North Yorkshire Council

Executive

Minutes of the meeting held on Tuesday, 12th December 2023 commencing at 11.00 am.

Councillor Carl Les in the Chair. plus Councillors Gareth Dadd, Derek Bastiman, Michael Harrison, Simon Myers, Janet Sanderson, David Chance, Keane Duncan, Greg White and Annabel Wilkinson.

In attendance: Councillors David Ireton, Paul Haslam, Eric Broadbent, Andy Paraskos,

Arnold Warneken and George Jabbour.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan,

Melanie Carr, Daniel Harry, Anton Hodge, Nic Harne, Jos Holmes, Liz Philpot,

Tracey Rathmell, Carol Rehill, Trevor Watson and Natasha Durham.

Other Attendees: Mrs Clare Beckett, Mr Richard Holliday, Mr Kevin Bramley, Mr Paul Townsend,

Ms Rose Winship and Mrs Anne Seex.

Apologies: Richard Webb.

Copies of all documents considered are in the Minute Book

355 Apologies for Absence

Apologies were received from Richard Webb.

356 Minutes of the Meeting held on 28 November 2023

Resolved -

That the public Minutes of the meeting held on 28 November 2023, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

357 Declarations of Interest

There were no declarations of interest.

358 Public Participation

There were a number of public questions and statements relating to Agenda Item 6 – Delivery of the new settlement (Maltkiln) Development Plan, which the Chair agreed to consider as part of that agenda item.

There were two further public submissions. The first a statement from Ms Rose Winship a second home owner in Filey, as follows:

'Good morning Councillors, and thank you Chairman for allowing me to address you remotely to allow me to care for my father in Warwick. I have asked to speak today to give

you a personal insight into my position as a long standing second home owner in North Yorkshire. As we are all aware, throughout the last 18 months there has been much written and debated across the country, including in North Yorkshire, about the strain that second home ownership is putting on a range of communities.

As a recently retired senior local government officer, I fully appreciate the challenges facing these communities, and understand the strong views held by some individuals on the subject. However I do think that the blanket approach to penalise all second home owners is somewhat of a blunt instrument and risks damaging the all-important sense of community which makes us value the places that we choose to call our "second home".

I would like to share with you our family story and our connection with Filey.

The Winship's have a long and strong association with the town. As one of the local "fishing families" the family have had a presence in the town for many years. My grandfather was born in the town and along with his numerous brothers, lived and worked in the town. Aged 19, an accident in the army left him having his right leg amputated and being invalided out of the army. He never let this disability get in the way of doing anything he wanted to and he joined with family members to manage a grocery shop on Belle Vue Street, and later buy and run a tobacconists in Murray Street.

My father was born and raised in Filey, and the family bought 1, The Avenue in August 1939 close to my great grandparents living opposite on Raincliffe Avenue.

Post war, my grandfather and other locals founded Filey Sailing Club that has hosted many national championships and built a reputation for introducing many local people to the sport of sailing and raising the profile of Filey through the many visitors that come to sail there each year. My grandfather and father both served as Commodore at the club, and my father remains a member today.

I share the above history with you in the hope that you will realise the strength of connection that we have with Filey. The house continues to play a huge part in our family life; family and close friends use the house on a regular basis throughout the year and in recent years has hosted 85th and 90th birthday parties and been the base for 2 honeymoons during the post COVID period.

We do not consider ourselves to be the "second home owners" that merely visit and then leave. The house was hard earned by my grandparents who both lived there until their deaths, and we have no plans to sell the property in the foreseeable future.

The proposals to double our Council Tax really are a bitter pill to swallow when the family have such strong attachments to the town. I genuinely feel like a local when I am there, knowing many of the neighbours by name, Last summer I participated in the community engagement to form the Vision for Filey, and offered my professional expertise to the "Active" theme of the Community Partnership Executive Board, but was told that only permanent residents could be part of the Board

I don't expect the decision to be changed as clearly a democratic process has been followed, but I would ask that when you as elected members consider the implications of your decision, you don't assume that all second home owners are "incomers" and that we have no connection to the area. Clearly this is not the case.'

Councillor Gareth Dadd thanked Ms Winship for her submission and in response confirmed the Policy on second homes and the principle behind it received cross party support, which was due to be ratified or not, as part of the budget setting in February 2024.

