

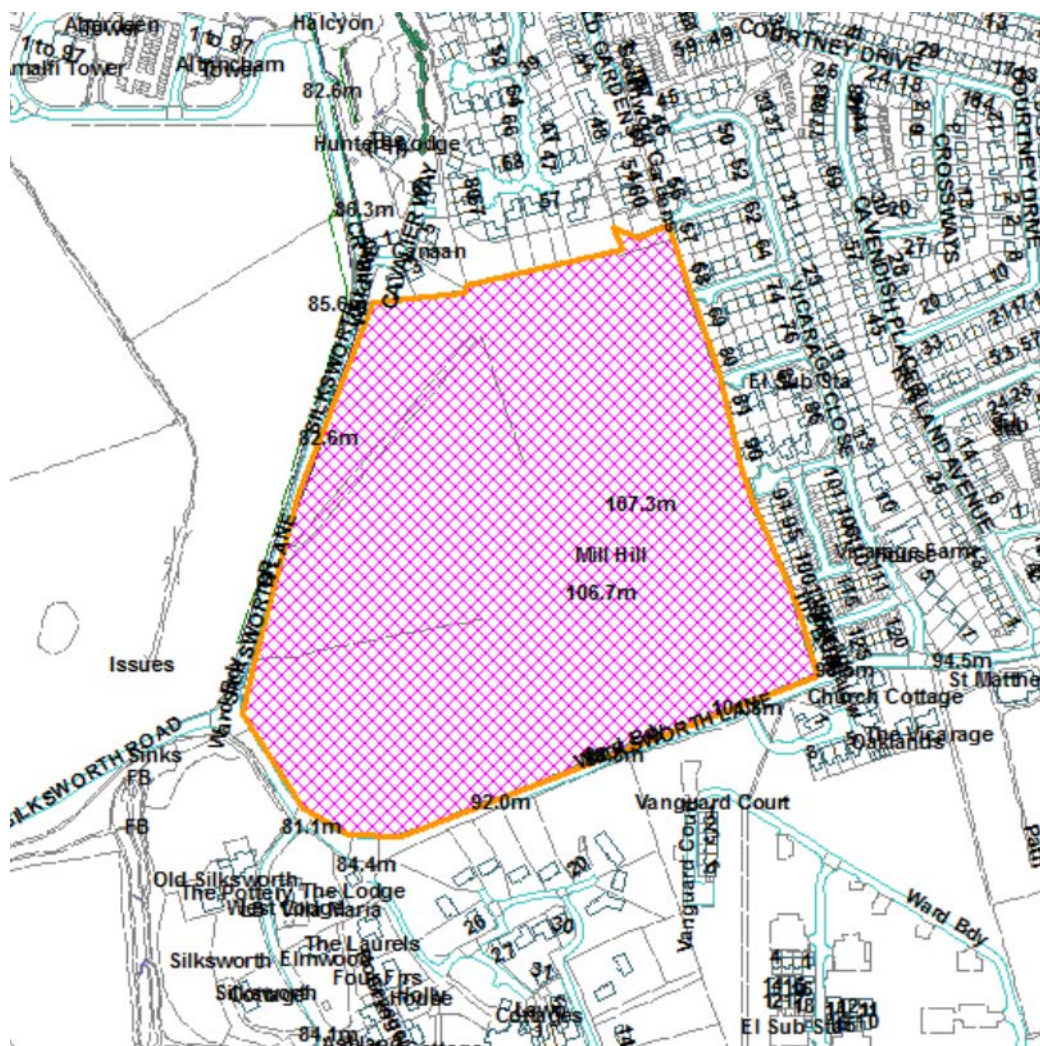
Planning Application Reference: 14/01461/OUT

Land at Silksworth Lane/ Silksworth Road, Silksworth, Sunderland

Application Description:

OUTLINE APPLICATION

Residential development of “up to” 250 no. residential dwellings, including landscaped open space and footpath connections, and details of site access.



Members may recall that this development proposal appeared before Members at the 26 January 2016 Planning & Highways Committee meeting. After considering the development proposal at the meeting Members agreed to defer the application primarily over concerns relating to the proposed site access given, that it was located to the south of the site and on the banked section of Silksworth Lane. Members requested that the Applicant review their development proposal to explore different alternatives for access into the site. The deferral of the application also provided Members of the Committee with another opportunity to undertake a site visit.

