submitted various revised documents for consideration on Monday this week.

00:50:19:21 - 00:50:51:14

If it hasn't happened already, there will be some discussions between the case team and the applicant following the procedural decision yesterday to ensure that all the documents which are amendments are submitted in both clean and track change. This is not a criticism in any way of the applicant, since it can't read the minds of the way that this request was coming. But not all the documents submitted on Monday were provided in both formats. So where necessary. So we need to sort that out.

00:50:51:16 - 00:51:13:18

That's sort of happening in conversations between the case team and the applicant. To ease everybody's understandings, we obviously both formats. So we'll be asking those which are missing just to make life easier for everybody. One of the documents was a second version of the development consent order, which is submitted in both track change and clean formats. Thank you. But following our discussions today

00:51:15:14 - 00:51:45:27

and based on the responses the applicant made just over a week ago, there will clearly be further changes to the draft DCO. And what I'm trying to avoid is confusion for parties on changes, on changes, on changes. So can I put the applicant on notice that we can have a discussion towards the end of today's hearing as to whether the next version is shown in track change from the original or for the version we put in. You putting it on this this week? I'm not saying a conclusion either way, but just think we be conscious of that.

00:51:45:29 - 00:51:54:00

So we own. So for interested parties it makes life easier for them. Okay, so we'll come back to that later.

00:51:55:23 - 00:52:31:10

If we if we count. As you'll be aware, we set out in Annex one points and questions relating to the draft. It's my intention to go through that now. I'm hoping the applicant will be able to go through, keep their their responses to the point, particularly where it's dealing with matters that typographic matters, which clearly it's probably easiest we have though the the whole if the if the case team could put up an Xf one from the rule six letter, that would be appreciated.

00:52:31:25 - 00:53:16:00

Um, if any other interested party as we go through, which is to make a comment at any point please indicate either by raising your hand in the room or similarly on on teams. We'll do our best to keep an eye on both but clear. If we may have missed somebody, then please do let us know. Um, as we said in the agenda, the primary purpose of this agenda item will be for us to raise our own initial questions. Other interested parties are welcome to participate, but we're not expecting you to frame your detailed positions until the submission of relevant representations, local impact reports and where appropriate, in a later DCO issue specific hearing later in the examination.

00:53:16:06 - 00:53:20:08

So you're very welcome to join in, but there is no obligation to so to do.

00:53:22:09 - 00:53:22:24

Um.

00:53:24:07 - 00:53:51:03

So if we have the agenda up, we can go through them and we can go down it as as we progress. We have a few additions. There are I would just say there are a few additional questions that have come up since we drafted this getting on for a month ago. So there will be a few things that have come up

since you expect. So the first one relates to the preamble and as they think if you just if you agree or you agree, just just say introduce yourself and then just say agree and we'll move on to the next one.

00:53:52:01 - 00:53:54:21

Laura Beth Hudson for the applicant. Yes, that's no problem.

00:53:54:28 - 00:54:00:03

Thank you. The second one relates to various drafting issues relating to footnotes.

00:54:02:02 - 00:54:04:12

Laura Beth for the applicant. Yes. Again. Agreed.

00:54:04:27 - 00:54:10:23

Okay. Precedents using the model order rather than precedents in mad orders.

00:54:12:22 - 00:54:52:08

For the applicant. And as you will have seen from our initial response, I'm very happy to to amend or remove those references from the explanatory memorandum if you consider that necessary. And we did consider it helpful on the on the basis that all echoes have have their their origin based in that the model order. Um, although of course we do as we acknowledge in the explanatory memorandum, we do, we do acknowledge that the order has been repealed and there have been many made since, since then.

00:54:52:18 - 00:55:25:01

And we did also, however, note reference to, to the model provisions in the current and reformed consultation, which which also acknowledges that actually all those rely or were drafted in reliance upon it. And and the fact that actually that that enabled consistency and to understand where that drafting had had its provenance and if you still think it needs amending very happy very happy to do so.

00:55:25:18 - 00:55:56:01

I think what we would like you to make is to make sure that we have the latest up to date made or as references referenced, as well as model orders, because clearly when we go down some some of the provisions later on, there have been up recent particularly in transport orders, where drafting in made orders has moved on, say in the original model order, probably through experience rather than much else.

00:55:56:03 - 00:55:59:07

I think it would be beneficial to use those where it's appropriate.

00:55:59:11 - 00:56:04:13

Absolutely. We'll review and updating amend as necessary.

00:56:04:17 - 00:56:24:21

Okay. So next next one on our way down is the one on clarity, which is with May 1 or 2 in terminologies between relevant authority and highway or planning and local planning or hybrid authority for the area. I'm just thinking it might there might be easier to make the drafting more simple.