This was followed by Mrs Anne Seex who made the following submission in relation to the Council's Housing Strategy:

'Does North Yorkshire Council have any idea how many new homes, in which areas and at what sale price or rental levels, are required to meet the predicted housing needs of people currently living in North Yorkshire? Does it know how many homes do not meet decent standards and where such homes are located? Related to this, what resources does North Yorkshire Council predict it will have to invest in housing in the next 10 years?'

Councillor Simon Myers thanked Mrs Seex for her submission and in response confirmed the Council had begun work to prepare a Local Plan for North Yorkshire which would meet housing needs over a minimum 15-year period. The new Local Plan would be based on new evidence from the whole Council area and would address the need for new housing of all types, including affordable housing. He also noted the Council's intention to explore additional measures to improve the quality of housing in the Plan including the use of nationally described space standards, raising design standards and building efficiency.

He also confirmed the Council had developed a high level Housing Strategy which provided a framework for the housing policies and projects to be carried out in the next five years, as well as a council housing growth plan which would increase and improve the Council's existing stock of 8,500 homes. He noted it set out the Council aspirations but lacked specifics and confirmed that in due course associated policies would be developed and costed. Finally he confirmed his commitment to improve Housing across the county and reduce the number on the County's housing waiting list.

359 Catterick Garrison Town Centre Regeneration Project – Levelling Up Fund Project

Considered – A report of the Corporate Director for Community Development seeking authority to enter into a Collaboration Agreement and Lease with the Defence Infrastructure Organisation on the terms principally contained within the report; and delegate agreement of the final terms of the collaboration agreement and lease, including the final determination of the Defence Infrastructure Organisation's match funding contributions by way of capital costs and land value as well as securing sufficient on-going maintenance costs for the completed Levelling Up Fund (LUF) project from the Defence Infrastructure Organisation's subsequent commercial and residential developments

Councillor Derek Bastiman introduced the report, confirming He drew attention to the previous acceptance of the capital grant funding in May 2023, the meetings and discussions that had taken place to date, the terms of the Collaboration Agreement and Lease, and the ongoing procurement process to seek an operator for the Community and Enterprise facility, all as detailed in the report.

As a local Councillor, Councillor Carl Les welcomed the project and as there were no arising questions, it was

Resolved – That:

- A Collaboration Agreement and Lease be entered into with the Defence Infrastructure Organisation to facilitate the delivery of the LUF Catterick Garrison Towns Centre Regeneration project on the terms principally contained within the report; and
- ii. The Council would take responsibility for delivering any section 106 obligations associated with its planning application in respect of the LUF project; and
- iii. Authority be delegated to the Corporate Director of Community Development in discussion with the Executive Member for Open to Business and Corporate Director of Resources to agree the final terms of a Collaboration Agreement and Lease with the Defence Infrastructure Organisation; and
- iv. The delegation would include the final determination of the DIO's match funding

contributions by way of capital costs and land value as well as securing sufficient ongoing maintenance costs for the completed LUF project from the DIO's subsequent commercial and residential developments and comprised in Phase 2.

360 Delivery of the New Settlement (Maltkiln) Development Plan Document

Considered – A report of the Corporate Director for Community Development providing an update on the New Settlement (Maltkiln) Development Plan Document (DPD) following the withdrawal of previously available land within the proposed boundary and seeking in principle approval to use of the Council's Compulsory Purchase Powers to support the delivery of Maltkiln if an agreement cannot be reached with the owners of the land outlined.

Councillor Derek Bastiman introduced the report and welcomed the public participants to the meeting and their submissions, as follows:

1. Clare Beckett - Chair of Whixley Parish Council

Whixley Parish Council (WPC) has been involved in the development of the Maltkiln proposals for many years, including participating in the Community Liaison Group. WPC has made a number of representations at different stages of the process including most recently providing detailed comments on the HBC DPD document in November 2022. Separately we have made representations on the developers planning application 19/00017EIAMAJ, most recently detailed comments on the Transport Assessment – WPC Document dated January 2023.

