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Hinckley Rail ISH_1 13 Sept PT2

Created on: 2023-09-13 12:21:38

Project Length: 01:39:51

File Name: Hinckley Rail ISH_1 13 Sept PT2.mp3

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FULL TRANSCRIPT (with timecode)

00:00:05:16 - 00:00:13:15

Good morning, everybody. The Asia-Pacific hearing is resumed. I just have confirmation that the live stream has restarted.

00:00:15:23 - 00:00:29:27

Yeah, I'm getting a thumbs up from the back of the room. Thank you. So we. Now, if we could get back the annex f one of the rule six letter and down to item five.

00:00:34:28 - 00:00:36:16

Thank you. Um,

00:00:38:03 - 00:00:43:05

now the this relates to get myself to the right page.

00:00:46:05 - 00:00:55:19

Uh, one of the drafting of of this particular of the ordered line can be interpreted only applies to land subject to C8 compulsory acquisition.

00:00:57:29 - 00:01:06:10

About temporary possession or temporary possession with rights. And this has implications for delivery of the proposed development and for use of the term throughout the draft.

00:01:09:13 - 00:01:20:22

The Article 31 would seem to imply that the compulsory acquisition could could apply to all the land set in the book of reference. And this goes beyond identifier for KDP and TPR. Can have the applicants comments please.

00:01:21:24 - 00:01:23:21

Laura Beth Hudson for the applicant?

00:01:25:21 - 00:02:06:06

Yes. In summary, the definition of borderland is intended to only relate to the land, which may be subject to the powers of Part five. And we do agree that the definition in the in the order could could do with some clarity. So we will we will have a look at that and revise and to confirm the definition of order. Limits is intended to refer to all land within which the development may be carried out, including the order land, but also other land which is which is not subject to those part five powers, such as some highway works where there's no no compulsory acquisition required.

00:02:06:08 - 00:02:38:10

Yeah. Think it's part of it's part of those leftover drafting from compulsory purchase orders and this being a consent order and it's like a mismatch between the two terms probably in some ways. And I'm not suggesting it should be amended, it would be the acquisition land would probably be better for, for that land which is subject to having some sort of terms down to it. Um, one of the things we could do this is one of the going off the, off the list as it were.

00:02:39:04 - 00:02:58:12

We're wondering could you powers the works for, for the highway works either white areas the areas which aren't or is this effectively the development consent would provide the equivalent of a section 278 agreement under the Highways Act and thus are you displaying that act?

00:03:01:12 - 00:03:32:08

Laura Bethan For the applicant, the equivalent of the Section 278 type agreements is intended to be covered by the protective provisions. So parts two and three of Schedule 13. Those are still the discussion, the subject of discussion with the with the highway authorities, but that is intended to replace that. And therefore the applicant in the whole sort of one stop shop approach won't need to then go and enter into further agreements, wants to is is consented if it is approved.

00:03:33:23 - 00:03:37:18

Devised with the County Council's wish to make any comments at this point on that.

00:03:42:10 - 00:03:58:18

Mrs. Rebecca Henderson. Thank you, sir. We have asked that the applicant consider inclusion of our standard section 278 agreement as part of the DCO. As per the drafting of the East Midlands Gateway, DCA.

00:04:02:01 - 00:04:33:27

Laura Beth Hutton for the applicant? Yes, the applicant is considering the Leicestershire County Council's request in that regard. To confirm the the the approach in the Hinckley DCO has been to follow the more later echoes, namely Northampton and West Midlands interchange. And that really is to give consistency for the applicant with regard to the types of provisions and approval mechanisms it needs to go through with different authorities.

00:04:34:06 - 00:04:39:09

Um, but having said that, the applicant is considering the County Council's request.

00:04:41:02 - 00:04:42:26

And National Highways.

00:04:43:26 - 00:05:20:09

And Mr. Benson National Highways. We're also in discussion around the protective provisions of our mitigation on our network as well. But we would note that there potentially would need to be a level of flexibility within the protective provisions if that was the approach because of changes to the highway network over time. We're currently working with Durst on some of their mitigation scheme, which requiring amendments because they were made at a time. But time has changed and doing that and we're trying to see whether the protective provisions enables that flexibility or not. But it would likely that we would still enable the mitigation to be delivered under Section 278 of the Highways Act.

00:05:21:27 - 00:05:24:10

By Laura Beth for the applicant. Um,

00:05:26:05 - 00:06:02:15

we believe the the protective provisions would give that flexibility. And indeed we have also built into the order a particular article allowing further highway agreements to be entered into if those that detail may not be covered by the protective provisions. And the applicant is also aware, of course, the three didn't didn't take the approach that that East Midlands and the since then have done. Um, and the other thing I also just wanted to add was the applicant is also considering and is yet to discuss the detail of this with the Warwickshire County Council.

00:06:02:22 - 00:06:39:13

But there is one particular work area which could potentially involve the three highway authorities and that's what number 16. And so in considering the Leicestershire County Council's request for their standard Section 278 agreement type provisions, that could of course cause practical issues for the applicant in trying to get those, the detail of those highway works agreed with the three authorities. So it may be that the needs to also include protective provisions with Warwickshire County Council, but we just need to work out how the mechanism of that particular work will will work.

00:06:40:15 - 00:06:46:15

I'm sure you'll keep us updated as to how those negotiations. Is there anybody else, any other party wishes to make a comment on this?

00:06:49:06 - 00:07:19:08

Okay. Thank you. In which case we move on to five C, which is to do with terminology and think you have been happy with that. And yes. And there's things on some of abbreviations and consistency and and the difference between public holidays and bank holidays, which of course aren't the same, which can occasionally lead to problems. Um, the deeming provisions.

00:07:19:10 - 00:07:50:07

This is another new one. Not in on the list. Um, which is, for example, this is for articles ten, 12, 14 and 18 where we're essentially the, uh, draft order has in the words the effect of, in the absence of absence of a reply, deemed consent is granted in recently made transport, particularly, for example, the A47 Tottenham to Eastern DCO.

00:07:51:04 - 00:08:20:15

They have made it clear in the um, made DCO that, um. When you have to put on the notice you're submitting that you're that the absence of a response leads to a a deemed approval. So it's just making that clear so you're not just sending it and they've got to go and look up that it would cause get a deemed provision. You'll probably have seen these changes added in recent years.

00:08:21:00 - 00:08:28:04

Laura Beth Hudson for the applicant indeed and and the applicant is happy to consider adding adding that wording

00:08:30:03 - 00:08:30:27

for clarity.

00:08:34:04 - 00:09:08:13

Um, now the next one is permanent. Stopping up the street, which is Article 11 and 11 and 13 and schedule four. Um, under 11. This is the route of Smithy Lane. Stopped up in the north west of Junction, two of the M6 nine. And then there's an essentially proposing to stop that up. But at the same way create an alternative bridleway And it just got broken with whether it should be just a single. The stopping up is necessary because you're providing a diversion essentially was the point we were making.

00:09:08:18 - 00:09:10:14

Have you got a query response on that?

00:09:11:22 - 00:09:45:09

Laura Bretherton for the applicant agreed. It is a little confusing. Um, however, we understand that the the Smithy Lane section don't know if the plans are available, but there is a section of Smithy Lane which actually isn't only a bridleway, it provides vehicular access or private vehicular access to one particular property. Um, once that access sort of ceases, the continuation of the lane then becomes a bridleway.

00:09:45:21 - 00:10:12:21

So the order needs to stop that vehicular access and then the diversion route. The diversion element applies to the section of the lane which, which is the bridleway. Um, so the examining authority is correct that the new bridleway proposals shown on the access rights of way plans between points 18 to 17 to 14 to 30 7 to 16 are the replacement or diversion.

00:10:16:12 - 00:10:43:13

I'm. By the way, element, but there is still the need to top up that vehicular access point. The applicant does does accept, however, though, that the articles probably could do with some clarity as to when the Smithy Lane vehicular access is actually stopped up to ensure that the bridleway replacement bridleway is in place before that section is topped up. So we are reviewing that. Thank you.

00:10:45:03 - 00:10:48:01

Um. Okay. Um.

00:10:51:14 - 00:11:23:04

Then we move on to number seven. If they move that the next sheet on the. There we go. Thank you. Which is Article 12 and subparagraph seven indicates that the would be a straight authority. Just there's a question. Obviously, statutory authorities normally are, um, private, normally public rather than private companies. So I'm just wondering whether or not that's correct.

00:11:23:28 - 00:11:29:28

Any precedents for that provision and the implications for and also because then it is self approval mechanism, which

00:11:31:14 - 00:11:41:09

if it was an authority, you can understand an approval, but if it's essentially approving, approving your own homework, then then there may well be questions on that point.

00:11:42:28 - 00:12:20:23

Laura Barton For the applicant. Um, yes, it is intended that the private or the estate roads, the main estate roads obviously other than the A47 link road. So the private roads within the, um within the estate will remain private. And so the undertaker would be the street authority for those roads and that is that follows Northampton, Gateway and West Midlands interchange. Um the applicant is is happy to consider um and any additional drafting and take take any comments from the county councils and in that regard.

00:12:21:11 - 00:12:24:22

So we'll take that away and see whether something ought to be built in.

00:12:26:00 - 00:12:30:18

Just wondering whether any of the authorities have any, any comments they want to make on that.

00:12:33:23 - 00:12:56:04

I'm just thinking whether one option might be in additional requirements as if how those roads have been made up. It might be already in part of the detailed design. It might be just maybe one of those things. You need to have a go and have a look at to make sure that, for example, the method of construction of the internal roads has been approved, even if at a later date. The the undertaker becomes for someone's maintenance.