Since the January Committee meeting the Applicant's Transport Consultant, AECOM, has produced a Technical Note in order to respond to the issues and comments raised. The Note provides clarification on the proposed site access and also contains a Road Safety Audit (Stage 1).

Before discussing the Note in further detail, and by way of summary, on submission of the Technical Note the Applicant's development proposal remains as previously proposed i.e. the main access into the site is from the banked section of Silksworth Lane. In order to avoid duplication, and given that the Agenda report from the 26 January Committee meeting remains entirely relevant and therefore forms the basis of the recommendation being made to Committee it has been appended to this report by way of an Appendix. Members should therefore read these two reports in conjunction with one another.

Members should also note that subsequent to January's Planning & Highways Committee meeting a 161 signed petition has been submitted in support of the proposal. The petition is headed by a statement that the development will enhance employment sustainability, bring new jobs and much needed housing to the area.

- Transport Technical Note

This additional review of traffic issues associated with this proposal is as a result of a request made by Committee Members at the Planning and Highways Committee in January to reconsider the site access arrangements. The applicant's Transport Consultant AECOM has produced a Technical Note, which is accompanied by a Road Safety Audit (Stage 1). Two alternative site access options have been explored by the applicant, which are as follows:

- The first option of creating a priority access on the western boundary to the north of the Silksworth Lane/ Silksworth Road junction has been considered and dismissed. The reasoning for this is mainly down to the difference in levels between the site and highway. A new access at this location would require an access road to be constructed at a gradient in excess of maximum design standards.
- The second option of changing the Silksworth Lane/ Silksworth Road junction to a roundabout has also been considered and dismissed for the same reasons and due to visibility restrictions owing to the existing retaining walls in this location.

Following this review the Applicant is still proposing a site access at the southern boundary of the site, along the banked section of Silksworth Lane.

On review of the Technical Note engineering colleagues are satisfied with the assessment and have re-iterated the fact that the proposed site access meets with design standards once a number of measures are introduced, including carriageway widening, provision of pedestrian crossing points and new footways to the southern boundary. In addition, the intention to reduce the speed limit to 30mph is also noted, as are the carriageway improvements at the bend in the road further to the west of the proposed site access.

The submitted Stage 1 Road Safety Audit has been undertaken to investigate the suitability and condition of the road network immediately adjacent the site. The Audit includes an updated review of traffic flows and impact to reflect the fact that the outline application was first submitted in summer 2014. The update surveys were undertaken during the week beginning 8 February 2016 in order to obtain current data on traffic flows during a normal working week before school holidays. The report also includes up to date road traffic collision data that is based on information provided via Northumbria Police. Obtaining this information is standard practice for major planning applications, and is used to review road safety history and to identify any specific causes for road traffic collisions involving personal injury over a 5 year period. Similar to the site access issue on review of the Road Safety Audit engineering colleagues have confirmed their satisfaction with its findings and conclusions.

The Technical Note has investigated alternative accesses to the site and confirmed that both options are unachievable due to land and highway constraints, with both having associated highway safety issues. The junction proposed from Silksworth Road is still the most viable and appropriate location to access the land, subject to the implementation of a number of highway improvements, please see the Highway considerations section of the Appendix report for further information in this regard.

In conclusion, the Technical Note is considered to be an appropriate submission which does not identify any significant reason for refusing outline planning permission on highway engineering grounds.

- Response to objectors

Further to Member concerns over site access comments were also made regarding the Committee report's response to the objections received. The 26 January 2016 report, which is attached as an Appendix, summarised the various objections whilst the technical considerations section explained in detail why the development proposal is considered acceptable in respect of local and national planning policy as well as material planning considerations.

Nevertheless, in order to clarify how the objections have been considered the following section groups the various objections, where relevant, and discusses these in more detail. Members should also note that full copies of the representations are available to view on the Council's website via the planning application portal using application reference 14/01461/OUT.

