

Tritax Symmetry (Hinckley) Limited

## **HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE**

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### **The Hinckley National Rail Freight Interchange Development Consent Order**

Project reference TR050007

### **Applicant's written summary of oral submissions at ISH5**

Revision: 01

November 2023

## 1. INTRODUCTION

- 1.1. This document presents the written summary of the Applicant's oral submissions for **Issue Specific Hearing 5 (ISH5)** on the Draft Development Consent Order, that took place as part of the examination on HNRFI on Friday 3 November 2023.
- 1.2. ISH5 took place virtually via MSTeams.

## 2. SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISSUE SPECIFIC HEARING 5 (ISH5) – DRAFT DEVELOPMENT CONSENT ORDER

Agenda item	Matter	Applicant's submission
<b>1</b>	<p><b>Welcome and introductions</b></p> <p>The ExA opened the hearing, introduced themselves, invited those parties present to introduce themselves and explained the purpose of the Hearing.</p>	<p>On behalf of the Applicant, Tritax Symmetry Ltd:</p> <ul style="list-style-type: none"> <li>• Mr Paul Maile, Eversheds Sutherland LLP</li> <li>• Mrs Laura-Beth Hutton, Eversheds Sutherland LLP</li> <li>• Mr Samuel Carter, BWB Consulting (Highways Design)</li> <li>• Mr David Baker, Baker Rose (Rail Infrastructure)</li> <li>• Mr Peter Frampton, Frampton Town Planning Ltd (Planner)</li> <li>• Mr Ben Connolley, The Environmental Dimension Partnership Ltd (Landscape)</li> </ul>
<b>2</b>	<p><b>Purpose of Hearing</b></p> <p>The ExA explained the purpose of ISH5, to allow the ExA to be updated as to the current situation with the draft DCO and to consider the matters which will need to be amended in light of the discussions had at ISH2, ISH3, ISH4 and CAH2</p>	N/A
<b>3</b>	<p><b>Changes to the dDCO since ISH1</b></p> <p>The Applicant was asked to provide a commentary of the changes to the dDCO made since the discussions at ISH1 with a particular focus on the most recent changes which had not formed part of its Deadline 1 submissions.</p> <p>The ExA raised queries regarding:</p>	<p>The Applicant confirmed that there had been several changes since ISH1 and that these are explained in the Schedule of Changes made to the draft Development Consent Order (Document Reference 3.4A, Examination Library reference: REP2-014) submitted at Deadline 2. The changes can be broadly categorised as follows:</p> <ul style="list-style-type: none"> <li>• Amendments discussed at ISH1 and as indicated in the updated responses set out in Appendix C of the Applicant's Post Hearing Submissions (Document Reference: 18.1.3, Examination Library reference: REP1-020);</li> <li>• Amendments to Requirements in Part 1 of Schedule 2 to include changes requested by third parties (such as Natural England and Blaby District Council) where the Applicant has been able to agree these;</li> <li>• Amendments to the protective provisions, in respect of the National Grid entities, and</li> </ul>