There are some very significant infrastructure requirements to deliver Maltkiln. HBC attempted to list and cost these in the DPD (Section 11 – Delivery and Phasing) but the information in this section was full of omissions, inconsistencies and errors (WPC comments on DPD Page 9). The developer's own highway advisor concluded that the A59 between the A1(M) and Maltkiln would need to be widened to a dual carriageway (Developer's Transport Assessment Para 8.10 onwards) but that the developer would not be able to fund it. A widening scheme for the A59 is **not** included in the HBC list of infrastructure projects in the DPD.

The developer's highway advisor made errors in their assessment of the capacity of the existing A59 (WPC Document January 2023) which means the dual carriageway scheme will be required much sooner in the build out of the development. Using the correct calculations A59 widening may also be required on the east side of Maltkiln.

A key element of the development is to provide a new bridge over the railway to replace the existing Cattal level crossing. Network Rail have full control over the provision of this bridge and WPC do not believe the costs and risks of this have ever been properly quantified. Infrastructure requirements of this scale will require funding from the public sector. NYC have now concluded CPO and by implication public money is likely to required just to assemble the land required for the comprehensive development envisaged in HBC's Local Plan.

There must be sufficient doubt over the availability of public funds of this scale to mean that NYC should question whether delivery of Maltkiln is a viable prospect and whether it's a sensible use of public money to proceed with the DPD process. WPC would like to ask the executive members whether they have been sufficiently briefed over the viability of the scheme, including the implications of recent cost rises, to have confidence that proceeding with the DPD is appropriate?

WPC would conclude that the further uncertainty CPO brings is a reason to halt the process and consider the need for Maltkiln within the wider development of NYC's new

development plan.'

Councillor Derek Bastiman voiced appreciation for the positive and constructive engagement from Whixley Parish Council on the DPD to date and in response to the submission reiterated that the proposed recommendation aimed to get the DPD to the next stage of plan-making - an independent examination by the secretary of state, in order to allow full scrutiny of the viability and infrastructure demands.

He noted the Parish Council was correct in that there were large infrastructure demands to deliver Maltkiln. Whilst a note was published detailing viability work undertaken so far, the Council had since commissioned specialist advice to look at the viability of the scheme which showed that Maltkiln was a viable scheme. He also confirmed that if the DPD proceeded to examination, the advice would be published and submitted for consideration at the examination in public.

<u>2. Kevin Bramley – Parish Councillor for Hunsingore Walshford with Great Ribston & Cattal Parish Council</u>

'Residents are concerned that the New Settlement proposal could be becoming North Yorkshires HS2. Concern has been expressed by some residents as to the timing of the report to Committee and the short period in which to raise questions or pass comment. Clashing with the festive period.

Have the Councillors been informed, interrogated and established the costs to date and considered those going forward of pursuing the proposal for a New Settlement including separately identified costs of other public bodies which have been involved in the process? (All using Tax Payers money).

The above question is raised because views have been expressed that the overall project is not viable. Affordable housing requirements have been reduced through the process (which had been agreed presumably on viability grounds) This reduction took place prior to the inflation run, hike in interest rates and economic shocks of more recent times.

Local gossip suggests Oakgate Yorkshire Ltd the applicants of planning application 19/00017/ EIAMAJ and site promoters (Caddick Group as they are now referred to by the Council) do not have control of the majority of the site. Indeed it was noted in one of the community Liaison group meetings that although engagement has taken place with Network Rail on infrastructure issues the "elephant in the room" of ransom and land agreements had not been advanced as negotiations with Network Rail are difficult.

Cllr Derek Bastiman thanked Mr Bramley for his submission and noted that the Maltkiln Community Liaison Group (which includes Hunsingore Walshford with Great Ribston & Cattal Parish Council) had been notified of the broad timings of decision making on Maltkiln and that the report had been published in line with the Council's committee procedures. He confirmed the viability work showed Maltkiln was a viable scheme without public sector intervention, and that the Council had always been open about viability being a challenge for most new settlements and larger scale schemes. He suggested it was unlikely that 40% affordable housing would be achieved on all phases of development, but given it was a very long-term scheme, suggested that later phases would be expected to contribute more affordable homes. He also noted the significant benefits to delivering new settlements and providing facilities and infrastructure in a holistic and well-planned way.