00:12:56:27 - 00:12:57:19

That's agreed.

00:13:07:07 - 00:13:10:20

Pixel 13, which deals with temporary

00:13:12:08 - 00:13:28:07

temporary closure of public rights of way. If a road is then temporary closed, then other period after a period of time or after an event. And the we like to explore whether an indicator should be specified within the draft.

00:13:30:23 - 00:13:52:03

Law for the applicant. And the applicant is happy to add for clarity and extra column to part four of Schedule five explaining the trigger for when the temporary closure must must cease. And the current proposal is that that would be completion of work number six, but we'll set that out in the next draft.

00:13:53:01 - 00:14:28:26

Yeah, they're just coming back on that. Obviously the nature of structural landscaping, sometimes it can take some time because the nature of particularly if if plants are failed and fail and then have to be replaced, what's completion There might be it might be a perfectly good answer. Could ask people to think about that. But there is a question as to what's complete, what point is completion of that something given? And because obviously there then also needs to be a somewhere a requirement to make sure you do actually complete it because otherwise you haven't got a complete chain.

00:14:30:16 - 00:14:48:12

Understood. Well, consider that. And whether either whether that's dealt with through a defined term for completion or whether it's aligned perhaps to something being completed or carried out pursuant to the agreed management plans, etcetera, through the requirements.

00:14:48:14 - 00:14:49:06

Thank you. Yeah.

00:14:51:14 - 00:15:28:10

Moving on to Article 28, so if we can move up slightly up on the screen because it's onto this bit and this also applies to Article 44, um, the draft drafting, um, these are some of, some of these are both drafting involve patents that they could apply to land outside the order limits or rather than owned lands. Given the statutory notification pursuant to the Planning Act, could the applicant show that those who might be affected may be aware of those? It's clearly it relates to human rights issues.

00:15:30:18 - 00:15:32:12

Lawyer for the applicant.

00:15:34:25 - 00:16:08:28

The provisions themselves are frequently found in other echoes, specifically, as mentioned, following the the other echoes and also other more recent orders, including the a47 for to certain DCO. Um, and they're they're included in order that these private rights don't prevent the delivery of the authorized

development. Um in respect of those persons outside of the order land who who have a relevant right that is interfered with.

00:16:09:08 - 00:16:38:21

Um then insofar as those those persons will have been identified following diligent inquiry, they would be listed in the book of reference and would have been consulted pursuant to section 44 of of the Planning Act and in the case specifically of Article 44, which relates to the um, the felling and lopping of trees within a certain distance, 15m that specifically follows Northampton Gateway. And

00:16:40:07 - 00:16:47:00

you know, it is included to ensure that any obstruction or interference with the authorised development can be dealt with. Um,

00:16:50:00 - 00:17:04:01

the applicant would also point out these, these were included in the draft which was consulted as part of the statutory consultation. There was no objection to those, um, those provisions and so is not aware that they be particularly problematic.

00:17:05:00 - 00:17:16:22

Thank you. You made reference to A47, Wandsworth to Sutton and M25 Junction 28. Could you make sure references to those are included within the explanatory memorandum, please?

00:17:16:24 - 00:17:18:24

Well, yes, we will do. Thank you.

00:17:19:25 - 00:17:20:13

Um,

00:17:23:09 - 00:17:44:11

the next question ten. We're going to move up the screen. Thank you. Because this is the discussion we've had had earlier about water, land and normal limits. Um, the just it's slightly odd, but the way that I've read the order under 29, um, it would be possible for

00:17:45:27 - 00:18:08:13

to, to essentially block the non-strategic highway by something that was over sailed which has been under 29 which I'm sure not. No it's, it's too low so that something would certainly good. It's not it's not touching the ground. It's over sailing. But it's too late to allow vehicle to pass. It's the way that drafting it. Whether that could be amended slightly

00:18:09:29 - 00:18:10:14

lower.

00:18:10:16 - 00:18:34:17

Beth Hudson for the applicant we will review that and whether any clarity or revised drafting should be should be added. It is necessary to have the power in the order though, so that the applicant does have a lawful consent to obstruct um, the street. Um, but we will, we will, we will review.

00:18:34:25 - 00:18:41:10

It not only on a temporary basis rather than necessarily on a permanent basis, which is what I think it could be drafted is understood as being at the moment.

00:18:44:05 - 00:18:48:10

Um, 32. Um.

00:18:51:24 - 00:19:25:07

The Article 32 one provides for greater effect than in providing the Northampton Gateway Rail. Freight cited the wishes to understand why powers in paragraph C, which is constructed of any permanent or temporary works, including provision of means of access, haul roads, fencing and other means of enclosure, bridges, structures and buildings on that land is necessary. In this particular case, we are particularly interested in bridges and how they powers may affect access to rights of both road and rail.

00:19:27:20 - 00:19:51:02

But Laura Bretherton for the applicant and the essay is correct in that the additional powers in paragraph C was was was additional to those in other echoes, and they are included because the applicant considers it prudent and helpful to have those explicitly set out and specifically in relation to bridges.

00:19:52:28 - 00:20:31:00

As the examining authority knows, we do have two bridges within the order limits, one being the A47 link road over the railway and another being a new footbridge in place of the outwards level crossing. Um, and so specific reference to those is thought helpful to, to be absolutely clear that the land may be used to construct those bridges. Um, in terms of access to the rail, specifically to the railway specifically, um, there are protective provisions within the order with network rail as to how

00:20:33:04 - 00:20:51:27

interaction with the railway network will be governed. And there will also be clearly other agreements with network rail outside of the order in terms of relating specifically to connection, connection agreements and other rights needed to the network to to facilitate the development.

00:20:53:06 - 00:21:00:27

Is it your intention to submit any of the draft of those documents into the examination for our consideration?

00:21:01:21 - 00:21:14:15

It isn't thought necessary and that certainly hasn't been the case in other examinations. They are. And certainly in terms of, for example, the network connection agreement that would be dealt with

00:21:16:01 - 00:21:19:28

and hasn't been discussed in detail with Network Rail at this stage.

00:21:25:24 - 00:21:35:15

32 one was the other one which we were interested in why that was required, if this is for permanent works.

00:21:38:22 - 00:22:08:27

Laura Beth Hutton for the applicant. That has again been included for for confirmation and clarity as to what types of activity will be likely to be undertaken. And the applicant's view is that it's it's a reasonable power for for land to be used to carry out those mitigation work, such as the outwards and thorny fields, farm level crossings where the the provision of the works will be permanent.

00:22:08:29 - 00:22:13:00

But the access to the land specifically it required is only temporary.

00:22:13:14 - 00:22:14:01

Thank you.

00:22:16:05 - 00:22:43:17

Moving on to Article 41 is the real is why the whole of the borderlands could be considered operational land. The fully appreciate the road and rail elements. That's not the issue. But like the expiration of the rest and when it's then clarified and set out in ETM. Essentially you've replied in the note to allow statutory undertakers to have land within the site which would be operational.

00:22:45:06 - 00:23:02:21

Should should that land be limited to their land as opposed to the main body of land as it were, which would be undertaken operated by the undertaker or by those benefits from the and the leases for for the individual warehouses. ET cetera.

00:23:04:01 - 00:23:13:19

Laura Beth Hutton for the applicant. Um, I take that point and think, think we'll take the, the consideration of the drafting away as to whether that should be done. Um,

00:23:15:22 - 00:23:35:01

as, as we say, the intention is so that in the event such takers need the ability to carry out works within their responsibility. We were keen that it applied to the whole order limits, not only current operational Lambert, but we will take the point as to whether further clarity should be added.

00:23:35:15 - 00:23:46:10

Thank you. Um, the next one, which is whether the recent Supreme Court case of Fern and others versus Board of Trustees. Um,

00:23:48:22 - 00:24:02:18

you've written me a written a lovely long explanation which essentially says it would have no effect. I don't think, unless anybody else wishes to meet, wishes to add anything to that, we could just pass straight through that particular item.

00:24:05:02 - 00:24:07:18

Saying nothing. Which is good. Which is nice. Thank you.

00:24:13:00 - 00:24:24:22

Right. Article 47, not 27. You're absolutely correct. Um, which essentially deals with this application of powers. Um,

00:24:26:12 - 00:24:44:04

the we'd need to explore explicitly and precisely why each provision is should be amended as set out, and then they should be set out in the explanatory memorandum. Essentially, you said you will do this in the next version of the explanatory memorandum. Is that correct?

00:24:44:27 - 00:24:56:18

Laura Bretherton For the applicant, yes. We will expand upon the explanations in the explanatory memorandum or provide a schedule and append append that to our post hearing submissions if that would be useful.

00:24:56:26 - 00:25:26:11

But part of the reasoning for that is that and we'll come to another one later on the schedules is that recent decisions from the Secretary of State, if something isn't explained in the explanatory memorandum, even if it would appear to have been utterly agreed by everybody in the examination, if it's not in the explanatory memorandum they have, the Secretary of State has a habit of removing it. So as a word to the wise, make sure they're in an explicit within the explanatory memorandum.

00:25:27:00 - 00:25:29:02

That's understood and appreciated. Thank you, sir.

00:25:32:04 - 00:26:03:24

All right. 15 is Article 48, which is certificate and plans and then an equivalent in schedule two. Recent transport decoders have had M54 and M6 or M6 and A47 ones for the Sutton have had the documents to be published on a website to allow the public to see what's been approved and what's been submitted for in much of the way as forming part of the planning register.