As stated in the Appendix report, in total 46 letters of representation have been received, with 45 logged as being written in objection to the development. There were also 3 objecting petitions received, the first of which was signed by 62 individuals; the second by 104, and the third, which was appended to concerns over the opening up of cul-de-sacs and the proposed density of development adjacent to Vicarage Close, was signed by 39 people.

Members should also note that subsequent to January's Planning & Highways Committee a 161 signed petition has been submitted in support of the proposal. The

petition is headed by a statement that the development will enhance employment sustainability, bring new jobs and much needed housing to the area.

- **Impact on views**

It should be noted that a loss of view is not material to the consideration of a planning application.

However, visual amenity and landscape impacts are material and in this respect it should be noted that as the planning application is an outline submission it is only the principle of development that it is being determined at this stage. Matters relating to detailed designs (scale, height and massing) are being reserved for future reserved matters submission(s), should Members approve the application. It is at this stage that landscape and visual impacts on the wider area will be more appropriately assessed and considered.

Furthermore, and as discussed in the Heritage and design considerations section of the 26 January Committee report (please see the Appendix), as the site is a prominent, sloping site and in order to inform the future reserved matters submission(s) a Parameter Plan (Drawing SD10.03 Rev C) forms part of this outline submission. This will form part of the approved set of plans (please see Condition 3 in the Appendix report) and ensure that its founding principles are embedded in the development going forward.

The Parameter Plan details maximum of 2 stories for any buildings adjacent to the Ski View and Vicarage Close estates; secures swathes of no build-landscaped areas; highlights that the high point of the site (with views out and over the surrounding woodland) is within a key no build zone i.e. the green infrastructure corridor running through the site; and specifically identifies key views over the surrounding area i.e. the lower slopes of the site that are in close proximity to the western landscaped buffer and Silksworth Conservation Area.

In the event that Members are minded to approve the development this Parameter Plan will form an integral part of the approved development via the in accordance with the approved plans condition (please see Condition 3 in the Appendix report). This will require that any future reserved matters submission must be in accordance with its founding principles.

Furthermore, given the prominence and sloping nature of the site, adjacency of existing residential properties and the Silksworth Hall Conservation Area, should detailed designs be submitted for reserved matters approval, which will be subject to a formal public consultation exercise, any submission will be assessed on its merit and which must demonstrate its acceptability in respect to visual amenity and landscaping matters.

- **Ecology impacts; Who is to maintain Parkland?**

The Habitat Regulations, Ecology & Arboriculture section of the Appendix Report discusses at length why the scheme is considered to be acceptable in respect of the

international designations along the coast and why it is considered to be acceptable in terms of on-site and off-site ecology and arboricultural impacts.

Members should also note that since the application was last at Committee a member of the public contacted the LPA's Ecologist regarding mounded material on the western edge of the site, near to the Silksworth Road – Lane junction. The LPA's Ecologist subsequently visited the site and noted potential for digging/ burrowing activity, and there was concern that badger activity could not be ruled out. It was apparent that there was a patch of scrub vegetation to the north of what appeared to be sand coloured soil mounds and as such, the LPA's Ecologist recommended that the Applicant's Ecologist undertake a checking survey and provide an assessment by way of a response.

Consequently, the Applicant's Ecologist visited the site and confirmed that the mounded material appeared to be builder's sand/ imported material, it was noted as being very loose and that small amounts of fresh material had been tracked out of the burrow owing to a different colouration. The Applicant's Ecologist considered that the heaps had been present for some time as vegetation was starting to grow through spoiled material. Importantly, however, it was confirmed that there are no definite field signs attributable to badger at the holes or in the local area, and that the nearby path appears to have been generated by human activity. The holes are also considered to lack the width at depth that would be expected for a badger sett and that the dimensions are more likely to be attributable to rabbit, or fox use. In order to verify these claims photographs were provided by way of illustration. It was concluded that there is no evidence of badger activity on the site.

On review of the submitted information the LPA's Ecologist has confirmed that he is satisfied with the results and conclusion arrived at by the Applicant's Ecologist.