In terms of land availability, Councillor Derek Bastiman confirmed the Council was satisfied that the test of delivery set out in national policy (i.e. that there is a reasonable prospect of the site being delivered) could be met subject to the decision before Executive. He also drew attention to the regular discussions between the Council and

Network Rail and confirmed that whilst the finer details of the shared value payments had yet to be concluded, the Council did not believe that was a barrier to delivery. Shared value payments had been accounted for in viability appraisal work.

3. Richard Holliday an Associate at Carter Jonas speaking on behalf of their client Mr Dent of The Wheelhouse, Hunsinggore, Wetherby, LS22 5HY (Landowner)

'We refer to the recently published Executive report which seeks an in-principal approval that the Council use its CPO powers to support delivery of the above New Settlement. Given the Council's requirements for lodging a representation 3 working days before the Executive Committee, we have not had much time to read and consider the paper. However, there are a number of comments we wish to make at this stage of the process which should be drawn to the attention of Members taking the decision and which are set out below.

We are surprised to see a recommendation to progress with compulsory acquisition given the stage the proposals for the New Settlement have reached. The key concern is that it cannot be demonstrated that there is a compelling case in the public interest and, therefore, it is not possible to take forward a CPO. Even an in principle resolution is premature at this stage.

A key reason given in the report for needing an in-principal decision is that a landowner (and here we are assuming you are referring to our client) decided not to renew their agreement with the site promoter, the Caddick Group. The Caddick Group had an option to purchase land owned by our client which they decided not to exercise and which they let expire. It is difficult to see how CPO can be justified, even in-principle, in circumstances where the land could have been acquired by agreement. Related to this is that there are no identifiable boundaries to the New Settlement yet and, therefore, it is not possible to determine the extent of land needed to deliver the proposed New Settlement. If the boundaries cannot be ascertained, how is it possible for negotiations to take place under the threat of CPO given the Council is unable to confirm what land is actually required from each landowner and, therefore, what is needed for the proposed development? Compulsory purchase is not a generic tool and there must be certainty for those affected, even at the in-principal stage.

We note that the Council asserts that the Caddick Group controls the majority of the land required. We should be grateful if details of this can be made available as we were not aware that the Council had secured the majority of the rest of the land that it needs? We also note that the report refers to both landowner and landowners but has not clarified the number of landowners which are affected by CPO. We would request greater transparency on this point.

So far as the DPD is concerned, the Executive report refers to a draft which has been submitted to the Planning Inspectorate but not progressed. Our understanding is that a DPD consultation was undertaken (both in 2020 and 2022), but there is no document with any status upon which any development proposals are underpinned. Therefore, again, there appears to be no basis for taking forward proposals for development and there is too much uncertainty as to whether, in planning terms, a New Settlement at Hammerton/Cattal is needed, viable and deliverable. It is, therefore, far too early to even contemplate CPO as a means of acquiring land.

We would ask Members not to endorse the recommendation. The proper approach, as outlined in CPO policy, is for the Council to engage in meaningful negotiations with our client when it has reached the stage of knowing what land is required and it has a proper basis for moving forward with the New Settlement proposals.'

Councillor Derek Bastiman thanked Mr Holliday for his comments and confirmed that Council officers had been in dialogue with Mr Dent and their advisor for some time. He

noted the potential use of CPO had arisen because it had become apparent to the Council that land previously understood to be available was now not. He also confirmed the Council was still keen to continue meaningful dialogue with the landowner and site promoters to ensure that a negotiated solution could be achieved thereby avoiding the need to resort to compulsory purchase. He stressed that the recommendation in this report was not seeking authority to use CPO powers, rather it was an in principal decision to do so should a negotiated settlement not be possible.

Councillor Bastiman drew attention to the report and confirmed the Council believed the proposed boundary for Maltkiln (including all of the land shown in Appendix A to the report) represented the best option to deliver a sustainable new settlement that met the requirements of the adopted Harrogate District Local Plan, and a viable proposition as shown by the work undertaken so far.

Finally, he noted the DPD had not been submitted to the Secretary of State for examination in public following a decision by the former Harrogate Borough Council to publish a final Draft for consultation and submit thereafter. That submission had been paused to allow further conversations to take place with Mr Dent.

To clarify the intention of the report, Barry Khan Assistant Chief Executive (Legal & Democratic Services) drew attention to a proposed revision to recommendation (i) in the report as follows:

i) That the Executive approve in principle Recommend to Full Council that a Compulsory Purchase Order can be is pursued as a mechanism to deliver a new settlement at Maltkiln if an agreement with landowners cannot be reached.

