

Hearing Transcript

Project:	Morgan and Morecambe Offshore Wind Farms Transmission Assets
Hearing:	Compulsory acquisition hearing 14 th Part 2
Date:	2 May 2025

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FULL TRANSCRIPT (with timecode)

00:00:05:11 - 00:00:41:12

Welcome back, everyone. Uh, just, uh, a gentle reminder to, um, put phones and laptops onto silent. Uh, there was one that, uh, it wasn't a few moments ago. So, um, uh, if you could all do that, please. Uh, moving on to agenda item number four, um, which is the corporate structure of the joint applicants. Um, as this is, is given, um, it's own agenda item, the applicants are no doubt anticipating some questions about the recent publicity, um, around the two applicants.

00:00:42:04 - 00:01:06:21

Um, the uncertainty over this leads to questions as to the resource implications of the proposed scheme. Um, and this is referred to in paragraph 17 and 18 of the CCA guidance, which Mr. Dunn referred to earlier. Um, can I ask for the latest version of the funding statement? That's AS8B be brought to the screen.

00:01:08:19 - 00:01:16:09

And if you can move to section one two, 1.2.1.3, which is on page six.

00:01:18:14 - 00:01:40:27

And it's clear from the funding station that the the joint applicants are both small subsidiary companies. Uh, some steps removed from the parents, whether it be um in BW, uh, or BP or Cobra. Um, sorry, I mentioned page six, paragraph 1.2, .1.3.

00:01:43:24 - 00:01:45:03

Hopefully it's page six.

00:01:46:21 - 00:01:51:15

Yep. That's fine. Um, uh, just a bit further down, please.

00:01:53:03 - 00:01:53:27

That's it.

00:01:57:11 - 00:01:58:00

Um.

00:02:00:05 - 00:02:31:00

They, they have relatively limited assets, um, as is acknowledged in the funding statement for the individual companies, um, for Morgan and the separate funding statement set up. Oh 11 uh, this statement is 717 pages, with the first 394 being about BP and the remaining remainder detail about BW. And it's a similar story for Morecambe, uh, although that may well have been overtaken by events.

00:02:31:25 - 00:02:42:01

Um, I haven't seen the accounts for the subsidiary companies, but how can the Secretary of State be confident that the applicants have sufficient assets to implement or complete the proposed development?

00:02:43:27 - 00:03:14:17

Uh, sir, list on on behalf of the applicant? Um, perhaps the, um, if I give an update on the recent, um, press articles regarding, um, the structure of the two companies. Um, and then, um, I'm not in a position I'm afraid to talk about the details, and we don't have anybody here to talk about the details of the various companies and organizations. But, um, if there are questions in writing that you have about those, I suggest we take them away.

00:03:15:01 - 00:03:46:23

Um, so the first, the first, um, point to come to is, um, uh, people are those involved in the examination? Clearly, the examining authority will be aware of the, um, the press articles regarding the, uh, intended, um, uh, change of ownership of, uh, Morecambe offshore wind, uh, and it being, um, wholly, uh, effectively purchased by Copenhagen Infrastructure Partners. Um, that has not happened yet.

00:03:47:15 - 00:04:17:22

Uh, so at the moment, the structure remains exactly as it is in the, um, in the funding statement. Um, we're not certain on when that will happen. If it happens during the examination, then clearly we'll we'll update the funding statement to confirm that and provide the necessary information. Um, but until it does, uh, the JV partners remain as they are within the funding statement. Uh, the second point is, um, I'm sorry.

00:04:17:24 - 00:04:52:27

It's probably also worth saying, though, that, um, in order to assume the responsibilities for the project and take it over, there is a process that that needs to be undertaken. Um, also with the Crown Estate, in terms of passing on the, uh, the agreement, uh, for lease, uh, for the generation element. And a key part of that is the Crown Estate being satisfied that the project has or sorry that the company taking over has sufficient funds to be able to do that. So but we will update the funding statement as and when that change in structure happens.

00:04:53:11 - 00:05:27:28

the second point again, that, um, may have been brought to people's attention. Is that, um, in December, it was announced that, uh, BP and Jira, um, will be merging their offshore wind businesses into a new, uh, equally owned joint venture called Euronext BP. Um, what that will do from a structure perspective is the, uh, is it will effectively, um, uh, create a joint venture around BP's interest in the Morgen offshore wind farm.

00:05:28:00 - 00:06:00:07

So m w will remain as a as the JV partner as they are. But there's just BP is effectively, um, bringing JIRA in as part of its interest. Again, that hasn't completed either. Um, so there is no change in ownership at present. Uh, when that has been done. Clearly. Um, I those dates may be aligned in terms of what's happening with the projects. Or they may not, but as soon as that that change in company structure has happened, we will be providing the necessary information regarding the funding.

00:06:00:18 - 00:06:01:09

And there was just.

00:06:01:11 - 00:06:31:20

One if I could just but in there, I think there have been developments since then because, um, uh, BP started this year, sold off its offshore wind business in America. Um, and there's been lots of, uh, in the press in the last couple of weeks, uh, about them, um, reducing further. It scales investments in, in, in, in the sector. Um, so, um, it there does seem to be an awful when the application was lodged, there was a lot of reliance that this is BP.

00:06:31:26 - 00:06:51:24

Um, you know, I mentioned about the, uh, 394 pages about BP are doing this, doing that, doing the other. Um, but certainly what seems in the last few weeks and months selling the business in America and the announcements in the press over the last fortnight or so, um, they really seem to be scaling back, so

00:06:53:12 - 00:07:02:19

it'd be useful and I appreciate you. You probably won't be able to do it today, but I think we are looking for some clarity as to where BP stands as far as this project is concerned going forward.

00:07:03:29 - 00:07:34:02

Sir. Les Don, on behalf of the applicants, we will provide that. But the statements that have been made by BP about this are that they remain fully committed to these projects and pushing forward with them. Um, so I don't think it's for this examination to speculate on that position. If there is a change in ownership at any part of this and they are normal. It's very normal for projects to be, um, to be, uh, for joint venture partners to change, for the ownership of projects to change.

00:07:34:04 - 00:07:50:12

And it's important that at each stage that that happens, uh, whatever necessary, um, uh, um, uh, comfort or reassurance or evidence is given regarding the financial standing of that organisation to take those projects forward. As I've.

00:07:50:14 - 00:07:51:05

Said. Sorry.