Comments were made at the last meeting in respect of the proposed on-site ecological mitigation measures, as detailed in the Habitat Regulations, Ecology & Arboriculture section of the Appendix report. The comments questioned their deliverability given their detailed and involved nature. However, the measures stated in the Agenda report are those that have been suggested via the planning application's Ecological Survey Works report. They demonstrate how the development proposal can contribute to biodiversity at the site. Therefore, in order to embed biodiversity enhancement within the development proposal the Agenda report (please see the Appendix) proposes Condition 10 'Biodiversity Enhancement Measures'.

The condition requires that prior to any development commencing on site precise written details of biodiversity enhancement measures, a written timetable for the implementation of the ecological enhancement and a methodology for the management of those measures on site shall be agreed in writing by the LPA. This is a perfectly reasonable approach, especially given the outline nature of the submission and any submission to discharge such a condition, should Members approve the development, will be undertaken in consultation with the LPA's Ecologist. In terms of how these measures can be managed during the lifetime of the development such work can be undertaken by a private management company.

However, in response to the concerns expressed at the January Committee meeting the Section 106 Agreement will also be extended to include the public realm/ open space areas in order to ensure the public space areas are constructed and maintained to a specified standard. The Section 106 Agreement will enable the developer to offer for adoption to the Council such areas, in the event that both parties agree and subject to any prospective adoption conditions, including the potential for a payment of a commuted sum.

- **Encroachment; Substantial reduction of open area between Farrington and Silksworth leading to coalescence of built up areas; Inappropriate use**

Section 1 Land-use Policy considerations of the Agenda report (please see the Appendix) discussed at length the site's open space allocation. It considered the development of this area of open space within the context of the more up-to-date Draft Sunderland Greenspace Audit and Report 2012. The site is surrounded by housing to the north, east and south and is contained by Silksworth Lane/ Road, whilst to the west of the site is Foxhole Wood and Doxford Park, both of which are Council owned and are not included within the Strategic Policy team's Sunderland Housing Land Availability Assessment (SHLAA) i.e. a key evidence base that demonstrates the required 5-year housing land supply going forward in terms of the council's emerging Local Plan. The application site is part of the SHLAA and is identified as a 1-5 year and 6-10 year site. This aspect is of key significance when balancing against the loss of open space within the Silksworth Ward of the City, which the Draft Sunderland Greenspace Audit has identified as having an above average quantity and quality of open space.

- **Plenty of brownfield sites to build on first**

As discussed in Section 1 Land-use Policy considerations of the Agenda report 63% of the SHLAA sites are brownfield. It is therefore clear that there is a predominance of brownfield land within the Council's 5-year housing land supply.

The LPA has to consider the development proposal put before it and the fact that it is delivering and contributing to the identified housing need is a key material consideration to which significant weight is attributed.

- **Doctor Surgeries and other services are full. Area cannot cope with the proposed development**

Please refer to the Planning Obligations section of the Appendix report.

- **Primary schools (New Silksworth, St Leonards, Mill Hill and Farrington) are at full capacity**

Please refer to the Planning Obligations section of the Appendix report.

- **Youths cutting through the estates disrespecting property; Increase in criminal activity; Increased litter**

Private issues, such as damage to property, are not material to the consideration of a planning application. Anti-social behaviour issues are matters for the Police.

- **Health concerns; Noise from use; No mention of construction traffic to the site and the difficulty posed by the constrained road network in terms of constructing the development; No mention of construction traffic to the site and the difficulty posed by the constrained road network in terms of constructing the development; Concerns about constructing the development in terms of noise, pollution and disturbance, especially given the likely 10 year build rate; Development should take place during the working week.**

As discussed in the Consultation Section of the Agenda report (please see the Appendix) Environmental Health colleagues have assessed the planning submission. In response colleagues made comments in respect of land contamination and air quality and considered there to be no grounds to withhold planning permission. The submitted air quality assessment confirmed that even in a worst case scenario the impact of the proposed development upon completion would be negligible/ not significant. Moreover, whilst there can be the potential for problems to arise during construction e.g. noise, dust, construction vehicles, hours of working, condition 4 (please see the Appendix report) requires the agreement of an Environmental Management Plan prior to any works commencing on site.

Furthermore, problems arising from the construction period of any works are also covered by Environmental Health legislation such as the Control of Pollution Acts. In the event that Members are minded to approve, an informative will also be placed on the decision notice highlighting to the developer that in view of the close proximity of the proposed development to residential properties then an application for prior consent in respect of works on construction sites under Section 61 of the Control of Pollution Act (1974) should be made to the Council's Public Protection & Regulatory Services.