00:26:03:26 - 00:26:05:17

It's available. Um,

00:26:07:09 - 00:26:30:11

you you've made the comment it's others should be the Planning planning inspectorate or the local planning authority. Given that the Planning Inspectorate does not hold a planning register of any part of the country, it seems to me that it should be something for the local authorities. And in that regard, the local planning register authority, which is a specific body so defined in the Town and Country Planning Act,

00:26:31:29 - 00:26:53:21

could ask that the applicant and the and the relevant four councils have a discussion over that to see a way which I can understand. It might be something to do in the short term whilst the development is taking place, but eventually it ends up in the public domain as part of the public record. Um.

00:26:56:11 - 00:27:10:15

It's not for today. But what happens in 15, 20, 30, 100 years time. We there will need to be some way in which the the history of this site can be unpicked for future future developments if that were to happen.

00:27:13:05 - 00:27:21:23

Laura Barton for the applicant willing to to take away and discuss with the with the local authorities as to how that might be achieved.

00:27:23:14 - 00:27:29:06

Does either of the local authorities have any comment at this stage on that? No, it's fine. Thank you.

00:27:32:04 - 00:27:32:21

Sorry, if I might.

00:27:32:23 - 00:27:37:01

Make a comment on that as well. Of course, it's Paul Mail for the applicant here.

00:27:37:19 - 00:27:38:29

The purpose of.

00:27:39:01 - 00:27:40:08

Certification.

00:27:40:28 - 00:27:41:21

Is set out.

00:27:41:23 - 00:27:43:25
In Article 48. Two is also.

00:27:43:27 - 00:27:45:19
Relevant that those.

00:27:45:21 - 00:27:48:21
Certified documents are the ones that are admissible.

00:27:48:23 - 00:28:00:09
In proceedings. And so it's absolutely vital to maintain consistency between those documents that might be certified and those documents that might not be certified in whatever the process is.

00:28:01:18 - 00:28:32:00
Understand it entirely. Just think my, my my feeling, personal feeling is that there should be held somewhere in the public that's part of the public record. So that in the future, if there were to be any queries, it could be easily identified. And for the reading, the Council's enforcing authorities would be able to know exactly what they were reporting against. And if you made it matters approved against requirements, they would know again what they were approving, what they would be enforcing against should they need to. So to do.

00:28:32:02 - 00:28:34:17
And that was made available in perpetuity.

00:28:40:27 - 00:28:46:19
Standard markup 16, which related whether on a number of transport

00:28:48:25 - 00:28:58:09
matters relating to human remains, protection of buildings. You've indicated in your note that you were willing to have such provision if felt appropriate.

00:28:59:27 - 00:29:26:17
Laura Bretherton For the applicant. Yes, that's right. With regard also to the inclusion of the the Human Remains article, the applicant is also considering whether or not it might also be necessary to apply section 25 of the Burial Act 1857, which creates an offence of removing such body. So we may also do that and probably in schedule 14.

00:29:26:28 - 00:29:32:17
Okay. You may need to have discussion with with about ministry for justice for that sort of thing.

00:29:35:21 - 00:29:51:25
Okay. Does that before we move on to schedule one, does anybody has any comments or queries they wish to make on any of the articles up to the date? So far, I'm looking online for any hands and not seeing any.

00:29:54:05 - 00:30:24:12
Okay. Um, the next one moves to, um, potentially the structure of, um, schedule one, which are the, the various works and whether they are principal developments and associated development or um, and obviously example as, as originally drafted, there were two elements that were ancillary that were ancillary to the associated development.

00:30:24:14 - 00:30:47:14

And then you end up with the philosophical argument as to whether something which can be ancillary to associated development within the principle development. Just didn't seem to hold right to me. Um, are you aware of drafting? Do you actually need? Parts one and two? There are plenty of development centers that do not have them.

00:30:49:05 - 00:31:19:09

Laura Beth Hudson for the applicant, I think that's right. So many, many schedules don't differentiate. And as we set out in our initial draft response, the approach has been to list particular types of works or activities that will take place within a work package identified on the work plan. And clearly not all of those are inset. Clearly some of them are associated development but which are within part one.

00:31:19:11 - 00:31:19:27

So

00:31:21:15 - 00:31:29:25

we are happy to perhaps remove the headers of Part one and two entirely and where they're not considered necessary.

00:31:32:12 - 00:31:41:21

Yeah. Obviously you'll need to take your own legal advice on that point, but I'm wondering whether it is actually necessary. I think it probably isn't, but that's it is obviously a matter for you to put to us.

00:31:42:03 - 00:31:49:00

We'll we'll have think about that further and make it clear in the next version of the of the approach that's been taken.

00:31:49:14 - 00:31:50:04

Thank you.

00:31:53:15 - 00:32:03:13

Then on work 19, which is the question as to whether or not there is a quote unquote dedicated left hand slip road.

00:32:05:09 - 00:32:06:20

I couldn't see them on the drawings.

00:32:07:19 - 00:32:29:06

Laura Bretherton for the applicant. That's right. It is an error in the description of the works, and that is one of the the amendments that was made to the updated draft submitted on on Monday of this week and along with other clarifications and improvements generally to the drafting of Schedule one.

00:32:30:00 - 00:32:52:03

Thank you. Um, obviously the next one is on question 19 that has moved up on the screen. So those watching online just to make make sure whether the footbridge would be accessible to all, including those in wheelchairs and buggies. Now we've seen the terrain of where they are, but there are plenty of buggies that can be taken across across the fields.

00:32:54:01 - 00:33:28:21

Laura Beth Hatton For the applicant, the intention at the moment is that it would be a stepped bridge. Um, the applicant hasn't received any comments from from the highway authorities or indeed the public as to whether or not it should be a ramped bridge. The applicant is discussing the detail of that bridge with Network Rail and we can confirm that should it need to be an accessible bridge, if that is

the ultimate intention, that they land the necessary land in order to deliver that is within the limits and so it can be accommodated.

00:33:29:27 - 00:33:33:08

Clearly there might need to be a cross-reference this and the equalities impact assessment.

00:33:36:09 - 00:33:36:26

Understood.

00:33:39:14 - 00:33:40:01

All right.

00:33:41:14 - 00:33:52:17

So excuse me. Rebecca Henson, Leicestershire County Council. Just to confirm, sir, that the County Council has not yet seen any details of the outwards footbridge to comment on.

00:33:54:12 - 00:34:00:16

No, obviously we've seen all that is available and hence the reason for the question as to whether it would be accessible or not. So.

00:34:07:17 - 00:34:19:25

Laura Bretherton for the applicant. I believe the detail of the bridge or the current proposals are within the application, but we will take that away and confirm and continue discussions with the county.

00:34:20:21 - 00:34:21:12

Thank you.

00:34:24:06 - 00:34:25:12

We did have a meeting.

00:34:25:14 - 00:34:34:28

With you about public rights of way and there is an email which lists the information that's missing that we would require from you. So it might be useful to refer back to that. But today we haven't had anything.

00:34:37:29 - 00:34:39:09

Okay. Thank you.

00:34:44:02 - 00:34:50:06

Next one is moving on to schedule two. Sorry. Sorry. Sorry. Yes.

00:34:50:28 - 00:35:19:00

Mr. Benson. National Highways. Just in relation to that section, in terms of the discussion around associated development in principle and appreciate, it's going to be looked at again, the works that are needed for M60 nine Junction two are actually necessary for the development itself. It isn't necessarily associated development because it isn't needed at present. So therefore we would ask permission is that should actually be formed part of the development itself, not associated development.

00:35:22:12 - 00:35:47:07

Laura Beth husband for the applicant. The reason that it's in the associated development part of the schedule at the moment is because the highway works themselves are not part of the CIP. So whilst we of course accept that they are needed for the development, they comprise the authorized

development entirely, but the highway works or the junction works are not in CIP works, which is why they're not listed in that part of the schedule.

00:35:48:24 - 00:36:02:00

Just to come back on that. But they're not needed at that all. Without that site, they're not needed at all. So therefore they do form in our view is they do have to form part of the CIP. And as part of that.

00:36:02:25 - 00:36:14:09

We're going we're a bit going round in circles and it does actually to a certain extent make the point, probably emphasize the point which I've made earlier, that is, do we actually need parts one and part two?

00:36:15:10 - 00:36:21:03

Yes. Think we may just remove the headers, but you know, the onset for the time. Yeah.

00:36:21:08 - 00:36:22:06

Yeah, I've got the point.

00:36:24:20 - 00:37:03:00

Yeah. Thank you. Right now, going into schedule two, which for those who are more used to Town and Country Planning Act, this is sort of the equivalent of the conditions on a on a planning permission. It's then most more or less the same. Not quite. But so you might those who have sat through um conditions sessions at Section 78 Country Planning Act inquiries may find the following a little more familiar when put it like that than the some of the other stuff we've been talking about earlier.

00:37:03:22 - 00:37:25:17

Um, the first one is to ensure that all the this in general matters first, which is to make sure that they all have implementation clauses. There are numbers that haven't. They should be freestanding within themselves. So obviously it's fine to say we'll submit the details, we'll have them approved. But you won't actually need to implement them.

00:37:26:20 - 00:37:56:05

Laura Bretherton for the applicant, um, the, the intention at in the current drafting is that implementation of anything that is agreed through any of the plans, management plans or other elements of the requirements is covered over in an overarching way by requirement 3041 But the applicant takes a point, and if the examining authority would prefer implementation in each separate requirement, then we don't have any objection to to making those amendments.

00:37:56:21 - 00:38:02:21

I think the general view is yes, please understand. And equally well we need to

00:38:04:09 - 00:38:29:17

the there's there does appear to be a number of retail pieces or as otherwise may be agreed by the local planning local planning authority, which obviously the Midcounties co-operative case makes clear you should not have. So you've indicated that some of them may relate to triggers rather than matters. Again, we need to go. You'll need to go through them all and we'll have to have a look through them in due course.