00:07:51:27 - 00:07:52:22

I finished what I'm saying.

00:07:52:24 - 00:08:37:13

Well, no, no, the point you just made. I need to pick up on. We're not interested in speculating about what may or may not happen. All we're concerned about is the guidance that's given in paragraph 17, which you mentioned earlier, um, which says, you know, that we should include the degree to which other bodies, public or private, have agreed to make financial contributions or to underwrite the scheme, and on what basis such contributions are underwriting are to be made. Um, so it's the changed circumstances, uh, which make us think, you know, to what extent is that guidance being adhered to? Uh, and at the moment and I understand because this is all recently happened, but the information is, you know, some falls some way short.

00:08:37:15 - 00:08:44:24

And it's that reassurance, that clarity that we're seeking so that we'll be satisfied that paragraph 19 of the CCA guidance is actually adhered to.

00:08:46:27 - 00:08:55:10

Thank you sir. Listen, on behalf of the applicant, the paragraph 17 is that in the, um, 2013 guidance? Yes. Thank you.

00:08:57:04 - 00:08:59:04

We will provide that reassurance.

00:09:01:00 - 00:09:08:04

Uh, there was actually another point that I just wanted to pick up on that was raised, I think, by Mr. Smith yesterday regarding Kepco.

00:09:08:06 - 00:09:16:00

Just before you come on to that, can I just ask, will that be for deadline one? Yes. Thank you. Right. Sorry. Sorry to interrupt again. Please. Please move on.

00:09:16:21 - 00:09:53:09

Thank you. So, um, there was a there was a point made. It's a it's a minor point around, um, the potential for Tepco, um, to be involved in both projects as a, as a joint, effectively the same shareholder across both projects. Um, that isn't the case. Um, so currently Tepco is a shareholder of Morcom. Um, but when the, uh, when the, uh, When the transfer to Copenhagen Infrastructure Partners takes place, Tepco will not have an interest.

00:09:54:03 - 00:10:22:09

Um. Tepco is a shareholder in Jera, which is the organization that will, uh, will be, um, going into joint venture with BP. But again, that hasn't taken place already either. So the expectation is there will never be a point where Tepco is a joint shareholder across both projects. And even if they are, it's a very, very minor shareholding rather than a controlling shareholding. So I just thought I'd. But we'll confirm that in writing.

00:10:23:21 - 00:11:11:10

Yes. Thank you for that. Um, I think we were of a similar view that that was sort of a bit removed. Um, so, um, we we, um, we hope it was said, but, um, uh, you know, just just just to emphasize the point is that at the moment we've got two startup companies almost there with very limited assets. A company that's supposed to be purchasing the Morcombe shareholding is another startup company with very limited assets. Um, and so in these circumstances, how has it proposed to satisfy the examining authority and the Secretary of State that adequate funding is likely to be available, um, especially in view of all the other consents that are to be required?

00:11:12:14 - 00:11:58:25

Thank you sir. It's done. On behalf of the applicants, I have to say the structure that's proposed for this project is no different to a number of other projects in terms of the joint venture and then the parent companies that sit behind it. Um, but we will obviously, um, provide the information that's been requested. I'd also point out, um, that, uh, article is it article 33 of the development consent order requires the secretary of state, um, requires the secretary of. confirmation of sufficient funding being provided to the Secretary of State before the compulsory acquisition powers are exercised, so there is a further mechanism there to ensure that the Secretary of State is satisfied that these projects can go ahead and be delivered.

00:12:02:01 - 00:12:38:15

Thank you for that. Um, it is slightly different in, in, in, in respect of other projects because of course we're dealing with two applicants here rather than other projects, just one with the, uh, companies above them. So, um, that's something which, um, you know, at every step, I think we all got to bear in mind that there are two projects, two applicants. So, you know, it's double, double the risk if you like. Um, you mentioned earlier about, um, uh, psi psi v the Copenhagen company standing, um, and you mentioned about the lease negotiations with the, um, the Crown Estates.

00:12:38:19 - 00:12:54:12

Obviously, we're aware of that. Are you able to tell us whether that's gone anywhere? Um, I mean, have. Have they been approved by any regulatory authority to date? Um, and have they at least started discussions with, with the Crown Estates?

00:12:58:09 - 00:13:27:24

It was done on behalf of the application application applicants. Um, those discussions have started with the Crown Estate. Um, I think if there are questions on these, I think they're probably better that we take them away, um, and answer them because they are, uh, they are technical and they are in respect of ongoing negotiations that are going on with the Crown Estate, some of which are open, some of which are not. And I don't want to say anything that, um, will compromise any of any of that at this stage.

00:13:28:05 - 00:13:39:20

Yeah, that that's fully understood. And, um, I don't, I think, I don't think we can expect anything by deadline one on that. Uh, but but I just sort of put it, put it down there as a, um,

00:13:41:08 - 00:13:57:20

I put it down there as a point that, um, you know, we will be coming back to. But, um, I appreciate at this stage it's very difficult for you to comment any further at all, but it's, um, something that we will be looking to, to clarify as the, as the examination progresses.

00:13:57:27 - 00:14:06:29

Can I just come in? Sorry, Anthony, for the for marking this time. Um, we'll also provide information on Copenhagen for you by deadline. One to confirm its assets.

00:14:08:28 - 00:14:10:11

Uh, which Copenhagen.

00:14:10:27 - 00:14:14:02

Company infrastructure partner is the entity which will be joining in Morecambe?

00:14:14:17 - 00:14:25:15

Yeah. Sorry. I assume you're talking about the parent Copenhagen, because the actual company who's buying is actually a startup, isn't it? It's a very it's a very limited company.

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So a full update will be provided in the funding statement deadline one.

00:14:31:09 - 00:14:33:15

Well, sorry, it's also not a startup.

00:14:33:27 - 00:14:44:27

One thing I will ask you, um, which which, Um, hopefully you'll be able to tell me, are they buying the assets or the shares in Malcolm? Is that the intention?

00:14:45:21 - 00:14:51:27

Um, I'll have to come back to that, I'm afraid. But my understanding is they're buying the shares.

00:14:52:18 - 00:15:08:03

Well, they they may well be. Um. That's something which I think you could come back to me on deadline. I don't expect a question. Answer today. Um, unless someone can give it. But I'm quite interested to know which, because it does have a knock on effect.

00:15:08:14 - 00:15:09:22

Scott and I can answer this.