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	<ul style="list-style-type: none"> <li>• Whether the drafting of the restrictions on the acquisition of Common Land in the dDCO prevented the acquisition of more than 200sqm cumulatively under the powers of temporary possession and permanent acquisition in Articles 25, 34 and 35?</li> <li>• The rationale behind why Schedule 1 had been recast.</li> <li>• To query whether 'reasonable endeavours' would be sufficiently precise in respect of Requirement 9(2)</li> <li>• To query whether Requirement 16(1) should also restrict working on public holidays</li> </ul>	<ul style="list-style-type: none"> <li>• Updates to the documents to be certified under Schedule 16 (Certification of Plans and Documents) to reflect the Applicant's submissions at Deadline 1 and 2 where these are specifically referred to in the draft DCO (Document Reference: 3.1B, Examination Library reference: REP2-010).</li> </ul> <p>In regard to the changes which were not mentioned in Appendix C of the Applicant's Post Hearing Submissions (Document Reference: 18.1.3, Examination Library reference: REP1-020), these were:</p> <ul style="list-style-type: none"> <li>• To add Article 3(2) as a result of the discussion around electricity generation, to make it clear that the draft DCO (Document Reference: 3.1B, Examination Library reference: REP2-010) does not purport to grant development consent for a generating station within the meaning of section 14(1)(a) of the Planning Act 2008, i.e., a generating station which would qualify as an NSIP. This has been included as a substitute for previous requirement 17 which capped generation at 50MW. The Applicant had reflected on this and thought that this amendment was a more effective way of approaching the situation.</li> <li>• To add Article 13(5) to make it clear that where a public right of way (PROW) is to be closed temporarily, the closure will cease upon completion of the relevant works which are set out in Schedule 5. This is intended to be a long stop date and if they can be opened earlier, they will be. This is accompanied by an amendment to Requirement 3 which envisages that details of the PROW closures will be set out as part of the phasing proposals. This creates a mechanism for the timings around those.</li> <li>• To add Articles 34(14) and 35(12) which set out that the undertaker may not take possession of more than 200sqm of Common Land. While it was noted that the Article 25 (compulsory acquisition of land) prohibits the acquisition of more than 200sqm, Articles 34(14) and 35(12) had been added to address the ExA's question around the temporary acquisition of Common Land. The Applicant agreed to consider the drafting of the draft DCO (Document Reference: 3.1B, Examination Library reference: REP2-010) to ensure</li> </ul>

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		<p>that the restrictions on acquisition of Common Land here and in Article 23 did not allow more than 200sqm to be acquired cumulatively, noting that this was not the intention. Any necessary amendments will be made to the dDCO to be submitted at Deadline 4.</p> <ul style="list-style-type: none"> <li>• To add Article 42(2) which relates to the operation of the railway and which had been added at the request of Network Rail. The additional drafting seeks to ensure that nothing in the draft DCO (Document Reference: 3.1B, Examination Library reference: REP2-010) will prejudice or affect the operation of the relevant section of the Leicester to Hinckley railway.</li> <li>• The Applicant confirmed that Schedule 1 had been amended to take account of the discussion at ISH1, as it was agreed that the amendments suggested would improve the drafting, so as to remove references to part 1, previously the NSIP and part 2, previously associated development as there were elements of what would have constituted associated development listed alongside what was previously stated in part 1.</li> </ul> <p><u>Requirements</u></p> <ul style="list-style-type: none"> <li>• To add Requirement 3(2)(h) to require details in respect of PROW and access closures and reopening to be submitted as part of the phasing details to give confidence around timetabling of the PROW provisions which were discussed in the amendment to Article 13.</li> <li>• To amend Requirement 4(2) to remove the height of the acoustic barrier, which was acknowledged to have been included in error and to require details of the location and height of the barriers to be submitted.</li> <li>• To amend Requirement 7, which relates to the submission of the Construction and Environmental Management Plan, to clarify what the details submitted under each element must contain. These changes were made at the request of Natural England and are acceptable to the Applicant.</li> </ul>