00:38:29:28 - 00:38:31:13

We will review that. Yes.

00:38:35:02 - 00:38:48:00

Yeah. See, moving down is, uh. Yeah, you've removed the definition of making sure that any technical terms are defined. So, you know,

00:38:49:19 - 00:39:00:21

I suspect a good few people sitting around these day will know what Cubao means, but I'm sure there'll be plenty of people who don't. And so that's obviously gone. So it's not a problem. Thank you. Um,

00:39:03:17 - 00:39:22:08

then, then you indicated that the drafting order of them, just, which is the, the national planning practice guidance indicates that you should do them in chronological order. Predevelopment development operation in simple terms. Um, so in your indicator you'll have a look at that. It may or may not be possible in this particular case.

00:39:23:12 - 00:39:24:21

We will do that, Yes. Yeah.

00:39:27:07 - 00:39:39:06

Ditto. You've said that try and avoid external standards simply because they have a nasty habit of changing post development, which means you're not building to the latest standards. The reason I personally don't tend to like them being in,

00:39:41:05 - 00:40:22:07

um, and then discharging of requirements whether they should all be done by a local planning authority for the area. I'd probably appreciate the discussion can be done by anybody. That's not the point. It's more whether there should be coordination with them so that there will be crossovers between highway matters and landscaping, which would one would fall with with the two or the two highway authority or the three highway authorities and then one with the with the council, and which might have implications for ecology, which is clearly with the District Council, is whether or not there should be a coordination in that.

00:40:22:09 - 00:40:26:15

So all being fed through a single single point of contact.

00:40:28:12 - 00:40:45:19

I understood is, is the intention then that requirement or is the request that the requirement might specifically be discharged by the relevant planning authority in consultation with county council, for example?

00:40:45:26 - 00:41:16:10

It's normally normally it's down to the local planning authority to ensure that they consult with the correct bodies. So but it could be, you know, and it could be might be put in the planetary memorandum as it is anticipated they would consult with dot, dot, dot, dot, dot. That might be a way out of the particular problem, but the general is normal in section 78. Works. It's dealt with by the local planning authority. And if they then want to consult with Highway 30, fine.

00:41:17:16 - 00:41:18:01

Agreed.

00:41:19:14 - 00:41:21:12

The councils have any comment on that?

00:41:24:15 - 00:41:34:09

In which case that's fine. Okay. Bum, bum, bum. The next one is moving down into

00:41:36:01 - 00:41:51:16

item 21, which is detailed design. There are a couple of Pacific points that need to be clarified as to what the minimum rating would be for those particular. What they mean and be what the minimum rating would be.

00:41:53:29 - 00:42:00:23

Laura Bretherton for the applicant. We will review and amend those definitions and add clarity.

00:42:02:12 - 00:42:03:01

Thank you.

00:42:06:11 - 00:42:18:29

Mr. Benson. National Highways. Just under that a matter where it says vehicle cycle, motorcycle parking that needs to include HGV parking as well and suitable electrical supplies for that.

00:42:26:17 - 00:42:27:14

There goes.

00:42:34:07 - 00:42:35:02

Somewhere.

00:42:41:20 - 00:42:42:05

So.

00:42:42:29 - 00:42:43:26

That's no problem.

00:42:46:29 - 00:42:54:06

Clearly obviously need him putting into the relevant parts of the order. But that's of itself, isn't it? Thank you. Uh.

00:42:57:26 - 00:43:00:18

My mouse has decided to disconnect itself. Wonderful.

00:43:10:12 - 00:43:16:27

So my master disconnect itself from the from from from my laptop. Um.

00:43:19:15 - 00:43:43:20

So, uh, we're now with the to do with the phasing and work 16 and 17 understand that work 16 is now being proposed to be deleted from the from the proposed development to make sure that those developments still come operational. And it's not quite clear from the relevant from great great UK

00:43:45:23 - 00:43:55:03

how few mitigation at the crossing hand roundabout would be delivered. Given that the other works are concerned. Just we want to make sure that they all coordinate together in this provision.

00:43:57:17 - 00:44:32:27

Laura Beth Hutton For the applicant to be clear, work the amendment to work 16 is the deletion of the the works that were coloured green on on the relevant highway plan following the applicant's understanding that Guiseley no longer in plan intend or are required to carry out those works. And the

consequential amendment for the DCO is that the applicant's position was if Guiseley were to do those works then clearly the applicant would not need to do that, that element of the works.

00:44:33:03 - 00:44:51:16

And so what has been removed from the order is requirement five three and the highway plan has been amended so that there is no longer any green on that that particular highway plan and therefore all of the works within work area 16 will be undertaken by the applicant.

00:44:52:15 - 00:44:56:12

All right. Thank you. That's clear to me. Does the county Council have any comment on that?

00:44:59:25 - 00:45:27:27

Thank you, sir. Rebecca Henderson, Leicestershire County Council. We haven't had an opportunity to review the revised drawing that was submitted and appears on the website yesterday, but the one referenced in the six letter by the applicant does in fact include works colored green that also relate to work 17 and therefore we just seek clarification that work 17 is not being removed from the.

00:45:32:21 - 00:46:12:09

Lower Manhattan for the applicant. No works are being removed from the the intention with work number 17. However, it is still that if those works work undertaken by the the other developer who we understand has a Section 278 agreement to carry out those works, the applicant would not need to carry them out in the event those works have been commenced by the the time in the in requirement five one by which the applicant accepts that those works need to be delivered if they haven't been commenced by that other developer at that time, then the applicant would carry them out.

00:46:15:04 - 00:46:46:03

Question. Thank you, sir. Mr. Ben SIM, National Highways. As I said earlier, the because of the incompleteness of the transport assessment, this isn't an infinitive list of all the mitigation that's needed from our view. The other element is that we would ask this list to be reviewed in terms of the relevant body. Not all junctions are correctly attributed to the relevant body. The Crossing Hands Junction under 16, for example, is actually maintained and managed by ourselves because it forms part of the A5 is National Highways. But also some of these junctions are cross-reference with ourselves, Leicestershire and Warwickshire.

00:46:46:05 - 00:46:49:14

So all relevant bodies we would ask to be listed against them.

00:46:50:29 - 00:47:08:15

Laura Beth Hudson for the applicant. We will review that list specifically with regard to work 16 This relates to the to the point I mentioned earlier about actually having three authorities to agree protective provisions with. So we do accept that that is more than is currently identified in the schedule.

00:47:09:22 - 00:47:21:21

Thank you for just doing that. And so it will be added to so it will be more comprehensive if there are any other matters like that. Obviously, discussions between the parties could identify them to allow to ensure that they are dealt with.

00:47:25:17 - 00:47:37:00

Moving on to 23. The first one was to do with definitions which we've dealt with before. Um, now this is the next question. So to do with

00:47:38:20 - 00:47:56:03

whether the level crossing appreciate Network Rail are not here today, but their, their general presumption is to try and close as many pedestrian level crossings as as possible as soon as possible. So I was wondering whether or not

00:47:57:24 - 00:48:17:25

and obviously operation defining what operation is for these purposes, is it is it include testing, which obviously means that it would be used, but it wouldn't be operational in the sense of being used as a site for a strategic rail freight interchange and whether that could be amended or defined a little further.

00:48:19:12 - 00:48:49:00

Laura Bretherton for the applicant, am aware that Network Rail are online, so I don't know if they do want to come in at all on this point. Um, the applicant's view is that commercial operation is intended to refer to the first time a train would be entering the terminal and therefore would have the impact of extending down the rail track to the crossing. And we will take away and consider clarification, adding clarification to the drafting.

00:48:55:08 - 00:49:01:18

Because is the is the gentleman from the gentleman from National Rail here? Because if so, could you make any comments on that, please?

00:49:02:22 - 00:49:17:05

Yeah, Chris. Chris Robinson part of the network rail. Yeah. Think all I could to that is is that discussions are ongoing with with the applicant with regards to the level crossings. So we don't have anything further to say on those points at this time.

00:49:20:01 - 00:49:40:15

Laura Bretherton for the applicant. If I could also just add, of course the intention of the requirement is to ensure there's an absolute backstop for having those level crossings closed. It may of course be the case that as part of the other public footpath closures and diversions that may need to be in place earlier than that, the level crossings would have been closed before that.

00:49:41:19 - 00:49:48:10

Thank you. Yeah. Hence the reason for my next comment as to whether it will be possible to combine requirement six with requirement 26.

00:49:53:27 - 00:50:02:03

Laura Beth for the applicant. And yes, I'm happy to consider perhaps combining those. If it adds greater clarity.

00:50:04:18 - 00:50:46:07

Now moving on to 23, which is whether or not it would be possible to combine the various construction management plans. They have significant amounts of duplication in text. Appreciate historically that some or some have been done separately but equally well given the interactions between them. It is whether and this was going back to the discussions we were having earlier about the Local Planning Authority Act as the coordinating body for all of them, thus making ensuring that there was no conflict between them and whether or not it would be possible to do that.

00:50:48:01 - 00:50:50:00

Laura Beth Watson for the applicant

00:50:52:02 - 00:51:25:00

think the applicants view and clearly approach to these requirements has been that it is very common practice to to have these separate plans and and the local authorities themselves will be used to receiving separate plans in that regard. And the applicant is also conscious that combining this extent of information into one plan might also be quite unwieldy in itself. But having said that, it's happy to to take away and have further discussions with the local authorities as to whether or not that might be

00:51:27:07 - 00:51:28:03

appropriate.