- **Loss of privacy; Overdevelopment. SHLAA identifies the site for 168 houses and a third of the site for open space; Overshadowing and overlooking from new development; Loss of daylight from new builds**

As discussed in Section 4 Heritage and design considerations section of the Agenda report (please see the Appendix) given that this an outline submission any reserved matters will be subject to the Council spacing standards, as detailed in Section 10C of the Residential Design Guide Supplementary Planning Document (SPD). Strict adherence to these spacing standards, especially in terms of the existing residents, will ensure that space, light, outlook and privacy amenity are satisfactorily protected.

In terms of the density of the proposed development Section 4 also discusses that at 30 dwellings per hectare (net site area of 8.45 hectares) or 22 dwellings per hectare (gross site area of 11.28 hectares) the density is considered appropriate for the site given its sustainable, urban location. Nevertheless, the application is applying for "up to" 250 dwellings and even though the illustrative Masterplan as Proposed (Drawing SD1010.01) indicates a development that accommodates around 240 dwellings the

actual amount of units that could be developed at the site will be subject to the various technical considerations as discussed above.

- **Questioning the submission's assessments given the application is in outline, matters could be varied in future when the developer is appointed**

This is an outline submission that is seeking to establish the principle of residential development at the site with the main access taken from the southern boundary. The Parameter Plan also confirms certain parameters not least no build zones and maximum stories of development adjacent to existing residential properties. In the event that Members approve the development it will be the future reserved matters submission(s) that will determine the detailed aspects such as appearance, landscaping, layout and scale within the context of the Parameter Plan (Drawing SD10.03 Rev C).

- **At a meeting (Public Inquiry) about the Ski View development (approved on appeal) at the Civic in the 1990s it was stated that no further development could take place to the south as it would change the skyline**

This application has to be assessed on its own individual merit relative to the development plan and against local and national planning policy and relevant material planning considerations. The Agenda report explains in detail as to why the proposal is considered on balance acceptable.

- **Dazzling effect on existing residents (91–100 Vicarage Close) from car headlights. Roads should be removed from this area of the site**

Parameter Plan SD10.03 Rev C has enlarged the 'No build zone' to the front of these properties thereby effectively removing the ability for a vehicular access to be introduced in the development areas to the immediate north and south. In short the roads have been removed.

- **There were numerous and varied objections on the grounds of highway engineering considerations given the surrounding constrained and graded footpath and road network**

As discussed at the start of this report the Applicant's Transport Consultant has submitted a Road Safety Audit. Furthermore, the Highways considerations of the Agenda report (please see the Appendix) discusses in detail why the scheme is considered acceptable.

- **Objector had concerns about the lack of permeability between the development and surrounding estate to the north and east**

A number of objections were received by residents in Vicarage Close regarding the number of access points from the site into the existing estate that were detailed on an earlier set of plans. In response the Applicant has amended their scheme so that only one formal footpath/ pedestrian link will be introduced along the eastern

boundary, which is to the south of 100 Vicarage Close. In summary, the reduction in permeability relative to Ski View and Vicarage Close is as a result of a number of objections received by residents from Vicarage Close during the course of the application.

- **Footpaths into Vicarage Close, this estate has not been designed to accommodate such increases in footfall; Footpath to front of 91 to 100 Vicarage Close is privately owned. Permission has not been sought for this purpose**

The footpaths within Vicarage Close and the footpath to the front of 91 to 100 are adopted highway. The proposed footpath connection from the site to the south of 100 Vicarage Close connects into an existing footpath to the front of 111-119a Vicarage Close, which has a circa 8m grassed strip and hammerhead running parallel. Another benefit of connecting into the existing footpath network at this location is that it is in close proximity to the entrance to Vicarage Close. The proposed footpath connection is considered to be satisfactorily commodious for pedestrian movement. There is also a proposed footpath link to the south of the site opposite the former Mill Hill Estate.