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		<ul style="list-style-type: none"> <li data-bbox="920 312 2033 699">• To add Requirement 9(2) in relation to the sustainable transport strategy at the request of Blaby District Council to require the Applicant to use reasonable endeavours to maximise the use of Euro VI compliant HGV and public transportation in respect of the HGV fleet and the public transport service to be provided. A new definition of “Euro VI” had been added at the start of schedule 2 to provide certainty as to what this relates to. In relation to the use of “reasonable endeavours” the ExA’s comments were noted but this requirement was based on the drafting of a similar requirement in The Northampton Gateway Rail Freight Interchange Order 2019/1358 so there is precedent for the drafting. The Applicant considers there can be no firm requirement to ensure the use of such HGVs and therefore the commitment to “reasonable endeavours” is acceptable to the Applicant.</li> <li data-bbox="920 746 2033 879">• To amend Requirement 11(2) to clarify the height of any container stack in the initial phases at the request of Blaby District Council. The Applicant noted that Blaby District Council had requested further amendments to Requirement 11 but that the Applicant is unable to agree these.</li> <li data-bbox="920 927 2033 1098">• To add Requirement 15(3) which requires that, in relation to contaminated land, a verification report detailing any remedial works must be submitted and approved by the relevant local planning authority in consultation with the Environment Agency. This was requested by with the Environment Agency and Blaby District Council and which the Applicant was willing to accept.</li> <li data-bbox="920 1145 2033 1351">• To amend the restriction on working hours in Requirement 16(3), to restrict weekend working to between 7am to 3pm on Saturdays, 7am to 7pm on weekdays and no working on Sundays and bank holidays. This differed to the hours requested by Blaby District Council and Hinckley and Bosworth Borough Council; however it was the Applicant’s position that these hours were required in order to maximise the available day light, particularly in situations where extensive civils works are being carried out. The Applicant</li> </ul>

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		<p>agreed with the ExA that the requirement should be reviewed as to whether it should refer to public holidays instead of or as well as bank holidays.</p> <ul style="list-style-type: none"> <li>• To amend Requirement 27 (acoustic barriers) to clarify that these must be maintained and retained for the lifetime of the authorised development.</li> <li>• To amend Requirement 30 in accordance with requests made by Blaby District Council to give further details of the types of measures and lighting to be included within the detailed lighting strategies as is more clearly set out in that requirement.</li> <li>• To remove Requirement 31 as the employment and skills strategy will be secured as part of the section 106 agreement, with details expected from Blaby District Council.</li> <li>• In relation to the approval process set out in Part 2 of Schedule 2, the Applicant confirmed that it is engaging with the local planning authorities to discuss the appropriate procedure in response to the ExA's comments at ISH1 and submissions received from the local authorities at Deadline 1 and hopes to present an agreed position at Deadline 4.</li> </ul>
	<p>Under Agenda Item 3, the ExA invited interested parties to make representations. Representations were made by:</p> <ul style="list-style-type: none"> <li>• Mr Ed Stacy and Mr Duncan O'Connor on behalf of Blaby District Council;</li> <li>• Mrs Rebecca Henson on behalf of Leicestershire County Council; and</li> <li>• Mr Mike Parker on behalf of Hinckley and Bosworth District Council.</li> </ul>	

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	<p>a) <u>Mr Stacy and Mr O'Connor</u></p> <p>Mr O'Connor made a general comment that Blaby District Council had concerns around the definition of "undertaker" which it would set out in more detail in writing but which was relevant to the new provisions which had been included. The definition of "undertaker" covers both the Applicant and in relation to the main site, any other person who has the benefit of the order under Section 156 of the Planning Act 2008, someone who has an interest in the land, once construction has commenced. The Council was concerned about how this would work in relation to the power of entry included in Article 22 (protective works to buildings and structures), particularly as the power is not limited to the Order limits and although the article provides for compensation to be payable where entry is taken, it is not subject to the guarantee set out in Article 40 (guarantees in respect of payment of compensation). The Council had a similar concern in relation to Article 23 (authority to survey and investigate the land) which also provides a power of entry and is not subject to Article 40. Clarification was also sought in relation to Article 35 which</p>	<p>a) In response to Blaby District Council's submissions, the Applicant requested that comments on the DCO be provided to the Applicant in writing and confirmed it would respond to these once the Applicant had been able to consider these. However, it was noted that at ISH1 it had been highlighted that the definition of "undertaker" was deliberately different to that included in many other DCOs in that it is intended to apply or to give benefit of the order to the ultimate occupiers of the warehousing, but that the drafting follows other strategic rail freight interchange definitions to ensure that those occupiers and future users of the of the authorised development do have the benefit of the provisions in the order relating to use and operation of the authorised development.</p> <p>The Applicant confirmed that it would be open to discussing a phased approach to hours of working to see if it can be agreed with the Councils and secured.</p> <p>In relation to stack height, the Applicant's position was as set out in its Responses to Relevant Representations (Document Reference 18.2, Examination Library reference: REP1-026 to REP1-032) and the Council's proposed amendment to Requirement 11(1) was not and could not be agreed, but that the Applicant would discuss this further with the Council outside of the hearing.</p> <p>The Applicant confirmed that it would correct the typographical error in Requirement 8 and clarified that the Requirement applied in relation to monitoring during the 5 year period rather than to implementation.</p>