00:15:10:12 - 00:15:32:15

Uh, Ross. Scott, I'm speaking on behalf of, uh, Morecambe Offshore Wind. So the project will be taken over by Copenhagen. Copenhagen Infrastructure Partners, which is an investment fund. There is an operating entity which is Copenhagen Offshore Partners, but they are not a shareholding entity. They are a, uh, operational delivery arm of Copenhagen Infrastructure Partners. But we can provide more clarity at that one.

00:15:33:02 - 00:16:08:18

Yeah. If you could provide more. I mean, I appreciate it's difficult for you to go too far today. I understand that. But I would like to have a bit more clarity about what's happening with Copenhagen. Uh, the funding and, as I say, whether they're buying the assets or the shares, because it does make quite a significant difference. So if that I don't think that's a particularly controversial point to ask. Um, uh, if if for some reason you can't give us that information because it is confidential, then then or I accept it, but, um, you know, something which, uh, which, which, which was interested in.

00:16:08:24 - 00:16:10:02

We can provide a full summary.

00:16:10:04 - 00:16:12:00

Yeah, that's really helpful. Thank you so much.

00:16:19:29 - 00:16:37:26

So the relevant funding statements that APO nine and APO ten don't need them to come up. Don't worry. Um, state that the compensation costs for the project are estimated at nearly 20 million for Morgan. 15.5 million for Morgan.

00:16:39:20 - 00:16:49:17

20 million for Morgan. 15.5 million for Morgan. Um, I just wonder if there's any change in those figures, whether they're likely to be reviewed, updated.

00:16:51:01 - 00:17:12:02

At least done on behalf of the applicants. Um, there's no change we're aware of at the moment. Um, there's been no significant shift in terms of, um, cost of borrowing or infrastructure or all those sorts of things that can change things. We will keep it under review, and if there's a need to update it at the end of the examination, we will do. But we're hoping they remain reasonably stable.

00:17:12:20 - 00:17:28:06

That's fine if you just keep us updated. I mean, there's sort of figures that it's a bit difficult to, to, to really understand too much just so that we've got something. Um, uh, for, for for reference. Um,

00:17:29:26 - 00:17:39:11

and then, um, just just, um, just to go back over a point that was made earlier. Um,

00:17:41:01 - 00:18:15:17

you asked, um, we referred to the extended period of seven years as opposed to the standard five years being requested. Um, and, you know, with, with the funding issues, the company structure. Um, I think we can understand why you've asked for the extended period, as you mentioned yesterday, it is agreed in other projects, some of the projects, although five is the standard. Um, what I, what I would, would, would say that um,

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very bearing in mind quite a bit of this is to do with the, the company structure of the funding on that basis is, is, is seven years proportionate.

00:18:30:21 - 00:18:50:24

You know, on the basis that there is sort of some internal discussions, negotiations, etc. going on from the joint applicants. Is that a reason, a sufficient reason to to say you should have seven years as opposed to five years? Is that a, you know, a reasonable, a reasoned argument for being proportionate?

00:18:51:23 - 00:19:22:00

So Liz, done on behalf of the applicants. Um, the seven years at the request for seven years, um, is, as we've said, because, um, these are two projects. Um, and there is um, uh, there is the potential for the them to come forward at different times. Um, and up to seven years is, uh, is, is preceded for this type of project. We can we've I think we'll be able to provide a bit more on that. Changes in the company structures of the organizations is not something that has been.

00:19:22:10 - 00:19:54:26

It's not a justification for seeking seven years, um, in some sort of anticipation that things may change going forward. Um, and I just think it's really important that we're clear that, um, that the purpose of this examination is to look at, uh, the the application is made by the organizations that are promoting that, uh, as we've said, where there are changes to that, we will provide the necessary information to demonstrate that appropriate funding is or could be made available to deliver the projects.

00:19:54:28 - 00:20:27:14

That's what we need to do regardless of what happens and things do happen. Post consent in terms of, uh, of of what happens to the projects. But the there are controls through the application and particularly, as I've said, article 33 of the development consent order, sorry, that requires for each project, uh, they provide sufficient guarantee to the Secretary of State that funding is available to, uh, effectively ensure that the projects can continue and that the compulsory acquisition can happen.

00:20:27:16 - 00:20:58:14

So there are controls through that process in terms of doing that. And as I've said, because of the nature of these sorts of projects. Um, if there is a change in ownership, which may happen, may not happen through the, uh, to the generation area or even a transfer of the transmission assets lease that has to be approved by the Crown Estate, who will also be wanting to ensure and have to ensure that whoever takes that project on has sufficient financial backing and security to be able to deliver the project.

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So there are a number of controls built in here. I appreciate the importance of this, and we will update when there is anything meaningful to update in that respect.

00:21:09:01 - 00:21:40:29

Yeah. Yes. Thank you for that. And just to emphasize where I'm coming from is looking at the CCA guidance and particularly paragraph 17, and that's what I'm seeking to be satisfied on. Um, I accept what you say about, um, uh, the fact that a change of control is, is not unprecedented. Um, we'll come

on to article 333 a bit later. Um, but anyway, thank you very much for, for, um, your contributions on, on that item. Um, I think we've probably exhausted that for the moment.

00:21:41:01 - 00:22:15:05

So, um, I'm going to be moving on to agenda item number five. Um, which is, uh, the question. Uh, questions now. Uh, we do have a number of questions. Um, I would at this stage normally have asked, um, uh, people in the room, in the virtual room to if they wanted to contribute, but I think we've largely heard them already. But at this stage, is there anything else that, um, people in the room or the virtual room would like to say before I move on to the questions we've got?

00:22:20:05 - 00:22:26:24

Uh, uh, Mr. Nel, from from helical. Um, I'll just move to a little bit to one side. So.

00:22:28:11 - 00:22:35:22

Yeah. Okay. We can see you now. Um, yes. Can we hear from you? Thank you. If you could introduce yourself again first, please. Thank you.

00:22:35:24 - 00:23:08:29

Thank you. Um, my name is Steve. I'm, um, acting on behalf of helical Technology. Uh, who have premises on Hillock Lane. Um, we only receive notification of these meetings and hearings. Uh, approximately a fortnight ago. So, um. Forgive me. We're a little bit behind the eight ball. Yeah. Figuratively. Um, we are unsure at the moment if this actually affects any land that is currently owned by helical. The reason for that is because the land registry is not updated.