Mr Holliday confirmed his client had further queries to discuss and therefore would welcome more time to negotiate with the Council, and his view was that at this stage a CPO was a drastic tool to use particularly as previous negotiations halted as a result of the decisions of the developer.

4. Paul Townsend - Chair of Kirk Hammerton Parish Council

'I represent Kirk Hammerton Parish Council. Cattal Station and a significant part of the development land is in our Parish. It's true that we were opposed to the original choice of location, but over the past 3-4 years we have spent a lot of time assisting the Council in developing the Maltkiln proposals. For example, the idea of the link road to the A168 was ours. Please don't write us off as NIMBYs. On the other hand we are, most definitely, local taxpayers.

North Yorkshire/Harrogate officials have put a lot of effort into this scheme. They created the policy framework and appointed an experienced promoter to manage the development risks and deliver the scheme. Unfortunately, the developer has been unable to do that successfully and the briefing paper concludes that the project is undeliverable, as things stand. Does that mean the Council should now intervene and invest its own capital? We think not. It's time to draw a line and move on.

We would urge the Executive to be very cautious indeed before considering the use of taxpayers' money, even in principle. At a time when many authorities are on the verge of bankruptcy, does NYC really have capital available to invest in speculative development projects? If so, please can it be used for less glamorous but more appropriate purposes, like fixing the holes in our roads.

There are many risks which could still derail this project. Complex highways works, high costs of meeting renewable energy and environmental standards are examples. The developer has not resolved these challenges. This is not a scheme which just requires NYC to stump up some cash to allow construction of new houses to proceed. The elephant in the room is that no agreement exists, even in principle, with Network Rail for

the construction of a road bridge over the railway, a fundamental element of the scheme and which is to be built on the land NYC would be purchasing using CPO. The developer has been quite open in describing this as a "ransom position" for Network Rail. The ransom terms will only increase once it becomes known that the Council has purchased land that will be worthless if the scheme doesn't proceed.

You will be told that none of this matters because there's no commitment to spend money at this stage. So what is the purpose of resolving "in principle" to use CPO powers? Simply to intimidate the landowner to agree to the developer's terms, or we'll impose a CPO? Surely that's not how a reputable public authority behaves?

Two final points, because time is short – Firstly, investing in the scheme will create an obvious conflict of interest for NYC as Planning Authority. It will be impossible to maintain the appearance of acting objectively when dealing with future planning applications if it has an interest in the successful delivery of the development. And second, there is a flaw in the soundness of the planning process which is not mentioned in the briefing paper. The options appraisal of three alternative locations will not be finalised until the DPD is adopted. The appraisal concluded (several years ago) that there was little to choose between the three sites. That was before it became clear that 42% of the development land at Maltkiln was unavailable and required a CPO. The conclusion would surely be different now. The risk of challenge to the soundness of the process should be addressed before any question of investing taxpayers' money arises. All things considered, we simply have to conclude, unfortunately, that the project has reached the end of the road.'

Councillor Derek Bastiman thanked Mr Townsend, and all the other parish councils that formed part of the Community Liaison Group for their time and effort engaging with the DPD process. He noted the group had given valued input into the DPD and many of the policies reflected their suggestions and aspirations. He also noted that the group had assisted with ensuring constructive participation with the DPD within the wider community.

He went on the confirm that delivering any new settlement would almost certainly be a challenge and Officers liaison with other authorities delivering new settlements had confirmed this to be the case. That said, he was pleased to note the work undertaken to date showed that Maltkiln was a viable scheme, and that officers believed the framework within the proposed DPD still remained the most sustainable option when considered against the other options considered previously.

He accepted the railway line presented a challenge but also a great opportunity to create a place where sustainable travel was truly at the heart of the settlement. He noted Network Rail had always supported a new settlement in this location and that dialogue had continued with them throughout the DPD process. He also suggested that if the DPD progressed successfully through an examination in public and was adopted; and if agreement with the landowners could not be reached; then there were still a variety of options available to the Council moving forward some of which would not pose significant risk or cost to the Council.