00:56:25:09 - 00:56:42:09

Laura Bretherton For the applicant, yes. And think as we indicate we will do that review. We are conscious. There are lots of references to local highway authority still and but we will consider whether it would be whether the drafting could be improved to remove that think the

00:56:44:12 - 00:56:56:01

for confirmation. However, we do still need the terms relevant highway authority and relevant planning authority because of how many we do have. So the intention is to keep the relevant ones, perhaps review the local ones.

00:56:56:03 - 00:57:05:24

Yeah, it may well be. The case is just to try and keep, keep E's the clarity clarity in this particular case given we have got for um,

00:57:07:20 - 00:57:23:06

for local planning, individual local planning authorities, two county councils and and national rail and network and network net network rail and national highways as well to make to add to the mix to make it even more confusing. So thank you.

00:57:24:21 - 00:57:46:04

Next next next page on the agenda we deal the next the next three are all relatively straightforward, which all to do with clarity. Issues of maintain and maintenance and removing removing authorities that are no longer that aren't relevant to this specific order can put it like that.

00:57:46:20 - 00:57:53:20

Laura Beth Hudson for the applicant. Yeah, that's agreed. We will we'll review all of those and clarify where needed.

00:57:55:18 - 00:58:03:20

Um, statutory utility and statutory undertaker was the next one where again that may be possible to confine the terms may not be.

00:58:04:19 - 00:58:19:06

Think that's right and actually having having done a review of the order think statutory utility is actually only used once. And so it may be that we can improve or perhaps refer to that specifically in that article.

00:58:19:22 - 00:58:28:00

Thank, thank you. Um, then we've got the next one which. To do with it, which is which is to do the various level crossings which.

00:58:30:05 - 00:58:40:06

Requested that they may be slightly more specific as to where they are other than the face of your or clearly defined on a plan which does is which is then attached to the order by default.

00:58:40:24 - 00:58:46:27

Laura Beth Hutton for the applicant and that's agreed and think

00:58:48:13 - 00:59:09:10

whilst they are on the access and rights of way plans, the applicant of course acknowledges that those plans are quite complicated and think think the the order would benefit from clarity. So the intention is to prepare and submit a very simple plan, clearly identifying all of those level crossings and then that will be defined and referred to in the order. Thank you.

00:59:10:19 - 00:59:39:29

Um, next one is in schedule two, Part one, the board of us. And again, my reading of the because the way the drafting have been set out is that you are required to provide 10% in each local planning

authority area, which I don't think is the intent. Um, it's 10% of as a whole scheme. So I don't know whether you agree with my interpretation of having read that requirement.

00:59:40:26 - 01:00:00:09

Laura Beth Hutton For the applicant, um, that isn't the intention of the, of the requirement and, and suppose the fact that it has been interpreted that way, it clearly confirms that, that perhaps the drafting needs to be clarified. So we will review that. Um, but yes, we confirm it is 10% for the whole development, not in each local authority area.

01:00:00:17 - 01:00:05:08

Thank you. I guess that's what we'll come back how how the mechanism for it a little later on.

01:00:06:29 - 01:00:19:02

Um there's a couple of then we move on to a couple of you move down on the agenda there's a couple of typographic errors which are matters which we don't need to deal with now. Um.

01:00:21:23 - 01:00:37:18

Can we go down to number three, which is whether these provisions, um, which is to do with articles 32 and 33 temporary use of land for carrying out the authorised development and the temporary use of land for maintaining the development. Um,

01:00:39:08 - 01:00:54:00

I'd like to know. They appear to be novel, although I've been advised that they are in Boston Alternative energy and in West Midlands. Um, but I'll let you do as you reply to the question and then I've got another follow up question on that.

01:00:55:17 - 01:01:34:06

Laura Bretherton for the applicant. Um, yes. So articles dealing with Article 32 three and 33 nine. Um, as you say. So these are in the Boston Alternative Energy Facility order and they are included so that in the event of a potential risk or safety alert that the applicant can enter without needing to, to give notice. Um, and then Article 32 eight, um, is also within.

01:01:34:11 - 01:01:43:03

Yes. West Midlands and Northampton Gateway. And that is just to give clarity as to how the compensation would be would be calculated.

01:01:49:01 - 01:02:22:26

In looking at the Boston Development Center order. Um it does look that on both of those there's another there's a sentence at the end of end of those saying quotes in a in and in such circumstances the under undertaker may take the land under paragraph one subject to giving such notice period of notices as is reasonably practicable in the circumstances rather than just no notice. So would could ask that you have a look at that particular drafting.

01:02:23:15 - 01:02:24:10

We will do, sir.

01:02:24:12 - 01:02:25:03

Yes, thank you.

01:02:27:20 - 01:03:07:23

Um, then if we go to articles 36 and 37, um, which are relating to recovery of costs, of new connections and no double recovery, neither of these have been I appreciate some of them have been in recent, uh, strategic rail freight interchange, um, provisions, but they haven't been in recent other

transport details. If you had a look at the for a 47 seconds and in least one of the Secretary State's decision letters on one of those explicitly removed the double recovery.