00:23:09:03 - 00:23:46:28

Uh, some of the purchases that we've made in the last 12 to 18 months. Um, we did send through questions, um, to your organization asking, uh, for some assistance on that. Um, we were advised to bring it up in this meeting, so we would like to know exactly where the maps are that refer to in the plans in the book of reference. Um, we have found some that we can't actually tie that up with some of the, uh, some of the land that we believe we might not own.

00:23:47:18 - 00:24:10:06

Um, so that is what we're looking for. We're looking for a reference point that we can go to and make sure that we either have us standing out, or if this has got nothing to do with us, we will move away. And we don't want to waste anybody's time. We don't want to waste our own time, neither. Um.

00:24:10:16 - 00:24:29:02

Mr. Nel, thank you very much for for coming today. If I can just ask, um, could you could you, um, contact the case managers and just list the land that you have acquired? And if you can refer to the book of reference numbers. Um, that would be really, really helpful.

00:24:29:27 - 00:25:02:12

So this is done on behalf of the applicants. Can I just suggest that we're aware? We think we know where the interest might be. I suggest that after this and they are on the land plans, they are in the book reference. They are obviously shown on the works plans. I suggest that after this, the team just has a word with Mr. Nel to point him to where the things are on the documents, and then we can have

a discussion around it as to whether, um, you consider there's extra land that we haven't captured or isn't registered by the land registry, and we take it forward that way rather than going.

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I mean, if.

00:25:03:15 - 00:25:23:25

That would be really helpful. Just one word of warning. I don't think it would be very sensible to blame the Land Registry for any delays. They've got a major site in Latham, uh, one of their main land registries, so just be wary about it if you blame the delays on the Land Registry because they might hear you.

00:25:26:19 - 00:25:28:24

Thank you. That's acceptable to us.

00:25:37:09 - 00:25:44:02

Yeah. I think there's a hand raised online. Mr. Purnell, again, I'd like to come in at this stage.

00:25:44:27 - 00:26:19:12

Hello, Richard. First of all, I'm Mr. Bartlett, representing a number of affected parties and landowners. Um, hopefully your questions will supersede this one. So it's more of a comment, um, in that, from what I've heard this morning and from what I've, um, uh, read through the representations, uh, I fully understand, and I'm fully up to date with the two independent projects of Morecambe and Morgan, and we've heard very eloquently how Miss Dunn has identified their need to work independently to date.

00:26:20:00 - 00:26:46:15

However, there's nothing that I can see that is demonstrating any reasonable, justifiable reason why they cannot be bound by one single DCO and the rules of a commencement of a DCO that would satisfy CA 17. And what I mean by that is that they should be both in a position to start the works if granted simultaneously, not independently. So I'd just like to reiterate that point.

00:26:49:19 - 00:27:22:02

Um, thank you for that. And I think that was a point that, um, we heard from, from, um, Mr. Walker yesterday. Um, and I don't know if the applicant like to, to respond to that is the point is that if, um, the first project is ready to go, but the second project is, is is, uh, a couple of years down the line for, for any number of reasons that have been mentioned, uh, why should not the first project? Wait until the same start date as the second project.

00:27:22:04 - 00:27:29:05

I think that's the nub of what Mr. Walker and Mr. Furner are saying. I'm not sure if you want to respond quickly on that point.

00:27:29:17 - 00:28:02:08

Uh, les, down on behalf of the applicants. Um, there's just a couple of points I just want to make clear to Mr. Fernvale, which is probably appreciated. It is one DCO and it's one development consent order.

And the applicant, as I've said, quite a lot, have worked very hard behind the scenes to deliver it as one DCO. So there is one order. Both projects are subject to seven years. Um, and um, it is uh, that is standard, uh, as we've said, for more complex, um, DCO projects.

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So it's not like one, uh, there is no difference in terms of the, the time period, uh, within which, uh, work should commence. I think we've explained very clearly why these projects, um, do need to be delivered separately because they are being promoted by separate organisations. Picking up on on your point, sir, around why can't one project wait for the other? I think I've answered that, um, in the sense of the urgency of the need for new renewable energy generating capacity and that need, uh, for 2030 and identified going forward.

00:28:39:06 - 00:29:17:24

Um, it would be entirely against government policy, uh, for one project to be held, uh, for the other, it would delay the delivery of that, um, and, uh, and potentially, um, lead, uh, well, it it could undermine the viability of projects coming forward and, and also sorts of things like that. So, so the government's intention and the project's intentions is to get these projects built as soon as they can, um, and, um, for one project to be held by the other would be both unreasonable, but would be contrary to policy and contrary to the very urgent need that there is for the delivery of these projects.

00:29:20:07 - 00:29:49:11

I hear what you say, but, but, but there is. We've talked about the need for it to be proportionate, and we also talked about the public interest and the balance with the public interest. So, um, yes, you make a good case, but there is always that balance to be borne in mind. Um, so, um, it's it's perhaps not quite as clear cut as, um, uh, as suggested. But anyway, I think we'll move on from there. Um,

00:29:50:29 - 00:30:40:12

other questions we've got, um, can I can I just talk about blight claims? Um, the funding statements, uh, show for both companies and allowance limited to just 100,000, increasing by relatively small amounts as the years passed by. Um, I just wonder whether this is realistic when a number of the businesses are suggesting they will have to close as a result of the proposed development. Indeed, a number of landowners as well. I just wonder whether these figures will be reviewed by the two applicant companies, both of whom have have very limited assets, you know, is £100,000 realistic? I know that black claims are not very often broad, but bearing in mind the number of people here that are saying they're not going to be able to continue in business.

00:30:40:26 - 00:30:47:03

Um, £100,000 is is really dropping the ocean in comparison to, to what their compensation might be.

00:30:47:26 - 00:31:23:17

So it's done on behalf of the applicants. And blight claims are in respect of, um, properties that are being acquired through compulsory acquisition. And there is no, uh, there is no compulsory acquisition of properties. That's where a compulsory, uh, compulsory purchase order or compulsory acquisition authorizes the acquisition of of a residential property. Um, and, uh, the situation exists whereby, um, somebody is unable to sell that property because there's the threat of the compulsory acquisition, and that allows the bringing forward of a blight claim.