- **No footpath marked on the south side of the site, which is close to a bus stop**

As part of the main access into the site the existing narrow footway along the banked section of Silksworth Lane will be widened to a minimum of 2m and the Road Safety Audit confirms that the existing bus stop will be re-located further to the north, away from the bend and accessible by the new widened footway. This solution also has benefit of not having to undertaken significant engineering works within the development site to deliver a footpath connection at this location, thereby undermining existing tree coverage.

- **Loss of heritage; Detrimental impact on Conservation Area; The land is the only piece of land adjacent to the Conservation Area that has not been developed; Number of trees on site, more should be done to retain them and increase them in quality and quantity**

Section 4 Heritage and design considerations of the main Agenda report (please see the Appendix) discusses in detail the impacts of the development on the setting of the Silksworth Hall Conservation Area. Neither the LPA's Built Heritage Team, Historic England or County Archaeologist have objected to the development, whilst the western boundary of the site, which contains four Category A Trees provides the space within which to deliver a landscaped buffer that will help to assimilate the development with the existing dense tree cover in the area, which has been identified in the Silksworth Hall Conservation Area Character Appraisal and Management Strategy as a key defining characteristic of the Conservation Area.

- **An objection quoted Human Rights Act and the application infringed on their rights**

There has been extensive litigation in the courts as to whether the English planning system is compliant with both the Human Rights Act 1998 and the European Convention on Human Rights (from which the 1998 Act is derived). The established view on human rights and the planning system is that the planning system is generally compliant with the ECHR and HA 1998. The Courts seem to feel that the whole process of planning decisions should not be overturned just because of the effects of particular decisions on householders who already have rights to make representations to a democratic body within the planning system.

The Agenda report (please see the Appendix) has discussed at length how the development proposal has been assessed against local and national planning policy and material planning considerations. Furthermore, the planning application has been subject to three separate public consultation exercises and the various objections to the proposal have been noted and reported to Members of the Committee.

- **Mining heritage and questions of the stability of the land, an objector's property has suffered cracks caused by tree roots; Risk of gas leakage if plans go ahead**

Matters controlled under Building Regulations (which will govern the development's structural stability) or other non-planning legislation e.g. the Party Wall Act (which also governs excavations near neighbouring buildings), are non-material planning considerations.

Regarding Coal Mining Activity and as noted in the planning submission's geo-environmental appraisal the site is located within a Standing Advice Area i.e. within the defined coalfield but with no known defined risks having been recorded by the Coal Authority. In such circumstances the Coal Authority is not a statutory consultee.

Notwithstanding the fact that the Applicant's planning submission is alive to the fact that the site lies within a Standing Advice Area, in the event that Members approve the development, and as has been previously advised to the LPA by the Coal Authority, an informative shall still be placed on the decision notice reaffirming that should any coal mining feature be encountered during development the developer should report this immediately to The Coal Authority. The informative will contain key contact details for that organisation.

In their consultation response colleagues in Environmental Health colleagues confirmed that there are no reasons to refuse outline planning permission on land contamination grounds. Nevertheless, in recognition of the sensitivity of the proposed land use (i.e. residential) Environmental Health colleagues have recommended that standard conditions for Phase 1 & 2 investigations, remediation strategy and verification are conditioned, should Members approve the development.

As part of the site investigations (please see condition 14 on the main Agenda report attached as an Appendix) an assessment of the potential risk to property (existing

and proposed) will need to be approved in writing prior to development commencing on site. This will inform the subsequent remediation statement and ensure that the layout of any development assesses ground conditions, having due regard to surrounding areas, and should also ensure that development avoids any potential hazards in the ground. It will also, where relevant, require ground improvement techniques to ensure a stable development e.g. removing poor material with suitable inert and stable material.

- **Statement of Community Involvement – wrong to suggest that many were in support of the development. Complaints about the inadequacy of the applicant’s public meeting in the summer (2015) and as such, there have been requests for another public meeting**

There have been two community involvement events associated with this development proposal. The first occurred prior to the submission of the application and the second consultation event was held in the 2015 following the amendments to the Parameter Plan and in light of the fact that a significant amount of time had lapsed since the application was first submitted in 2014. Both these events were undertaken and administered by the Applicant and their development team.