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	<p>allows the Undertaker and any persons authorised by it to operate and use the parts of the authorised development comprising Work Nos 1-7 inclusive and how this related to Article 42 which authorises the operation and use of the railway by the undertaker. The railway falls within Work No. 1 and so it is unclear who is authorised to operate and use the railway.</p> <p>Mr O'Connor confirmed that the Council was in ongoing discussions with the Applicant and noted that although this was not reflected in the drafting of the DCO, an amendment to the container stack height in Requirement 11(1) had been agreed in principle. The amendment requested to Requirement 11(2) had not been agreed.</p> <p>It was also agreed that the position in relation to hours of working in Requirement 16 was as set out by the Applicant and the Council was seeking a restriction on working from 1pm on Saturdays rather than 3pm. Mr Stacy confirmed that this was on the basis of the scale of the works and the proximity of the traveller site nearby. The Council noted that the practical difference made by the Applicant amending the restriction on</p>	

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	<p>Saturday working from 5pm to 3pm was limited as works would likely have ceased closer to 3pm in reality and that it firmly stood by its request for a 1pm finish time. In relation to a suggestion by the ExA for different working hours for different phases of the development, it was confirmed that this had been considered but a firm conclusion had not been reached, however the Council was willing to discuss this further with the Applicant, particularly around having more restrictive conditions on the fringes of the site compared to the centre.</p> <p>In relation to Requirement 8(2), Mr O'Connor confirmed that this incorrectly referred to the environment management plan and queried whether the five-year period applied to monitoring or implementation.</p> <p>b) <u>Mrs Henson</u></p> <p>It was noted that Leicestershire County Council would welcome discussions on the requirements with the Applicant particularly concerning the Travel Plan, sustainable travel and additional requirements in relation to the proposed bus service.</p>	<p>b) In relation to Leicestershire County Council's submissions, it was noted that these were to be secured via the relevant plans to be submitted under the Requirements and s106. The Applicant confirmed it would welcome comments in writing from the County as to how they might propose amendments to the requirements to secure the matters that they wish to see secured.</p>

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	<p>c) <u>Mr Parker</u></p> <p>Mr Parker noted that the wording suggested as part of the Council's written representations (Examination Library reference: REP1-134) which it thought had been agreed with the Applicant did not appear in the revised draft DCO (Document Reference: 3.1B, Examination Library reference: REP2-010). Mr Parker confirmed that Hinckley and Bosworth Borough Council would review the latest draft DCO (Document Reference: 3.1B, Examination Library reference: REP2-010) and make further submissions.</p> <p>d) The ExA asked the Applicant the following questions on the DCO:</p> <ul style="list-style-type: none"> <li>• In relation to land assembly, how can the ExA be confident the development would be able to go ahead given that a number of land parcels are to be secured through commercial agreements?</li> <li>• Should the dDCO contain an article similar to Article 38 (Guarantees in respect of payment of compensation) but which applied to the control over all the main portion of the site to before it</li> </ul>	<p>c) The Applicant also noted that a number of substantive amendments had been made to the draft DCO (Document Reference: 3.1B, Examination Library reference: REP2-010) which address Hinckley and Bosworth Borough Council's comments, with some of these amendments having been made in substance due to other amendments having been made to the relevant requirements in the draft DCO (Document Reference: 3.1B, Examination Library reference: REP2-010) at the request of Blaby District Council. The Applicant welcomed further comments from the Council once it had reviewed the drafting.</p> <p>d) The Applicant confirmed it would consider the ExA's point regarding land assembly but noted that there would be an advantage in starting some of the works earlier than when all of the voluntary arrangement or compulsory acquisition process have been completed, particularly the A47 link road. The Applicant also highlighted that when looking at the requirements and the delivery of highway works and the timings of them (Requirement 5), there cannot be occupation of any of the units until the slip roads are in and the slip roads cannot be delivered until all the other highway works have been completed.</p> <p>The Applicant does not consider that an article requiring evidence of control over the main site is necessary or reasonable. The Applicant would have control over the whole of the land within the Order limits (which is not adopted highway, for which no land rights are required), through either voluntary agreements or through the compulsory and temporary possession powers it seeks. The Applicant has control of the land where it</p>