00:31:23:28 - 00:32:03:09

There are no there are no residential properties being acquired, uh, by this, um, by this application. And in fact, there is no compulsory acquisition or, uh, in any sense of residential properties or curtilage. Um, so the, the costs of um, related to um, uh, foreign business matters and acquisition related to, uh, both rights and land and those claims that were result as a result of that are in the main, uh, property estimate costs that have been provided, which are I don't have them in front of me at the moment, but they're not within the blight claim.

00:32:03:11 - 00:32:13:22

That's a very small amount of money. It's not anticipated, as I say, because there is no acquisition of any residential property or garden or anything, that there would be a blight claim arising.

00:32:14:06 - 00:32:29:12

Yeah, I know there's no application of, of, um, against residential properties, but, um, are you sure that blight claims are limited to just residential properties? I mean, there are foreign businesses that are affected, and and they certainly could be subject.

00:32:30:18 - 00:32:40:03

Based on, on behalf of the applicant. Um, the business losses are listed out separately in the, uh, funding statement in terms of those costs.

00:32:43:04 - 00:32:57:03

App 009 and app zero zero ten of the property are the cost estimates there. And they include, um, both um, both the land costs, but also, um, business loss costs as well. And the estimates for those.

00:32:58:12 - 00:33:31:00

Right. Can I ask you to put in a notice about, um, blight claims because, um, I'm not convinced it just relates to residential properties. Uh, and if it also relates to businesses, then, um, uh, it would, um, exceed the 100,000 figure quite significantly. And I we also heard from a affected person who know your right. His his property wasn't being catered. Um, uh, but but there are farming businesses that are being created.

00:33:31:02 - 00:33:41:14

So I'd say if you could put in a note about like, homes, because if it does include businesses as well, then clearly the £100,000 is is nowhere near sufficient.

00:33:42:03 - 00:33:56:04

It's done on behalf of the applicants will certainly identify where extinguishment of business have been taken account of in the in the property cost estimate. And we'll put a note in on blight, which I suspect will be linked to the note of this hearing.

00:33:56:06 - 00:33:57:02

Thank you. Thank you.

00:34:04:01 - 00:34:37:25

Um, if I can move on to another topic now, which is impediments. Um, the statement of reasons, um, uh, refers to this and refers to the consents and license documents, which is AP232. Um, I don't need to bring this up. Um, there's no mention in the consent and license document to quite a raft of other consents which are required.

00:34:38:06 - 00:34:46:00

There's the planning application for the national grade pen more than, um, uh, uh, center. Um,

00:34:47:17 - 00:34:50:03

there's there's obviously the, um,

00:34:51:29 - 00:35:11:19

uh, the, the Crown States lease, there's the DCO projects for, um, Morgan and Morecambe. Um, I would have expected these to be included in the consents and License. Uh, document. Um, is that something which which which which could be updated?

00:35:13:25 - 00:35:45:07

Is done on behalf of the applicants. Um, we'll certainly review it. I just need to make very clear. The national grid extension at Penwortham, um, is is not something that, um, these applicants are, uh, involved in or, uh, are aware of. Um, the that that isn't in the, there's been mentioned by National grid of an extension to the Penwortham substation, but it's not it's not comprised in this application and it's not contingent on this application going forward.

00:35:46:15 - 00:36:16:24

Yeah, I do appreciate that. But if you look at paragraph one, .1.1.6 of the consents and licence application, it refers to the guidance, uh, and the guidance says where the proposed development will also require other consents, licences, permits etc. to enable it to be constructed and or operational and for which? Which the Secretary of State is not the authorizing body? And did the 2008 act. Then the applicants must list and briefly describe these in box 24.

00:36:17:05 - 00:36:26:09

Now, the items I've mentioned are clearly necessary and essential for the projects to be operational.

00:36:27:10 - 00:36:47:12

But certainly is done on behalf of the applicants. We'll take it away and review it. Um, it is not my understanding that an extension to Penwortham is necessary for the purposes of these projects to go ahead. They connect into the existing substation, but we can we can confirm that, um, and we will review the consents and licences document.

00:36:48:07 - 00:36:49:03

Could that be clarified.

00:36:49:05 - 00:36:56:01

In terms of the project description as well? Because I think the project description indicates that there is an extension. Uh, anticipated.

00:36:57:13 - 00:36:59:09

List done on behalf of the applicant. We will.

00:37:17:11 - 00:37:32:17

And I'm not. I'm not sure to what extent there is contact with with National Grid. Um, and I think we'll we'll certainly be, um, putting a question to them for more clarity over

00:37:34:06 - 00:38:04:28

that. Um, but it would also be very, very useful if you could update the examining authority with, um, with where you are, because I assume there's regular discussions between the joint applicants and National Grid. Um, and and you, they probably sort of give you a fairly good idea of what they're going to do and what their plans are and what the update is. We said yesterday that they were looking to bring the application in quarter four of 2025.

00:38:05:18 - 00:38:16:06

Um, so we will go to National Grid, but I think it would be useful if the applicants could also update us, because you probably know more, or they'll probably tell you more than that. They might tell us.

00:38:19:25 - 00:38:45:22

More on behalf of both applicants. Uh, that that's correct. That we are in regular discussions with National Grid. Um, we've the project teams have been in discussion with them, but also we've also been discussing the protected provisions, which is the key mechanism through the DCO, in which we would, um, ensure that their assets and land interests are adequately protected in accordance with what's required under the Planning Act. Um.

00:38:48:19 - 00:39:05:12

The the discussions with National Grid and all other statutory undertakers. Um, I just want to emphasize that we've actually taken a very coordinated approach to our joint approach negotiations with all action takes include. National grid in relation to preparations on the face of the draft DCO. Um, so.

00:39:07:26 - 00:39:41:23

We've also been talking ahead of this, uh, this hearing with each of the statutory undertakers, because what we, uh, considered would be helpful, um, would be to provide agreed statements. Um, we have an agreed statement with, with National Grid with regards to, uh, what they want us to to to share with you. Um, a lot of the discussions are things that we're not at liberty to, to provide further information on without their agreement. Uh, so if I can read out the agreed statement that we've got with National Grid at this point.

00:39:43:06 - 00:40:14:06

Could I just ask you to submit that to, um, uh, to to us, um, uh, that would, uh, that that would be very helpful. But but what I would ask you is that at the moment, National Grid are objecting To rights over and the rights that you've asked for because they're saying they hope to reach agreement with you. Um, is that something you you you want to, um, respond to either in writing or mention something at this meeting? At this hearing.