Notwithstanding the Applicant’s voluntary engagement with the local community the planning application has been subject to three extensive rounds of public consultation. This has involved neighbour notification letters, numerous site notices and press notices. Full copies of representations are available to view via the planning application portal on the Council’s website using application reference 14/01461/OUT.

- **Concerns about the inadequacy of existing drainage systems. Development will lead to surface water flooding problems; Development would increase flood risk given the road to the front of 91 to 100 Vicarage Close**

The Flood Risk considerations section of the Agenda report highlights that the submitted Flood Risk Assessment and addendum correspondence have adequately demonstrated that this outline planning submission is acceptable in respect of flood risk, whilst the Council, as the Lead Local Flood Authority, and the Environment Agency have offered no objection to the proposed development.

- **Improve broadband connectivity on the site**

This is a non-material planning consideration.

- **Roads should be resurfaced if approved, noise levels seem to exceed legal limits**

The Transport Assessment has demonstrated that traffic volumes associated with the proposed development generally result in only a minor impact; that it should not lead to a constrained road network and that the proposed site access junction and neighbouring highway junctions will operate in a satisfactory manner. As consequence the flow of traffic and the noise created should not be of such a

significance so as to excessively increase noise levels over and above that which is presently experienced. Nevertheless, as part of the site access works the banked section of Silksworth Road will require modification works and as such, the road will be modified, altered and likely resurfaced, whilst the bend in the road to the west of the site access will also undergo carriageway improvements works, including resurfacing.

- **Comments were made that the development is seen as a major step forward in improving housing in the Silksworth area**

Comments are noted.

CONCLUSION

The Applicant's Transport Consultant, AECOM, have re-assessed access into the site, looking at two alternatives to the west of the site. The resultant Transport Note is also accompanied by a Road Safety Audit (Stage 1), which did not identify any significant issues with the arrangement or location of the proposed site access. Given that this is an outline planning submission the concerns noted within the Road Safety Audit were attributed to detailed design matters, which will be resolved as and when the detailed designs come forward via relevant highway agreements.

Engineering colleagues have reviewed the Technical Note and are satisfied with its findings and conclusions. Furthermore, as discussed in the Highways considerations section of the Appendix report, the development proposal will generally provide betterment over the existing situation while not creating highway safety issues. Within the context of Paragraph 32 of the National Planning Policy Framework (NPPF), which states that "...Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe"; there are not considered to be sufficient reason on which to refuse planning permission on highway engineering grounds.

It is noted that the development proposal will result in the loss of open space; however, as opposed to the Council owned Foxhole Wood, the application site is in private ownership. Indeed this a fact was recognised in the Unitary Development Plan (UDP) land allocating policy SA29, as the supporting commentary states that "...Land west of Silksworth Lane is Council-owned but incorporating the hillside to the east would need to be subject of negotiation with the private owner". The Land-use and Policy considerations section of the Appendix report has already highlighted this uncertainty over the viability and deliverability of Policy SA29, which is considered to be further evidenced by the fact that the Urban Country Park envisaged by this policy is yet to be realised at the site.

It is in light of these facts the no-build zones, which form an integral part of the Parameter Plan, are the reasons why it is considered that public accessibility and recreation opportunities will be improved by the development. It formalises and ensures public access on what is at present private land. These areas will benefit from formal footpath networks and, in-conjunction with the green infrastructure corridor running through the middle of the site, linking St Matthew's Field to Foxhole Wood; it is considered that this is positive aspect of the development proposal.

In conclusion, given that there are not considered to be any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme when assessed against the UDP and NPPF, when both are taken as a whole, and given that the development proposal will deliver much needed housing in the City, as confirmed by the fact that it is 1-5 year and 6-10 year SHLAA site, it is considered that the development proposal is on balance acceptable and Members are recommended to approve the development subject to the draft conditions listed in the Appendix report and subject to the successful completion of the Section 106 Agreement, again as detailed in the Appendix report, with an additional schedule relating to the management and maintenance of the public realm/ open space areas within the development site.

RECOMMENDATION:

In light of the fact that the Section 106 is still to be completed Members are recommended to delegate to the Executive Director of Commercial Development to approve the application subject to the successful completion of the Section 106 Agreement, as set out, and subject to the draft conditions outlined in the Appendix report.