00:51:32:00 - 00:51:32:15

But.

00:51:37:03 - 00:51:42:09

I think the current intention, however, is to to keep the drafting as it is in.

00:51:45:29 - 00:52:06:13

Think you will find in a country planning Act world. They are being put together frequently simply because to ensure the coordination between between them. Appreciate. It hasn't necessarily happened in the past in the world, but I'm just thinking it may be something that move forward in time. Time comes by. Yeah.

00:52:08:07 - 00:52:10:23

So let's pull off the applicant. Don't think in.

00:52:10:25 - 00:52:11:27

Practice.

00:52:11:29 - 00:52:46:02

And in theory there is anything objectionable to the suggestion it comes it comes down to the practicalities of actually discharging those requirements and the publication of documents. And there are some which may take longer and involve more negotiation than others. And it is easier to pursue those in isolation rather than as part of a much larger document, which of course, if iterations of it then need to be made and resubmitted, needs to be changed as an entire entity rather than a separate plans.

00:52:46:04 - 00:52:50:08

And that's simply why I think that that the approach that we've taken has been adopted.

00:52:51:21 - 00:53:06:21

Thank you. And obviously one of the things which it wasn't clear in the drafting was whether if a plan was updated that an update needs to be approved by the relevant local planning authority, which I think you've said would happen.

00:53:06:23 - 00:53:07:23

That's agreed. Yes. Yeah.

00:53:07:25 - 00:53:08:11

Thank you.

00:53:10:01 - 00:53:22:15

Uh, number 25, which is, uh, you've in the notes, came back, you said there was an error on it. Should and should obviously be for the lifetime of the development.

00:53:24:09 - 00:53:25:03

That's correct.

00:53:25:05 - 00:53:25:22

Thank you.

00:53:27:03 - 00:53:40:06

Uh, the the reference to the five years is the intention for a five year monitoring period rather than the operation of the travel plan itself, which is intended to relate to the lifetime.

00:53:40:14 - 00:54:24:29

Yeah, clearly, if any, the council failed to make representations on that they can do at a later date. But the but it was more the draft. It was as it read it just was the first five years which clearly wasn't thought was unlikely to be the intent but clarified at this point. So that isn't you you at least can making your comments now what what you anticipate coming in this requirement 12 which was to do with principally to do human rights we discussed already and whether it would be possible to do things one to deal with recording of any archaeology and making sure that it ends up in an inappropriate repository.

00:54:25:12 - 00:54:29:25

And what happens if you come across something that nobody's expected?

00:54:33:03 - 00:54:50:10

Laura Bretherton for the applicant. As indicated in the response. The applicant is is content to to follow the drafting of the proposed a47 once for requirement as suggested by the examining authority.

00:54:54:04 - 00:54:55:24

Moving on to 27,

00:55:00:13 - 00:55:16:04

whether you can contaminated land and whether it should also try to contaminate potentially contaminated land as well as just controlled waters. And appreciate what you explained. It came from the Environment Agency, but that doesn't mean it shouldn't apply elsewhere that's agreed.

00:55:16:24 - 00:55:26:19

It did come from the Environment Agency, but but we accept that it should and was intended to relate to contaminated land as well that that will be amended. Thank you.

00:55:30:09 - 00:55:34:05

28 we had the discussion about earlier so we can move past that one

00:55:36:02 - 00:55:36:26

again.

00:55:39:05 - 00:56:01:26

This is again, was the question as to whether the landscape ecological management plan, the ecological management plan and the landscape scheme and the woodland access schemes and Wallace Access management plans, whether they could be combined or if not combined. The four into one, you might get some reduction in the numbers down a bit. Can put it like that.

00:56:03:29 - 00:56:08:14

So the applicant could just come back to item 28 because

00:56:10:03 - 00:56:36:29

requirement 29 is a slightly different matter to the issue that we talked about earlier. Requirement 29 seeks to limit the operating hours of any CHP provided as part of the energy center. Now that is to accord with the basis of the assessment that's set out in the air quality chapter. So think that's a slightly different point to the limitation on generation capacity that we discussed.

00:56:37:09 - 00:56:39:01

Absolutely fair. Yes, no problem at all.

00:56:40:24 - 00:56:44:12

And yeah, that's fine. That's fine. Thank you.

00:56:46:12 - 00:56:55:09

So returning to 30 is whether or not there can be some some combining, even if they weren't complete combining. Could I ask you to go anywhere and have a look at that to see whether that would work?

00:56:55:11 - 00:56:56:05

Absolutely, sir.

00:57:00:07 - 00:57:09:04

And equally well, we need to be an approval mechanism for updates. Again, in the same way that there was we were talking about the construction elements as opposed to the long term management.

00:57:11:18 - 00:57:17:13

Uh, 3430. Sorry. We move on to 30, which relates to requirement 34.

00:57:19:17 - 00:57:20:02

Um.

00:57:25:09 - 00:57:58:25

The. This is whether or not they should be within their own terms and or approvals. Um, the general assumption is that you submit an approval pursuant to if you, if you I'll use the example you wanted to change the materials that have been approved, you have to resubmit the details pursuant to the condition, again, starting from scratch, as it were, rather than asking for an amendment to a previously approved scheme. I'm using it as an extreme, but obviously practical solutions.

00:57:58:27 - 00:58:07:07

Whether or not that should whether that's the correct way is to deal with the issue.

00:58:08:23 - 00:58:18:05

Obviously you've got the phasing set out in condition three, which in requirement three, which would allow you to subdivide phases and therefore may be able to avoid the hillside problem.

00:58:24:03 - 00:58:25:26

Laura Beth Hudson for the applicant?

00:58:28:12 - 00:58:47:28

Yes, it's considered sensible that the has a mechanism for for such amendments. And of course, the principle is covered in many other although may not be in a requirement and out in in others. It's dealt with in particular articles. And

00:58:49:23 - 00:58:50:13

the applicant

00:58:52:16 - 00:59:11:25

is simply keen that the principle is covered, whether whether that is in requirement or other articles. And there is of course, Article 46 that deals with with amendments as well. The key being that obviously such changes don't give rise to materially greater environmental effects and.

00:59:14:00 - 00:59:26:17

Lutely. No, clearly it can't be getting there. Can I ask you to come have a look? Have a look at that to see whether or not that could be whether you actually need this requirement or whether it could be dealt with by other mechanisms within the development consent order.

00:59:26:27 - 00:59:27:26

Happy to take that away.

00:59:27:28 - 00:59:28:18

Yes. Thank you.

00:59:30:25 - 00:59:40:03

Before we move on to part two of Schedule two. Does anybody have any comments on anything else in the in part one of the schedule of that schedule?

00:59:41:19 - 00:59:42:04

So.

00:59:43:15 - 01:00:04:03

Ed, Stacey, by district council, it was just a comment on if some of these quite large management plans start getting sort of amalgamated together, just conscious of our consultees being able to track any changes to that. So I don't know exactly how that would be resolved if that could just be thought about and communicated maybe so we could deal with that. Thank you.

01:00:07:27 - 01:00:15:16

The applicant is nodding that they think they've got the point you've made. So I'm sure they'll be able to take that it further in in their further in their drafting and thoughts.

01:00:17:26 - 01:00:18:11

Um.

01:00:23:05 - 01:00:38:25

Yeah, obviously with the first one, in part that is the general question as to whether there should be an explicit power saying and I've seen that I've looked at that advice 15 or 30 isn't there, which does seem to me somewhat surprising, can put it like that. Um,

01:00:40:18 - 01:00:50:08

just think it probably would make more sense for something explicit to say that local authorities do have the extra powers to do certain things and what those powers are. I don't know what your thoughts are.

01:00:51:12 - 01:01:07:23

Laura Bretherton For the applicant, no particular objection to building in some clarity around that particular power. And of course Article 46 three gives effect and confirms that part two of schedule two applies. Um,

01:01:09:12 - 01:01:26:13

and then obviously part two sets out the procedure, but we're happy to take away as to whether perhaps something might be built into Article 63 to explicitly, explicitly refer to the relevant local authorities having the power to to discharge.

01:01:36:05 - 01:01:46:00

In for and which deals with appeals. You've cited the Northampton Gateway as precedent

01:01:47:24 - 01:01:48:18

in.

01:01:50:07 - 01:02:21:13

Subparagraph three. There's no timetable for the secretary or the appointed to person. Why? Justification is necessary. Oh, we've all gone dark. If we've still got power for for for everybody. It's probably find its emotion emotion, Census center thing. We've all been sitting so beautifully still but they suddenly realised there was nobody here thinking There was nobody here. Which Hayhoe, um, makes a change.

01:02:21:20 - 01:02:46:26

Um, the why? A no timetable. Because in Northampton Gateway it says a practical rather than a set number of days, it says as soon as reasonably practicable. I'm just therefore wondering why we should have a specific day, say Northampton. Gateway does say as soon as reasonably practicable.

01:02:48:12 - 01:03:15:19

Laura Beth Hudson for the applicant that's accepted. Think the intention was actually to refer to West Midlands interchange rather than Northampton Gateway. So apologies for that. So a time frame does have precedents in other echoes. Um, clearly the applicant is keen that there's provision and mechanisms in the order to ensure that decisions are taken promptly within clear timeframes in order to ensure the delivery of the of the development.

01:03:20:01 - 01:03:31:24

Think we ever think about. Obviously you can put my. I suggest that you put in the triangle why you think this particular why 20 days is necessary as opposed to as soon as reasonably practical.

01:03:32:26 - 01:03:33:16

We will do.