00:40:15:15 - 00:40:41:00

Laura felt on behalf of both applicants. Uh, yes. That's correct. As in, we've got similar representations from obviously other statutory undertakers in the same way. And that that is the basis on which we're negotiating the various bespoke protective provisions which are included in schedule ten of the draft DCO. Um, we are in, uh, in discussions with National Grid. Um, it's probably a my statement actually covers where we are. So if I just read out because okay.

00:40:41:02 - 00:40:41:17

Go ahead.

00:40:41:19 - 00:41:12:00

Thank you. Yeah. Give that that information. So, um, they've asked us to share the comments on the protect provisions were shared with the representative National Grid. Uh, the most recent comments on the 10th of April, 2025 and that Morgan Offshore Wind Limited and Morgan Offshore Wind Limited are also in active negotiations with National Grid on separate agreements to cover the connection points into National Grid. The applicants currently expect the relevant documentation can be agreed before the close of examination.

00:41:12:14 - 00:41:31:06

I'd just like to to add to that, just from my own personal experience, that we're actually quite far what I would consider to be quite far well progressed and ahead of where we might sometimes be in these DCO hearings with regards to negotiations with National Grid and, um, in in respect of nearly all of the other statutory undertakers.

00:41:32:14 - 00:41:55:20

But on behalf of the applicants, the only other thing I'd add is that once those agreements are in place, National Grid will withdraw their objection. The basis of their objection is to protect their statutory position. Um, so it is standard practice when those are when those protective protective provisions are agreed that the various statutory undertakers will withdraw their objections.

00:41:57:16 - 00:42:06:19

Right? That's fine. And if I could just ask you to submit that National Grid statement or the joint statement, um, to the examination, um, by deadline one.

00:42:07:20 - 00:42:27:00

Laura Atkins. Yes, that's the intention. So, um, the statutory undertakers, uh, and progress with them is currently it sits in the land rights tracker. So we would be providing updates in a similar way through that. And that will include the agreed statements. And at each time we update that, we'll be looking to agree those position statements with each of the statutory undertakers.

00:42:27:07 - 00:42:30:12

That's most helpful. Thank you very much. And just briefly, sorry.

00:42:30:14 - 00:42:48:15

Yeah. On your national grid note, could you just include a clarification of where the works consented by this project would stop at the connection and where the works that might need separate consent or whatever the national grid are doing starts. I'm not absolutely.

00:42:49:07 - 00:42:55:14

Sure the applicant there isn't a planning application for National Grid yet, so we don't know the answer to that question.

00:42:55:16 - 00:43:12:18

Because in the project description, there's a list of works that would be required for the connection. And it's not absolutely clear that those works part of the applicant's application. Or are they part of the subsequent national grid works that it will need to take place to the substation to connect to the proposed development list?

00:43:12:20 - 00:43:23:22

On behalf of the applicants, we will clarify that this application only includes the works that these projects need to connect to the National Grid substation. It doesn't include any of national grids works.

00:43:24:12 - 00:43:31:26

I understand that that could just be clarified in terms of where one starts and the other stops, or when one stops your stops and the other starts. That would be useful.

00:43:40:27 - 00:44:03:26

Uh, I did mention earlier that, um, there were a number of, um, matters that I think should be included in, in your consents and license document. I mentioned the the two DCO, um, wind farm applications. One from Morgan, one from Morecambe, uh, the Crown Estates. Um.

00:44:06:03 - 00:44:32:29

I thought the the the the the planning application from National grid, um was required. But perhaps that's not not the case. But either way, there are some, um, uh, fairly big hurdles that need to be overcome. Um, in terms of the consent regime. Um, I'm just wondering, uh, are they hurdles or are they impediments? Perhaps you could come back on that.

00:44:36:24 - 00:45:00:23

At least on on behalf of the applicants. Um, there are a series of consents that, um, need to be in place before the development, um, can commence. Um, uh, it's not unusual for a project of this size and scale to require, um, those, those, um, those other consents to be in place. And they're certainly not impediments to the scheme coming forward.

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

Uh, thanks for that. Um, so if I just refer to them as hurdles. Um, is it not appropriate for a clause to be included in the in the draft DCO to the effect that no development can take place until the items we've mentioned have been resolved or granted.

00:45:23:05 - 00:46:02:16

Lays down on behalf of the applicants? No, it's not appropriate for such an article to be included in the DCO. There is an article, uh, article or requirement in the DCO that, um, that confirms that the project, um, the, the generation assets can't be constructed, um, until the offshore wind farms have been consented. Article three of the DCO. SEO. Um, and the reason for that is a recognition that the case for these, for the transmission assets is dependent upon the consent, the grant of consent for the generation that is fully recognized.

00:46:02:29 - 00:46:45:29

Um, in other circumstances, uh, where there's been a separation of generation and transmission, there's been a longer period, perhaps before the the transmission came forward. So the generation has been consented. That hasn't been necessary. The Triton Knoll electrical system project, for example. Uh, that wasn't necessary because the generation had been consented before the transmission assets application was made so effectively that that was in place. We recognized that for the Morgan and Morgan projects, this is going into examination before there's been a decision on those projects, which is why article three is included, um, to ensure that, um, these works could not go ahead.

00:46:46:01 - 00:47:00:00

There's there's nothing. Uh, the Secretary of State could grant consent because, um, because effectively, you couldn't deliver the development. You couldn't commence development until those those generation assets are consented.

00:47:06:28 - 00:47:38:19

So, uh, article three covers that. What about the, um, the Crown Estates, uh, and getting, um, uh, their consent. Getting their license? Uh, because clearly, um, it's not going to be able to operate. Uh, and the reason I'm asking about that is possible change of control in one of the companies. Um, well, clearly, construction couldn't begin without without the the Crown estate sleeves being in place.

00:47:38:26 - 00:47:43:08

So why why, why couldn't that be included as a condition.

00:47:44:01 - 00:48:18:06

List on behalf of the applicants. It's not necessary for that to be included as a condition. The agreements for lease are in place for both projects for the generation assets, and negotiations are well progressed with the Crown Estate on the transmission assets agreements for lease. We can put we can give an update on those, um, during the examination, but it's not necessary for that to be a condition of the I think it wouldn't meet the tests in terms of it being necessary. Uh, for the purposes of the project, it's not necessary to be included within the development consent order.