Finally, he noted that whilst the Council needed to meet a number of demands and provide value for money for its taxpayers, it also had a duty to provide high quality homes to meet the needs of current and future residents. He stated Maltkiln represented an opportunity to deliver a minimum of 3,000 homes in a way which could offer a high quality of life, offering services, facilities and green space within walking distance for its residents and easy rail access to other places.

Councillor Arnold Warneken also addressed the Executive and suggested the amended recommendation was unnecessary given that every Council had the power to use CPOs and therefore an 'in principle' decision to use one in the case of Maltkiln was superfluous. He also questioned whether the Council had spoken directly with the affected landowners and whether more pressure should be placed on the developers to progress the matter to

address the hiatus they had created. He suggested there should also have been greater communication with the Parish Councils and with the local Councillors.

In response Councillor Derek Bastiman confirmed that officer had been having regular discussions with the landowners and developers. He noted his willingness to attend Parish Council meetings and the importance of the Liaison Group. He also confirmed that feedback from the Group had led to changes to the plans. He drew attention to a number of questions that Councillor Warneken had submitted outside of the meeting and confirmed that responses to those questions would be provided in writing.

Barry Khan Assistant Chief Executive (Legal & Democratic Services) confirmed that prior to being submitted for examination, the Council's DPD would go to full Council for approval. He stressed that an assessment had been made which confirmed this was a suitable and sustainable development and that the purpose of the recommendation for an in principle decision regarding the potential use of a CPO was to show the Council's serious support for the proposed development.

Councillor Derek Bastiman went on to draw attention to the background to the scheme as detailed in the report, the vision for Maltkiln, the consultation undertaken to draft the DPD, and the next steps.

Councillor Simon Myers welcomed the progression of the plans for the development recognising a new settlement would help address the county's housing needs. He also acknowledged the benefits gained historically by Local Authorities from using CPOs to demolish slums and build social housing. He therefore gave his support to the revised recommendation.

As there were no further questions, it was

Resolved – That it be approved in principle that a Compulsory Purchase Order can be pursued as a mechanism to deliver a new settlement at Maltkiln if an agreement with landowners cannot be reached.

361 Devolution Deal Net Zero Fund: Acceptance of Grant Funding

Considered – A report of the Corporate Director for Environment updating the Executive on the Joint Devolution Committee recommendations for funding under the DLUHC Devolution Deal Net Zero Fund for North Yorkshire Council and seeking delegation of approval to the Corporate Director of Resources in consultation with the Assistant Chief Executive (Legal and Democratic Services) to accept the DLUHC Devolution Deal Net Zero Fund subject to acceptable terms and conditions being received.

Councillor Greg White introduced the report and provided an overview of the process undertaken to submit a bid for funding under the DLUHC Devolution Deal Net Zero Fund for North Yorkshire administered by York & North Yorkshire LEP.

He was pleased to report the success of a number of the bids, as detailed in the report, and as Members had no questions, it was

Resolved – That:

- i. The Joint Devolution Committee recommendations for funding under the DLUHC Devolution Deal Net Zero Fund for North Yorkshire Council be noted
- ii. Authority be delegated to the Corporate Director of Resources, in consultation with the Assistant Chief Executive (Legal and Democratic Services), to accept the DLUHC

Devolution Deal Net Zero Fund subject to acceptable terms and conditions being received

362 Approval of Grant Acceptance – Department for Education (DfE) Skills Bootcamps (Wave 5) 2024-25

Considered – A report of the Corporate Director for Community Development seeking the Executive approval to accept the grant from the Department for Education for Skills Bootcamps (Wave 5) 2024-25 of £2,487,974 (as proposed in the application).

Councillor Annabel Wilkinson introduced the report. She noted the significant contribution the Bootcamps could make to the local economy, in addressing the local school's needs for employers and in supporting the local labour market. With that in mind she was pleased to propose the recommendation in the report be approved in principle ahead of the award of the funding later in the week.

Executive Members noted the exact figure was as yet unknown, and it was

Resolved – That the grant from the Department for Education for Skills Bootcamps (Wave 5) 2024-25 based on the pending application for grant funding of £2,487,974 be accepted in principle.

363 Forward Plan

Considered – The Forward Plan for the period 27 November 2023 to 30 November 2024 was presented.

Resolved - That the Forward Plan be noted.

364 Date of Next Meeting - 9 January 2024

The meeting concluded at 12.09 pm.