01:03:33:22 - 01:03:44:27

Thank you. And then we move into nine. So eight and nine which again the.

01:03:46:24 - 01:03:59:15

The point I think we just alluded to yesterday is that you have put in need in the appointed person must whilst the advice, note and precedent says may

01:04:03:11 - 01:04:12:21

the must the appointed person must proceed to a decision as opposed to the appointed person may proceed to a decision and he will understand the difference between those two terms.

01:04:14:18 - 01:04:20:17

Understood. And the point is taken. We we will we will take that away. Thank you.

01:04:27:16 - 01:04:49:27

The sea, which is is 11 PSI designed to allow the discharging authority to continue to make a decision after an appeal has been lodged. Because normally, once once an appeal has been lodged, the original authority loses its powers in these in this in that regard, it just transfers to the appellant authority.

01:04:51:18 - 01:04:55:04

Laura Beth Hudson for the applicant that's agreed,

01:04:56:28 - 01:05:10:29

as stated in our response. We've followed the advice note and we note it is in other in other orders and the applicant has no objection to to removing that wording if it is adding confusion.

01:05:11:07 - 01:05:11:22

And

01:05:13:11 - 01:05:13:26

we

01:05:15:16 - 01:05:38:27

think it's one of those things whereby if you it needs to be clear as to who is the determining authority. Um, I'm absolutely understand from an applicant point of view saying if you haven't and let's say the council was tardy by 24 hours and getting an aren't getting an approval out, you'd want the approval rather than have to go through the appeal mechanism. But

01:05:40:21 - 01:05:46:22

it should be clear as to which way we're who who at any point in time is the determining authority.

01:05:47:13 - 01:05:48:00

Agreed.

01:05:49:28 - 01:06:01:08

And 13 is day is weather and an appointed person to be able to and what it costs on their own initiative because

01:06:03:03 - 01:06:09:06

it isn't there at the moment but was wondering whether that provision should be it is in most prevalent mechanisms at the moment.

01:06:11:22 - 01:06:20:00

Again, as say we follow the advice note but more than happy and don't have a concern with adding adding that change for for clarity.

01:06:20:05 - 01:06:25:15

Yeah think think that advice and that is getting little older as they say can put it like that

01:06:28:14 - 01:06:32:16

right. Moving on to 33 which is fees

01:06:34:05 - 01:06:34:20

um

01:06:36:22 - 01:06:57:24

obviously appreciate it in the in the West Midlands right the problem is the word requirements does not appear in the fees regulations at any point in time. I've looked. Um so consequently there is a mismatch in some way, shape or form. Now whether that's been picked up before is kind of neither here nor there. It needs clarifying one way or the other.

01:06:59:07 - 01:07:00:07

Happy to do so.

01:07:06:15 - 01:07:13:29

I'm obviously it's a matter for the local authorities. I don't know whether any of you want to make any comment at this stage on the whole on on on this provision.

01:07:16:01 - 01:07:19:28

Obviously very welcome to make comments in due course on that if you so desire.

01:07:21:23 - 01:07:25:15

Um, and obviously the

01:07:27:01 - 01:07:43:14

The regulations have a 12 week, 12 week uh, refund if not discharged. Well. Again, want to know why the 42 day was applicable more? We would like to know why 42 is more applicable than 12 or 12 weeks. One.

01:07:45:04 - 01:07:50:14

By half the time. Appreciate from your point of view. But why but think you need to be a bit more explicit.

01:07:51:21 - 01:07:52:10

Understood.

01:07:53:00 - 01:08:05:08

Particularly if the local planning authority has to go through a consultation exercise with third parties and equally well if they're coming back. And then you have to do a resubmission, even if it's only a minor amendment to satisfy whether there's one of those parties.

01:08:07:29 - 01:08:15:14

Right. Um, schedule. Moving on to the remaining schedules, schedule eight.

01:08:17:28 - 01:08:18:18

Um.

01:08:21:23 - 01:08:42:10

It's a question as to whether or not what the appropriate there is no event is said to be on completion. It's now it's weather, but completion is not defined. We'd like to explore whether or not this term is appropriate or whether alternative drafting open to traffic, which has been used in recent development developed transport bill of consent orders is more appropriate.

01:08:46:12 - 01:09:02:27

Laura Beth Hutton for the applicant. We will we will consider that. And and as indicated in our in our draft response and we think open to traffic might be an appropriate trigger, but will confirm when we come back with the revised DCA.

01:09:03:19 - 01:09:21:19

Thank you. And schedule 12, the explanatory memorandum is beautifully silent on the whole of the provisions. As indicated earlier, we need every single one line by line. I'm afraid so. Otherwise

01:09:23:16 - 01:09:26:06

I can think, well, I'm pretty certain know what will happen.

01:09:27:11 - 01:09:30:19

That's no problem. We'll update the explanatory memorandum.

01:09:30:21 - 01:09:31:23

Thank you very much.

01:09:33:12 - 01:09:45:24

Uh, in schedule 13. Can you let let us could you just go through where we are with the discussions for each of the

01:09:48:02 - 01:10:07:09

those who would be the beneficiaries of where we are in negotiations for each of each of the relevant protected provisions? Appreciate. This is a single side of the argument at this point. You're very welcome to chip in to say whether you agree or disagree with what is said, but um, it would just be useful to hear from, from our point of view where the applicant feels they are.

01:10:10:01 - 01:10:26:21

Laura Beth Hudson for the applicant. Absolutely. In respect of the protection provisions with network rail and very detailed progress and significant progress is being made on the technical side with network rail. And

01:10:28:14 - 01:10:54:18

we are continuing to pursue and and progress the the detail of the protective provisions to be included in the order. And I think it's fair to say from the applicant's position, it is anticipated that there won't be any issue with getting finalized protective provisions agreed with network Rail in very short time scale and certainly within the time of the examination.

01:10:56:12 - 01:11:06:00

Probably is if asked the representative of Network Rail online whether they have any comments they wish to make. You don't have to, but if you have any comments, obviously they'd be appreciated.

01:11:06:26 - 01:11:11:28

Yeah. Chris. Chris Robinson Denton's on behalf of nothing further to add. We agree with that position.

01:11:12:12 - 01:11:13:02

Thank you.

01:11:15:00 - 01:11:46:24

In respect of the protective provisions with national highways, we did have a very detailed Section 42 consultation response from national highways, both on detailed comments on particular articles of the DCO and on the protection provisions. And we've since then gauged with national highways in respect of those and discussions on the protective provisions are taking place with national highways in parallel and and of course without prejudice to national highways.

01:11:46:26 - 01:11:51:09

Separate technical technical review of the detail of the highway works.

01:11:52:23 - 01:11:54:29

Does National Highways wish to make any comment at this point?

01:11:55:07 - 01:11:57:03

No comments. And that's agreed. That's fine.

01:11:59:25 - 01:12:35:24

In respect of the protective provisions currently included in the in the draft order in with Leicestershire County Council. We've covered some principle points on that earlier in today's session with the county requesting their standard 278 provisions, which of course we are considering. We haven't had any detailed discussion with the county on the current drafting for that reason. And of course any discussions are also taking place without prejudice to the county's in parallel review on the technical side of the highway works.

01:12:37:01 - 01:12:40:19

Does the county wish to make any comment at this point? No, that's fine.

01:12:44:25 - 01:13:00:20

In respect of the Cadent gas protective provisions, good progress has been made. There are a few outstanding points with Cadent gas and the applicant is hopeful that they will be resolved in the coming weeks. Don't believe there. Don't believe.

01:13:00:22 - 01:13:03:19

There's any. Don't believe there's anybody here from cadent gas here today.

01:13:03:21 - 01:13:04:06

Sir.

01:13:05:14 - 01:13:23:13

In respect of Severn Trent water, the applicant is awaiting response from Severn Trent on the on the drafting. The provisions in the order are based on Severn Trent standard and of course all many water authority standard protection provisions and therefore we don't anticipate any issues or concerns.

01:13:24:12 - 01:13:25:13

Thank you. Thank you.

01:13:27:06 - 01:13:48:28

Part six is an overarching sort of general electricity undertakers provisions. They are standard and are included in many DCS as I think covered in the in the questions we intend to carve out specifically

01:13:50:17 - 01:14:04:20

provisions relating to national grid electricity transmission and they will have their own part and discussions are ongoing with with them again, based on primarily their standard provisions, and we don't anticipate any concerns or issues.

01:14:06:21 - 01:14:07:09

Thank you.

01:14:08:00 - 01:14:29:10

And then finally, for part seven, the electronic Communications communications code networks are standard provisions. We haven't had any engagement from specifically openreach on the provisions,

but we are aware from experience and other orders they are they are the standard provisions and therefore don't anticipate any concern.

01:14:30:07 - 01:14:30:27

Thank you.

01:14:34:04 - 01:14:43:11

Now, which moves us on to not that there's another. I'm afraid I've got another one after the after this, but we'll have to deal with, um,

01:14:45:17 - 01:14:56:07

which is our article schedule 14 Miscellaneous controls. Again, I think a lack of a justification in in the explanatory name and which will need to be set up. Provision by provision, please.

01:14:57:10 - 01:14:58:08

That's no problem.

01:15:00:20 - 01:15:21:23

The other thing the other one is, as you may or may not have picked up in the recently consented A38 Derby junctions development consent order in relation to matters relating to the Land Compensation Act 1961, it's introduced the phrase as if it were a dispute in um.

01:15:25:06 - 01:15:47:04

I've looked in this particular draft and noticed the phrase in case of dispute as opposed to as if in as if it were a dispute. Um, I'm not a lawyer, but could you have a look? Could ask you to go and have a look at those to see? Because I suspect that that change in terminology has been done for a reason. I'm just not present what it is.