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	<p>could implement the rest of the compulsory acquisition or temporary possession powers?</p> <ul style="list-style-type: none"> <li>• How the definition of the “undertaker” would work with Article 8, which deals with the transfer of the benefit of certain provisions of the Order? While it was for the Secretary of State to authorise such a transfer, it is unclear what arrangements would need to be in place regarding funding and land assembly.</li> <li>• In relation to the use of “must” in Part 2 of Schedule 2 in paragraphs 4(8) and 4(9), when it had previously been discussed at ISH1 that these would be changed to “may”.</li> </ul>	<p>is not seeking full compulsory acquisition through its voluntary agreements with the relevant landowners, these are registered on the title registers at HM Land Registry and are noted in the Book of Reference (Document 4.3C).</p> <p>The dDCO is not a personal consent, as discussed in relation to the definition of “undertaker”. The approach to the land assembly and drafting of the DCO is the same as all other approved SRFI DCO and also others where no compulsory acquisition is included in the Order such as The Little Crow Solar Park Order 2022/436, The Port of Tilbury (Expansion) Order 2019/359, The Boston Alternative Energy Facility Order 2023/778 and The Riverside Energy Park Order 2020/419. The Applicant has limited its extent of compulsory powers sought deliberately in accordance with the relevant government guidance and does not consider that this approach should result in a provision in the Order requiring it to demonstrate control over the land.</p> <p>In relation to Article 8, the Applicant confirmed that this relates to the transfer of the benefit of the draft DCO (Document Reference: 3.1B, Examination Library reference: REP2-010) and to the powers of compulsory acquisition and to carry out highway works that are governed by the protective provisions in Schedule 13. Where the provisions to be transferred include any compulsory acquisition powers, one of the matters which the notice must contain is confirmation of the adequacy of funds for payment of compensation must be provided and so the Applicant’s position is that there can be no transfer of the compulsory acquisition powers unless the Secretary of State is satisfied in this regard.</p> <p>The Applicant confirmed that there had been no changes to that part of Schedule 2, but that the changes to paragraph 4(8) and 4(9) would be picked up when Part 2 is amended in due course.</p>
<b>4</b>	<b>Updates to the dDCO in light of discussions at ISH2, ISH3, ISH4 and CAH2</b>	The Applicant confirmed that the following changes were anticipated to be made to the draft DCO (Document Reference: 3.1B, Examination Library reference: REP2-010) in light of the discussions at ISH2, ISH3, ISH4 and CAH2:

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	<p>The ExA asked the Applicant to summarise any proposed changes to the dDCO which have been agreed in light of the discussions at hearings held earlier in the week or in side meetings thereto, Leicestershire County Council queried whether the bus service provision was to be dealt with by a requirement.</p>	<ul style="list-style-type: none"> <li>• In ISH2 it was discussed that the Applicant would add a clarification to Requirement 10 that the restriction on occupation includes ancillary office floor space.</li> <li>• In ISH2 it was discussed that the Applicant would add a new requirement for a lorry park management plan so that lorry parking may only be used by occupiers or people using the terminal.</li> <li>• In CAH2 it was discussed that the Applicant would consider how best to secure the drainage rights into the septic tank sited on Plot 16. This will either be done through a new requirement or through the existing requirement which relates to drainage.</li> </ul> <p>In response to Leicestershire County Council's submission that the Applicant had agreed to consider a requirement to secure bus service provision, the Applicant confirmed that its understanding was that the County was referring to the Applicant's submission that the section 106 agreement would secure the provision of a bus service rather than the payment of a contribution for this. The Applicant will be providing the bus service itself and through discussions directly with the bus operator.</p>
5	<p><b>ExA's Questions on the DCO</b></p> <p>The ExA asked the Applicant the following questions on the DCO:</p> <ul style="list-style-type: none"> <li>• As to the arrangements for the discharge of requirements, following on from the points made by Blaby District Council in its representation concerning fees associated with this</li> <li>• In relation to the removal of Requirement 31 (employment and skills) and whether the scheme would apply to ex. Military personal as well as placements apprenticeships and for ex. offenders</li> </ul>	<p>In relation to the discharge of requirements, the Applicant confirmed that it had no specific comments but that the point was noted and that this was not necessarily just an issue for Blaby District Council.</p> <p>In relation to the employment and skills requirement, the Applicant confirmed that this would be covered in the section 106 agreement and that it would liaise with Blaby District Council as to who this should apply to but that it was not thought that there were any objections to it covering these groups.</p> <p>The Applicant agreed with the ExA that the section 106 agreement would cover the skills training and employment plan, the bus service and public transport provision, potential cycleway enhancements and the community fund in relation to the routing of HGVs. The Applicant also agreed with Blaby District Council that this should additionally cover the archaeology monitoring contribution.</p>

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	<ul style="list-style-type: none"> <li>• As to the broad Heads of Terms for the section 106 agreement</li> </ul> <p>Blaby District Council also highlighted that it had a few comments on the drafting in respect of:</p> <ul style="list-style-type: none"> <li>• Highways, including the additional wording in Article 9(1)(e) -(i) (street works) which was beyond the scope of the model provisions and that some of the items listed, such as bridges and tunnels, were not street works for the purposes of the New Roads and Street Works Act 1991 and so should be removed as these were covered by Article 10. In Article 10(2) (power to alter layout, etc., of streets) in relation to the references to the highway authority and as to whether this should be to the street authority because Article 10 refers to streets;</li> <li>• The extent of operational land under Article 43 (operational land for the purposes of the 1990 Act)) as covering the whole site;</li> <li>• Temporary possession and the justification behind the ability for land to be entered into in case of emergency subject to serving a notice as soon as practicable</li> </ul>	<p>The Applicant noted that it would have been helpful if Blaby District Council had provided its comments at Deadline 1 but agreed that it would consider these, requesting that these could be sent as soon as possible.</p>
6	<b>Updates to Protective Provisions</b>	The Applicant provided an update on the current status of the protective provisions:

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	<p>The ExA asked the Applicant to set out the current state of negotiations with those who would be the beneficiaries of Protective Provisions, with particular emphasis on those where agreement has not been reached.</p> <p>In relation to Part 2, National Highways noted that the Applicant's summary was correct but that the reason for the change is that there has been a general review of protective provisions by National Highways and the organisation has adopted the new set which represents its standard template which it is advocating to be included in all new DCOs including those currently in examination to ensure consistency. Previous protective provisions were insufficient and so, while it is unfortunate, this is the reason for the change. The effect of some of the changes is fairly minor, with great changes around prior approval detail and certificates and so the position reached may not be far removed from the previous position. National Highways confirmed that there was a meeting the following week with the Applicant to indicate which provisions were disputed and the extent of the disagreement.</p>	<ul style="list-style-type: none"> <li>• Part 1 is for the protection of Network Rail, and there has been very positive and extensive engagement with Network Rail, with discussions well underway in relation to the overarching Asset Protection Agreement and Framework Agreements. The Applicant envisaged that it would be in a position to update the protective provisions by Deadline 4 as there were only very few remaining points.</li> <li>• Part 2 is for the protection of National Highways and the Applicant noted that it was disappointed that National Highways was seeking to amend these provisions at this late stage and that it was keen to have another meeting with National Highways regarding this.</li> </ul> <p>In response to the submissions from National Highways, the Applicant noted that this differed from the conversation the parties had the day before where it was agreed that National Highways was to consider the points of difference. In terms of where the parties had got to, the protective provisions had been largely agreed and were in a similar form to those in The Northampton Gateway Rail Freight Interchange Order 2019/1358 and The West Midlands Rail Freight Interchange Order 2020/511 which are both currently being implemented. The only point outstanding had been in relation to deemed approvals, or provisions that would require National Highways simply to respond to the submission of a plan or a document, or that in the absence of a response, such approval would be deemed. These were again, consistent with many made Orders including The Northampton Gateway Rail Freight Interchange Order 2019/1358 and also consistent with what National Highways seeks to include in its own DCOs. It was expected that this will remain the same for any of these new provisions requested by National Highways.</p> <ul style="list-style-type: none"> <li>• Part 3 is for the protection of the highways authority. In response to Leicestershire County Council's submissions, as discussed in ISH1, the Applicant was made aware that the County was seeking its standard wording in the draft DCO (Document Reference: 3.1B, Examination Library reference: REP2-010) the week before ISH1 and that the Applicant had confirmed that it would incorporate the drafting along the lines of that in</li> </ul>

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	<p>In relation to Part 3, Leicestershire County Council noted that the Applicant was emphasising the need for consistency between the DCO and other made Orders and that the County had been requesting that the protective provisions were updated the County's standard section 38 and 278 conditions which were included in The East Midlands Gateway Rail Freight Interchange and Highway Order 2016/17. A meeting had been arranged the following week between the parties to discuss this.</p> <p>In relation to Part 3, Warwickshire County Council confirmed that it would like to see its standard section 278 provisions in the DCO and that there was a meeting between the parties the following week to discuss this, with minor changes proposed in relation to road space booking and changes to the DCO.</p>	<p>The East Midlands Gateway Rail Freight Interchange and Highway Order 2016/17 at Deadline 4, once this had been discussed and agreed. The position was the same in regard to Warwickshire County Council, with a meeting being held the following week. In relation to the ExA's query as to whether it would be helpful to have two sets of protective provisions, the Applicant noted that this could be sensible to discuss but that its view was that two sets would probably be sensible given that there was only a small element of section 278 works in Warwickshire and the majority of works were in Leicestershire.</p> <ul style="list-style-type: none"> <li>• Part 4 is for the benefit of Cadent Gas and the Applicant confirmed that the position had moved on and issues between the parties were narrowing, with the majority of outstanding points being around security. The Applicant was hoping to have agreed these by Deadline 4.</li> <li>• Part 5 is for the protection of Seven Trent whom the Applicant noted it had yet to provide its detailed response however, there were no issues so far as the Applicant is aware as the drafting which had been included was fairly standard.</li> <li>• Part 6 is for the protection of electricity undertakers in general, an update has been made to carve out National Grid Electricity Transmission Plc (NGET) and National Grid Electricity Distribution (East Midlands) Plc (NGED) given that they have the benefit of their own parts.</li> <li>• Part 7 is for the protection of electronic communications code operators; these were based on standard provisions and no comments from any affected operators had been received.</li> <li>• Part 8 is for the protection of NGED, this had been updated to correct typographical errors. Discussions between the parties had moved on a few issues and updates to the drafting of this Part were anticipated by Deadline 4.</li> </ul>



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		<ul style="list-style-type: none"> <li>Part 9 had been added to include protective provisions for the benefit of NGET. These were based on NGET's template protective provisions but represented the Applicant's preferred version. It was noted that there were very few issues remaining between the parties and it was anticipated the protective provisions would be agreed by Deadline 4.</li> </ul>
<b>7</b>	<b>Next Steps and Action List</b>	N/A
<b>8</b>	<b>Close of the Hearing</b>	N/A