01:03:07:25 - 01:03:10:10

So could ask you to have another look at those.

01:03:11:24 - 01:03:14:21

Laura Beth Hudson for the applicant We will we will review those.

01:03:17:23 - 01:03:26:15

That op particular explicit justification why it is necessary in this case rather than just a general request. Understood. Thank you.

01:03:28:09 - 01:03:29:08

Bum, bum, bum bum.

01:03:32:12 - 01:03:33:02

Guarantees and.

01:03:36:27 - 01:03:47:04

Okay. In Article 38, which deals with guarantees and payments or compensation. If you'd like to say your thing again, I've got a follow up question.

01:03:49:27 - 01:03:52:11

Laura Bretherton for the applicant,

01:03:54:06 - 01:04:28:13

as explained in the explanatory memorandum this this particular article is based on on those or similar provisions of those in the other video, and it is specifically intended to to relate to compensation in respect of those powers in part five. So compulsory acquisition or temporary possession. Um the applicant does doesn't consider it necessary or appropriate for a guarantee or any other security relating to any other provision or implementation of the order.

01:04:34:22 - 01:04:37:14

The issue I've got in relation to

01:04:40:07 - 01:05:12:14

the draft you've looked at was whilst 15 years may or may not be appropriate, if there was litigation still in place at that point in time, whether this provision as drafted would effectively bring that litigation to an end because clearly it shouldn't. I was wondering whether or not you could have a look at that to make sure that if there was any litigation that was still wandering its way through the courts, then that would not preclude it potentially precludes new litigation.

01:05:12:16 - 01:05:15:26

It doesn't prevent existing litigation to continue, if that makes sense.

01:05:16:20 - 01:05:27:05

Laura Beth Hutton For the applicant, we will consider that. We don't we don't envisage that that that would be the case. And in any event, we

01:05:28:27 - 01:05:37:22

think 15 years, a very long period of time for something like that to be going to be going on. But we will review that to see if whether whether clarity should should be added.

01:05:41:29 - 01:06:12:08

Sorry. The next one is relating to funding number four. I'd like to explore whether there should be a single lead or approving authority for the whole funding rather than the four different ones to provide simplicity and rigour. In the nicest possible way. I'm sure the councils don't want one authority. I'm not sure they never would. But an applicant claim the authority of one and against another. It just. It's it's not. It's a recipe for disaster.

01:06:12:20 - 01:06:44:03

Now we appreciate that both. There is no compulsory acquisition or temporary possession of subject discussions tomorrow in Harborough or rugby. So it follows that and this the drafting here follows Northampton Gateway where there are two authorities now. I'm not sure as to what the split was between the two authorities at Northampton Gateway here. The vast majority of the site is in Blaby and relatively small amounts are in market harborough. That's not in any way disparaging market.

01:06:44:27 - 01:07:12:06

Hinckley and Hinckley and Bosworth District Council in any way, shape or form. It's just the vast majority. Physically, in proportional terms, it's in baby. Um, so I'm just wondering whether what, if any discussions there had been, whether the council's had any view as to at this stage as to whether they would be able to find some sort of mechanism of. Essentially single sign off rather than having to go through two authorities can. I'll start with the applicant.

01:07:13:20 - 01:07:52:21

Laura Bretherton for the applicant. That's correct, sir. To confirm the applicable powers are in Blaby or relate to land, which is in Blaby district and Hinckley and Bosworth. Um, the applicant hasn't had detailed discussions as to whether or not a single authority should be the sole approver of, of the guarantee or other security mechanism at this stage. I'm very happy for, for one authority to, to take that role if the two authorities so so agree and.

01:07:56:00 - 01:08:22:19

Yeah. Can I. Could I ask that the three that is, are the two authorities and the applicant get together and he's to have a discussion on it. If the answer if the answer is no, we can't agree. And it's going to have to be done by each authority. Well, that's the answer. But I think to my mind, at least, this discussion to take place to see if it were possible to come to agreement or then that would at least allow things to be taken further forward on that particular point.

01:08:23:00 - 01:08:23:21

Absolutely.

01:08:23:23 - 01:08:25:10

Okay. Right.

01:08:26:29 - 01:08:59:15

We're about the same point. We had a break yesterday. So I'm thinking and this would mark a good point to have a have a break, because obviously, particularly for the people who are watching online, they obviously the arrangements conference started at 9:30 and they've been staring at the screens and listening to us for about over an hour and a half. So I think it's probably a good idea to have a break. If we stop now until 25 past. Is everybody happy with that? And hopefully you'll be able to get a leg stretch and go from there. So on that basis, we will adjourn the hearing until 1125.

01:08:59:17 - 01:09:00:12

Thank you.