01:15:48:02 - 01:15:49:28

We will go away and look at that. Yes, sir.

01:15:50:03 - 01:15:50:18

Thank you.

01:15:50:20 - 01:15:51:07

Very much.

01:15:52:12 - 01:15:52:27

Running.

01:15:53:03 - 01:16:03:11

So we've come to the end of the long list of things that we that we had. Thank you. Thank you, everybody, for bearing with us. Yes. To anybody else who does anything else, they want to raise this point.

01:16:03:27 - 01:16:19:06

Hello, Joanne Archer, County Council. Just to sell item 36. We are implicated in the protective provisions and we've just recently heard from the applicant. So we'll push that on to our legal services team and wait to hear which solicitor will be allocated.

01:16:21:17 - 01:16:22:23

Thank you. Thank you.

01:16:24:06 - 01:16:34:28

Does anybody else wish to make any other comments on any other point? Gentlemen, if you could get in there getting a microphone for you, sir.

01:16:42:13 - 01:16:44:08

Dave Howard, Stoney Stanton Action Group.

01:16:44:10 - 01:17:02:06

It's just a procedural question for interested parties. Now, there's been a lot of talk about the draft DCO base meeting. When do we need to get any further comments we have on the draft? Is it deadline one or because that's a very short timescale for this.

01:17:02:27 - 01:17:19:24

The what the the timetable, which obviously yet has been published, has the applicant submitting a revised draft at deadline two, which is the 24th of October. If I'm doing that from correctly from memory,

01:17:21:13 - 01:17:33:29

which and then people make representations on that document at that point in time before the deadline three, which can't remember the date of that off the top of my head. So they should be published

01:17:36:04 - 01:18:17:27

soon after the 24th of October, as we would have a discussion again in the ministers to which what the track change version comes from. So it's the original or the one submitted this week. We'll do that in a minute and therefore people will be able to make representations on that once it has been submitted at that point in time, as explained. Right. Right. At the head of this meeting nearly three hours ago, this meeting, what is without prejudice to the overall with our overall recommendation and to anybody's party as to whether development consent should be good.

01:18:17:29 - 01:18:32:05

If it does sound like sometimes they agree, it's as if it's been agreed. But it says anything. But it's just a technical it's just makes the language a lot, lot easier to say that it's being done in the way that we do it.

01:18:32:08 - 01:18:44:22

Okay. Thank you. And one follow on question. Would there be any problem for a group like a South Stoney Stanton Action Group submitting several written responses because we might partition the work between us?

01:18:45:12 - 01:19:07:03

No, although we could. We could. We ask that they be coordinated. So they submitted together. You have essentially an equal role from your own point of view. You won't want people saying different things, so you'll need somebody to run contrary to one another's. So you'll need to do that. But was just they all. If there's if there's more than one document. Appendix one. One, two, three. No problem at all.

01:19:07:13 - 01:19:07:28

Thank you.

01:19:11:29 - 01:19:33:16

Thank you, sir. Paul. Mail for the applicant. Think. What I will say, of course, is that there is a development, a draft development consent order. And as part of the application, if people have

comments to make on the submitted version, it would be helpful if they could be submitted as part of those parties submission at deadline one so that we could have the opportunity to consider those in the version that we might then submit a deadline to.

01:19:34:21 - 01:20:05:29

In reality, they should have already been submitted as part of where we are, where we are today. There's a slight difference with with the councils because they have a local impact report. And but so please, yes, if there's a if you if you know what you want to say, put it in a deadline one. But if it's to do with the changes, it's then it will be at deadline three after the changes have been after in the discussions today, you'll have heard what the applicants going. And you can see from the procedural decision A well how they're going to amend it. So in one sort of sense, certain elements, we know they're going to be amended.

01:20:06:01 - 01:20:17:23

There's no need to make comment on that because that's going to happen. Make your life easier. Okay. Okay. Which goes back to the point which I was going to do next. Sorry, there's not another gentleman. Sorry. Thank you.

01:20:19:06 - 01:20:20:21

Forgive me if this is the wrong.

01:20:20:25 - 01:20:21:17

Have your name, please.

01:20:21:21 - 01:20:58:19

So, David Bell, chairman of the Herbage Parish Council. Forgive me if I'm raising us under the wrong point, but it's again, it's a procedural matter, really, And it's picking up what the leader of Blaby District Council pointed out yesterday, and that is the inadequacy of consultation. I've spent this morning going through the submissions that were made on Monday evening to yourselves about the traffic impact information and in particular the junctions which has been referred to by National highways.

01:20:59:09 - 01:21:29:15

But when you go through the junctions, you'll see a series of ticks and crosses about whether there's going to be an increase or a lowering of traffic. But there is still no figures of what of the the likely increase of traffic through these junctions, which means it's very difficult, in fact, impossible for those of us who represent the people living in and around these junctions.

01:21:30:08 - 01:22:03:06

Um, to make any comment, we there won't be any sensible comments coming in on traffic congestion because we have still not received any figures that shows what the traffic congestion is and it really is a problem. Can't stress enough the problems that we face now through the Villages, Stone, Stanton and so on, but also through the urban area of Burbage, Hinckley and Hinckley.

01:22:03:15 - 01:22:25:10

We have severe problems now, but we've got no idea. Still, even though this hearing has now started, we have got no idea as to what the impact is going to be. And we really need to have that information if there's going to be a sensible, consultative exercise carried out between as we move forward.

01:22:26:03 - 01:22:27:07

Okay. Thank you, Mr. Bell.

01:22:27:09 - 01:22:59:01

We you know, clearly we have what we have is in front of us. We will be looking at what we've been submitted to date. Haven't done a chance to look at that was submitted on Monday yet. Um, and there is an issue specific hearing which we anticipate which probably be all day on, on traffic and transport. Whether what comes out of that, we will have to see because it would really depend on what the information that has been submitted to that date and what representations have been submitted to that date which that will allow us to take those things.

01:22:59:07 - 01:23:11:09

We are aware of a number of issues. I'm the applicant is very aware of a number of issues because they're in the relevant representations and I'm sure that they will be addressing those in deadline one

01:23:13:05 - 01:23:24:03

so that you should have some more information for the point of those points which you raised in the relevant reps back in the summer. So there's nothing. Mr.. The applicant wishes to say.

01:23:24:21 - 01:23:48:16

Thank you, Sir. Paul. Male For the applicant. What I will say is if there's obviously a lot of information contained within the application, if people are struggling to identify where information might be contained in in documentation, then the applicant is perfectly willing to assist people in identifying relevant documents to enable them to properly review and respond.

01:23:49:03 - 01:24:22:24

Thank you for that offer. Mr. Bella can suggest that after after we've closed. In a minute you have a conversation with representatives of the applicants so that you can take the matter further forward it and hopefully that will allow you and others to to just ensure that you have you feel you have enough information or alternatively you can you have no know where the deficiencies are. So you can be specific in making those comments to us as part of your relevant representative written representations.

01:24:23:20 - 01:24:27:19

Thank you. Anybody else? Anything else at this point?

01:24:30:22 - 01:24:50:03

In which case, having gone through all the points in the draft, we again, we go back to the point made just before we went through the queries as to which the data submission version is to whether you go back to the original or whether the version submitted this week. I have my own thoughts, but I'd like to hear what what the applicant thinks.

01:24:51:18 - 01:25:08:24

The applicant is content to provide a track change version against whichever version the examining authority wants. There is also the the changes tracker, which lists at which date and which version of the changes have been made to that may well may also assist with the with the concern.

01:25:09:28 - 01:25:48:22

My feeling is for this particular one, we just go back to the original one because because not only will it pick up the bits you've those changes you've made this week, but it will also when we are going through it, to go against the schedule to see how all the changes have been made. So as well. So rather than trying to do it particularly, there will be some quite substantive redrafting inevitably. Normally, however, you would just do it. So the next submission of that will be just to the to the D2 submission rather than rather than the day nought as it were, submission to that.

01:25:48:26 - 01:25:49:17

That's all right.

01:25:49:19 - 01:25:51:10

That's all understood and no problem.

01:25:51:27 - 01:25:52:25

Thank you. Good.

01:25:52:27 - 01:25:53:12

Okay.

01:25:54:01 - 01:26:10:06

Um, there's everybody else. Everybody else happy with that, by the way. Good. Okay. Um, for those. Those are all the questions we had on the draft development consent order. Before we move to the next item on the agenda is that anyone, anything anybody else would like to raise at this point?

01:26:12:15 - 01:26:13:15

No. So.

01:26:13:17 - 01:26:18:28

Right, So next item. So the draft under the draft timetable,

01:26:20:21 - 01:26:45:22

which we need to finalize, obviously following the preliminary meeting yesterday, had the submission of a revised draft development data which is set out to the 24th October. I don't think that changed from the discussion. We'll confirm the timetable in the roll out letter, which will get out as soon as possible. But does that overall of the data seem achievable? We've had the discussions today for yourselves.

01:26:45:24 - 01:26:46:11

Yes, sir.

01:26:46:13 - 01:27:17:13

Thank you. Um, and obviously ditto. That would also apply to the explanatory memorandum, which we think is quite a bit of work to it. Okay. And we've been keeping a list of action points on my colleague Mr. Heron has been and we're not going to go through the myriad points of minor drafting because that would be here. We've been here for three hours and we've probably been getting on for three hours to do the same again, which we could all do without. So over to Mr. Heron for testing what hope. Think of the substantive action.