00:48:22:15 - 00:48:56:17

Yes. Um, there was a recent discussion on this very point on on the Viking, uh, project. Um, and the Secretary of state, um, agreed to, uh, a wider ramping clause, if you like, a conditional clause. Um, so, uh, it's something we might, might want to explore further. but in the meantime it would be useful, as you just said, to have, um, an update on the agreements for lease. Um, as to where where they are. Um, uh, you you say they've already been concluded.

00:48:56:23 - 00:49:04:12

Um, but of course, that's just the agreements for lease is not the lease itself. So it'd be really helpful to have an update on that by deadline one.

00:49:05:05 - 00:49:06:25

Yes. So we will provide that.

00:49:13:03 - 00:49:30:16

Thank you. Um, I think that concludes agenda item five. So, um, can we move on to, uh, agenda item six, which is human rights and the Equality Act. Um,

00:49:32:12 - 00:49:58:16

we did in our rule six, ask for, uh, inequalities, um, assessment, um, to, to be in accordance with the Equality Act to be lodged. Um, I just wondered, uh, you did say yesterday that will be coming in, um, by deadline one. Um, I just wondered why that wasn't prepared at the outset and submitted with the application documents.

00:50:00:19 - 00:50:31:23

Uh, list down on behalf of the applicants. Um, from my experience, this is something that has more recently been raised, um, in examinations. Um, it it hasn't been a, a standard, um, requirement or document. I think it's important to understand, um, around the public sector equality duty, where that sits and where information is. So the public sector equality duty, uh, applies to public sector bodies, and the applicants are not public sector bodies.

00:50:31:27 - 00:51:12:24

So in terms of that duty, it doesn't sit with the applicant. It sits with, uh, the Planning Inspectorate in terms of how its it's undertaking this examination. And the Secretary of State in terms of the exercising of its functions. The duty on the applicant, insofar as there is a duty, is to provide information, um, relevant to that will assist the particularly the Secretary of State in making their decision in respect of the public sector equality duty. Um, and I think the the there is information um within the development consent, within the development consent order documents, particularly uh, around vulnerable groups.

00:51:13:04 - 00:51:31:10

Um, so the information is there, it just hasn't been badged as a public sector equality duty document. So we will be pulling that together, signposting where the information is in the assessment so that it's clearer for the examining authority and then the Secretary of State as to how that's been done. This is what we've done on other applications.

00:51:34:06 - 00:52:04:14

Yeah. I hear what you say there. Um, I can't quite imagine that someone from the applicant's back in October sat down and said, well, we're not a public authority, so we don't need to prepare this document. Um, when, as you say, the decision will be taken by someone who very much falls within the definition of a public authority, uh, and, uh, he or she, uh, needs to have as much information as possible.

00:52:04:27 - 00:52:38:27

Uh, there is quite a bit in, in, in the, um, uh, application documents, but for example, uh, the noise assessment, uh, is written by noise expert, um, and, and, um, he, he hasn't really considered people with, uh, who fall within the protected characteristics. Um, you know, it should have been really clear from the outset that, uh, people with protected characteristics were going to be affected by this development. I mean, there's a care home, and potentially Cables go either side of that.

00:52:39:07 - 00:53:15:25

There's a couple of, um, riding schools. Um, there's, uh, as we know from what Fylde Council has said, um, a lot of, uh, uh, older people in the area. Um, and so there are quite a range of persons who fall within protected characteristics. Um, so I'm, you know, the idea that it's sort of given a bit of a mention in other assessments as opposed to a specific, uh, equalities impact assessment, uh, is something which I really think should have gone in with the application documents at the outset.

00:53:16:08 - 00:53:54:28

Um, list, on behalf of the applicants, I draw your attention to the Human Health Annex, which is app 035, which does include the information you've you have just mentioned now in respect of, uh, understanding, uh, the effects in IO terms on vulnerable groups, uh, that looks across And this doesn't just look at it on a, on an individual, um, uh, impact basis. It looks across all those impacts. So as I've said, the applicant will be drawing together the information in the human health in annex and those other chapters, as has been requested to, to bring that information together.

00:53:55:09 - 00:54:05:23

Uh, in respect to the public sector equality duty. So that information is clearly there for the example, it is there already, but is brought together for the examining authority and the Secretary of State.

00:54:06:12 - 00:54:37:26

Thank you. You provide a robust, um, uh, response there. Um, but I think I've made my point and, um, uh, I'm, uh, I think it's a bit of a way to go in that. But setting that aside, um, could you just briefly say how the applicants have taken into account the relevant provisions of the Human Rights Act and the Equality Act? Perhaps. Sorry, you've already mentioned the Equality Act. So just limit you to the to to, um, how you take into account Human Rights Act. So I'm just looking for a standard response here.

00:54:38:15 - 00:54:51:03

It's done on behalf of the applicant that is set out in the statement of reasons. Um, and we've discussed it already in the context of, uh, compulsory acquisition. Um, it is in the context of, um,

00:54:52:24 - 00:55:23:18

um, we talked about articles one and article eight of the Human Rights Act, as I said. Um, article eight isn't engaged because there's no, um, acquisition of of residential property. Um, so it is in respect of, um, article one, which is the right to peaceful enjoyment of possessions and the right to respect for private and family life, home and correspondence. And this links into the granting of powers, um, the CEO powers in a dco um under section one, two, two.

00:55:23:24 - 00:55:32:20

And this is where the public interest test, um, comes into play. As I say, I think we've I think we have explained it. Um, and I think it is set out in the statement of reasons.

00:55:35:23 - 00:55:55:05

Thank you. Thank you very much. Um, uh. About that. Um, just wondered before I move on to, um. Next questions. Um, is there anybody in the room? Black leopard? Um, who might want to comment on any aspect you've heard today?

00:55:57:11 - 00:56:24:22

Fine. The council. Fine. That's no problem at all. Um, just moving through a few other questions. We've covered statutory undertakers. Uh, we've covered the the Crown Estate. Um, can I just talk to, um, look over special category land? Um, and you mentioned about section 132 of the Planning Act earlier.

00:56:26:09 - 00:56:26:27

Um,

00:56:28:23 - 00:56:59:27

now, if, if, if we look at the statement of reasons, um, and looking at the reference I've got in front of me is the original statement reasons. Apollo 13. Um, appreciate it was updated, but not not not in this respect. Um, section 110 137 110 137 acknowledges that there will be some temporary disruption to the use of open space during construction and if cable repairs are acquired during operation.