01:27:17:15 - 01:27:45:13

But clearly, if any of anybody thinks we've got it down wrong or incorrect or simply say because then we could want an agreed line, we will publish this at some point in the not too distant future. It will be after with the the equivalent list with tomorrow's compulsory acquisition hearing. But it's just so that we want everyone to know what's going on when we walk away from here.

01:27:46:20 - 01:28:12:07

Thank you, Mr. Jackson. So starting with the transport figures and models, there are obviously various actions here, predominantly for the applicant. Responses are due by deadline one and actions include a summary of how the jobs figures in the air have been derived. Notes on the basic arithmetic of the traffic model volumes. A paper showing the relationship between the socio economic model and the transport.

01:28:12:09 - 01:28:12:24

Model.

01:28:13:15 - 01:28:43:21

And. References to jobs range or totals are to be checked by the applicant so that the submission is consistent in terms of energy. Again, a number of actions for the applicant. Again, the deadline being deadline one. So we need an explanation as to why the 50 megawatt capacity for electricity generation is necessary with particular regard to whether or not this element of the product is or can be considered as associated development.

01:28:46:08 - 01:29:03:29

There is action for confirmation that if we are having a limit, this can be done in alternating capacity rather than direct current. And there's a note from the applicant as to whether a megawatt restriction is desirable with particular regard to relevant NPS and matters, including the efficiency of panels.

01:29:05:22 - 01:29:15:18

Again, a response from the applicant as to whether if an energy restriction was justified, this could be dealt with by another mechanism within the DCO, such as an article.

01:29:17:10 - 01:29:50:08

Again, in terms of the structure of the ongoing actions for the applicant and other interested parties on a number of things in line with the deadlines that we have provided. But these briefly include continuation of discussions with regard to the structure of planning obligations. I believe it was agreed that this will be mentioned in the relevant statements of common ground. The applicant is to review the and consider reference to more up to date made orders and. In terms of clarity issues. Actions include a review of the terminology in the DCO.

01:29:50:10 - 01:30:33:15

A simple plan identifying level crossings was put forward. Obviously there's difficulty addressing various typographic errors in terms of the sort of. The novel provisions, Articles 32 and 33. The applicant is to review the drafting of these articles with regard to the Boston DCM. The applicant is to review Articles 36 and 37 with provision of justification for inclusion if necessary. Again, the applicant is to consider Article 38 and consider whether the drafting with regard to litigation, particularly the work that which is working its way through the courts and could have any implications for this project in terms of funding.

01:30:36:29 - 01:31:08:15

Don't need to mention those if agreed. And with regard to definitions, the applicant is a revised definition of Article two, including order land. There's ongoing discussions in relation to the DCO for the applicant with regard to powers under which certain highways works could take place. As an example, the applicant agreed to consider standards Section 278 agreements, for example, in line with East Midlands Gateway, DCO. Of course, with regard to the practical issues with regard to multiple authority areas.

01:31:10:27 - 01:31:15:21

I'm sure the applicant will also update us with how such negotiations progress in due course.

01:31:18:02 - 01:31:34:19

In terms of permanent stopping off of streets. The applicant action points include agreements to review Article 11 to ensure that it ties in with Article 13 and agreed action point in terms of clarity to ensure the Bridleway is in place before carriageways are stopped off as well

01:31:36:10 - 01:32:12:13

for the applicant. In terms of the temporary closure of streets, obviously consider additional drafting in relation to Article 12 agreed to include requirements as to how roads are made up in terms of public rights of way works. Those reviews of part four of Schedule five and consider appropriate triggers for completion of works. Private rights. Again, the applicant reference to relevant junctions within the. Explanatory memorandum. Sorry in terms of rights over over streets, Article 29 is to be reviewed with regard to its drafting in relation to something possibly overselling.

01:32:13:20 - 01:32:36:20

In terms of operational land. Article 41, the applicant is to consider why the whole of the order should be considered operational operational land and in term of the dis application of provisions with regard to Article 47. The applicant is to expand why each provision should be amended as set out and set this out in the explanatory memorandum.

01:32:38:19 - 01:33:11:10

In terms of certification of plans and details of requirements, applicants and councils to have discussions regarding a public record for documents. In terms of human remains. Additional article relating to human remains and protection of buildings to be included. Possibly included. Applicant also action point for considering this applications of sections under the Burial Act. Applicant to consider discussions with regard to the Ministry of Justice in this regard as well. In terms of schedule one of the works, again, on going with regard to various deadlines and the examination timetable.

01:33:11:12 - 01:33:33:29

But applicant excuse me, actions include consideration of works one to several, including the necessary necessity of parts one and two in terms of work. 20 ongoing discussions with regard to accessibility of footbridges and cross-reference to the equality impact in this regard. Applicant to consider or continue discussions with county councils on this basis.

01:33:35:19 - 01:34:01:22

In terms of schedule two requirements. A lot of actions have been agreed for Part one, but they broadly include consideration of whether or requirements should should have implementation clauses within them rather than an overarching requirement. And the applicant is to flesh out some technical terms that we discussed. While we appreciate discharge can be done by anyone, the applicant is to consider coordination of discharge requirements.

01:34:03:25 - 01:34:10:02

In terms of design and phasing of highway works. The applicant agrees that all of the works and work 16 will be removed.

01:34:11:18 - 01:34:26:15

Applicant to review relevant bodies for various highways, elements of various elements of the highway network, sorry, and the applicant to consider some combination of certain documents with regards to requirements such as 723 and 24.

01:34:28:06 - 01:35:12:16

Price in terms of part two of schedule two, again, a number of actions agreed that they include the applicant is to provide clarity regarding a possible additional provision, explicitly giving the local planning authority the power to determine applications for approval of requirements if required. In terms of requirement for the applicant to consider the time frame for mechanisms, for appeal and explanation provided in the explanatory memorandum in this regard and in terms of the remaining schedules. Again, a lot of greed here, but some of the actions include a definition of terms to be explored by the applicant for schedule eight applicant to update explanatory memorandum in relation to all necessary provisions for Schedule 12 and ongoing discussions with relevant bodies in relation to protective provisions.

01:35:12:21 - 01:35:27:07

This will be, of course updated in due course and I believe there was an agreement to ensure that all documents which are amended as submitted will be both clean and track change versions. That's a canter through the various actions.

01:35:29:20 - 01:35:30:19

Back to you, Mr. Jackson.

01:35:32:13 - 01:35:37:18

And see, somebody on the applicant side is thinking we may have missed something or said something incorrect.

01:35:38:07 - 01:36:02:20

Dan Smiley, Serverless for the applicant. It's just a clarification. Think you asked for the transport assessment to be resubmitted with the clarification in terms of the employment numbers, and we would propose to do that just quoting the range. But I think you said check the numbers, but I think you said resubmit the the transport assessment to clarify that.

01:36:03:26 - 01:36:04:14

The.

01:36:04:27 - 01:36:22:14

We certainly we certainly want the the version which was submitted this week didn't have a track wasn't a track change version, which we needed to track change version from the previous ones just to make life easier and and everybody else's for that matter. So

01:36:24:25 - 01:36:33:02

we do need that the for the purposes of where we were in the in the discussions. Um.

01:36:37:18 - 01:36:45:22

Your question in relation to the update of the submission with regard to consistency, when numbers have been clarified that will need altering throughout the submission?

01:36:45:24 - 01:36:46:09

Yeah.

01:36:46:15 - 01:37:03:09

Yes, because clearly there are there are there are other chapters of the environmental statement that rely on the transport assessment and the fact the 8400 figure is cited in that document. And we've had a discussion about that about that figure already.

01:37:13:16 - 01:37:14:01

Yeah.

01:37:14:03 - 01:37:33:20

Just whereas a couple of points off of that list are just just a clarification on how the applicant would envisage responding to some of those actions. Firstly, if I could go back to yesterday, you heard me refer to submission of a technical note relating to those transport and employment figures.

01:37:35:16 - 01:38:11:29

To avoid any doubt. In my view, that will be superseded by the note that we will put in in response to the requests that you've outlined this morning. So there won't be two separate submissions in relation

to that. Good. And then just in response to the various actions on the drafting discussion, our intention will be to update the table that we already submitted in our response to the Rule six letter. We can do that, and I'm assuming you would want that as a track change version to indicate those further updates at that point.

01:38:12:12 - 01:38:13:19

Regrettably. But please.

01:38:13:21 - 01:38:14:06

Thank you, sir.

01:38:15:15 - 01:38:23:20

At least at least word is fairly quiet, quite good at actually doing it. Making it for for for us. Not as bad as it used to be. Are some of us as old as I am?

01:38:25:16 - 01:38:31:05

Does anybody have anything else they wish to raise before we come to the end of today?

01:38:32:23 - 01:38:33:10

Okay.

01:38:33:15 - 01:39:07:06

In which case, thank you, everybody, for attending today and thank you for your contributions. They have been most useful and and whilst the development consent order can be sometimes quite dry, I hope they've found the discussions I've used to, at least in certainly particularly for bodies knowing how to make their their responses in the future. We have a nother development consent order hearing scheduled in the end of the week in November.

01:39:07:08 - 01:39:37:16

It is likely that one will be virtual because of room availability. Obviously things do occasionally change, but that's the likely to be the case, which hopefully will be possible. And we've obviously got dates for hearings in in mid-December, which is scheduled should we need them. And we'll worry about we'll look into whether we need them much nearer the time and when. That obviously could include a development consent order. At issue, specific hearing, should it be needed.

01:39:38:09 - 01:39:47:09

Okay. Other than that, thank you very much, everybody, for your attendance today. And this issue specific hearing is now closed. Have a good rest of your day.