00:57:01:02 - 00:57:27:04

Um, we've asked for further information about trenches, cable installation techniques, etc. um. However, even temporary disruption during construction and for cable repairs suggests that the test in section 132 that the order, when burdened with the order right, will be no less advantageous than it was before, unquote will not be met. Can you comment on that.

00:57:28:21 - 00:58:05:23

Liz Dunn, on behalf of the applicants. Um, the the test in section one three. Um, in one three. Sorry. Two, two. Thank you. Um is met. Um, so the the public open space, um, that is potentially affected by the project is, uh, is the land at the beach? Um, and, um, uh, it's all set out in the statement. The reasons, um, and, um, the land at the, uh, Blackpool Road playing fields all considered as public open space.

00:58:06:11 - 00:58:36:12

Um, those plots are required temporarily for the, uh, installation of the, uh, of the cables. And once the cables are installed, they will be under grounded. There will be no restriction on the use of those insofar as they are used for public open space. So there is no permanent impact on those at all. In terms of the temporary impact. Um, it is uh, there will be, um, uh, they will be out of operation for, for periods of time.

00:58:36:25 - 00:59:14:17

Um, but the applicants consider that that that doesn't, uh, conflict with the, uh, the provisions in relation to, um, to the acquisition of rights and public open space. It won't make them no less advantageous overall to the public during that period. Uh, we've discussed the and we'll be providing some more information on the management of those during construction. Um, but, uh, as has been

precedented by, um, a number of other DCO applications, um, uh, for offshore wind projects where cables come ashore at the beach, which is always considered to be open space.

00:59:15:03 - 00:59:28:02

Um, uh, it's it is it meets the test in the sense that, um, once the cables are installed, it's no less advantageous. And also, um, there is no, therefore no requirement for replacement land.

00:59:31:04 - 01:00:04:22

Uh, except what you're saying there. But of course, permanent rights are being taken because the cable has to pass through the public open space, uh, the beach and the recreation ground, as you said. So, um, it does need to, to certainly be considered as to whether or not the section 132 test, um, has, has been met. Um, and, uh, you know, that's something that, um, uh, you, you've you've said that, um, uh, that it does that it is right.

01:00:05:05 - 01:00:11:29

Um, one thing I was a bit surprised about is that statement of reasons has no reference to coffer dams.

01:00:13:17 - 01:00:47:27

Uh, and, and, you know, the beach is going to be cluttered for, for, for quite some time, which is not insignificant. Um, uh, and, uh, that, uh, is, um, you know, we're not sure, but statement of reasons doesn't even include the reference, so we're not. But but I think we want to know how long those copper dams are going to be in place. And of course, it could be two coffer dams, because for Morgan and for Morgan, uh, and that is going to be quite an impact.

01:00:49:06 - 01:01:23:13

It's done on behalf of the applicants. Um, we've, I think, agreed to provide some more information around the the size and the height of the coffer dams. And they are temporary works as well. Um, in terms of the beach, they're not permanent. Um, so they will be there for the period of construction and then they will be removed. Um, but we can provide some more information on that. Um, and I think we've also made it very clear that the beach will remain open, um, during the construction works, and I think we've indicated will provide some diagrams indicating where one particular works are taking place.

01:01:23:15 - 01:01:24:20

How that will be managed?

01:01:26:05 - 01:02:01:29

Yes. I think I'm hoping that that will give us a firm indication of how long the copper, copper, copper dams are going to be in place. Because you say they're temporary, but obviously, um, if they're there for long enough, then they're no longer temporary. Um, and, uh, an idea of the size and as I say, the statement of reasons, it needs to be updated on this specific point, this reference to the copper dams need to be included in it, um, because it is, uh, quite, um, uh, quite a factor.

01:02:02:17 - 01:02:21:19

So if that could come in by deadline one and I appreciate we're covering two bits here. It's, it's partly the discussion we had yesterday, but it's also, uh, relevant in respect to the CCA discussion today. So

in some ways it's a, it's a double action point to make sure that, um, it's picked up, um, in, in, in both areas.

01:02:29:05 - 01:02:30:17

Right. Um,

01:02:32:07 - 01:02:45:15

thank you very much for, for for those responses. Um, I'm not sure if anybody last chance to raise, um, any any questions from anyone in the room or online.

01:02:49:06 - 01:03:21:23

Otherwise, I think we're going to move. Um, it does conclude our questions for for today. As we said earlier, we'll be raising detailed questions on the 17th of June. Um, and thank you, everyone, for your contributions and for coming today. Uh, it's particularly warm this week. So thank you very much for for everyone to, um, for surviving. Um, we've just got to deal with the, um, uh, the action points, so perhaps we could just refer those and check those off.

01:03:21:25 - 01:03:26:13

If the applicant could take take us through the action points before we close. Thank you.

01:03:27:15 - 01:03:41:05

On behalf of the applicant. Apologies. My connection has gone. So the lovely people behind the scenes who've been typing these up, I have no internet connection and I'm hoping somebody else might have them in a moment.

01:03:46:21 - 01:04:11:03

At least done on behalf of the applicants. I'm wondering if the best way to do this, as I know people are keen to go, might be. I know we've we are just tidying up the, um, we're just tidying up the list from yesterday is that actually we send the planning inspection, the case officer, the list from yesterday and today, and that you then check those and then we issue them. Is that a.

01:04:11:05 - 01:04:14:05

That sounds possible. Any idea when you would be able to send them?

01:04:14:24 - 01:04:23:26

Uh, I will review them in the car on the way home. So I'm hoping it would either be this evening or on Tuesday.

01:04:24:09 - 01:04:36:27

Yeah, all I would say is we do have a meeting early on Tuesday morning. Um. Uh. Um, 930. So it'd be very helpful if we if we could have them before then.

01:04:36:29 - 01:04:39:24

You will have them before 930 on Tuesday morning.

01:04:43:16 - 01:05:10:20

That. That's great. Um, and we can go through those and they will be published. Might take, um, a couple of days to draw the threads together, but we'll we'll publish them as soon as we can during the course of, um, of next week. So thank you again to everyone for your attendance and your interest. Um, and, uh, we can now, at 1215, confirm that the, um, compulsory acquisition one, uh, comes to a close.

01:05:12:18 - 01:05:13:10

Thank you.