



PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

**TUESDAY 12 MAY 2020
2.00 PM**

VENUE: [Peterborough City Council Youtube Page](#)

AGENDA

Page No

- 1. Apologies for Absence**
- 2. Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

- 3. Minutes of the Meeting Held on 18 February 2020** **3 - 10**
- 4. Planning & Environmental Protection Committee Temporary Decision Making Arrangements During Covid19 Restrictive Period** **11 - 14**

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Committee Members:

Councillors: G Casey (Vice Chairman), C Harper (Chairman), P Hiller, R Brown, Warren, Hussain, Iqbal, Jones, B Rush, Hogg and Bond

Substitutes: Councillors: N Sandford, Simons, M Jamil and Skibsted

Further information about this meeting can be obtained from Dan Kalley on telephone 01733 296334 or by email – daniel.kalley@peterborough.gov.uk



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CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Mike Roberts, Janet Maclennan, David Jolley, Louise Simmonds,, Amanda McSherry, Matt Thomson, Asif Ali, Michael Freeman, Jack Gandy, and Carry Murphy

Minerals and Waste: Alan Jones

Compliance: Clive Dunnett, Julie Robshaw, Glen More, Andrew Dudley

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer, Head of Planning and/or Development Management Manager as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 18 FEBRUARY 2020
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Committee Members Present: Harper (Chairman), Casey (Vice Chairman), Rush, Brown, Hiller, Warren, Hussain, Amjad Iqbal, Skibsted, Hogg and Sandra Bond.

Officers Present:

Nick Harding, Head of Planning Peterborough and Fenland
Amanda McSherry, Development Management Team Manager
Karen Dunleavy, Democratic Services Officer
Stephen Turnbull, Planning Solicitor
Nick Greaves, Principal Engineer
Chris Simpson, Senior Engineer

Others Present:

41. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Jones, Councillor Skibsted was in attendance as substitute.

42. DECLARATIONS OF INTEREST

Councillor Hiller declared a pre-disposition on agenda item 5.3 19/01870/OUT - 2 Moggswell Lane Orton Longueville Peterborough PE2 7DS in that he had shown a personal observation, but would not be pre-determined when he considered the application.

43. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR

Councillor Skibsted declared to speak as ward Councillor in relation to item 5.3 19/01870/OUT - 2 Moggswell Lane Orton Longueville Peterborough PE2 7DS.

44. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 17 DECEMBER 2020

The minutes of the meeting held on 17 December 2020, were agreed as a true and accurate record.

45. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS

45.1 19/01757/HHFUL - 152 Garton End Road Peterborough PE1 4EZ

The Committee received a report, which sought permission to the construction of a dropped kerb crossing into the front of the site from Garton End Road. Planning permission was required as this public highway was classified. It should be noted that

an identical application, under application reference 19/01327/HHFUL, was refused planning permission in November 2019 under Officer delegated authority.

The Development Management Team Manager introduced the item and highlighted key information. The Officers recommendation was to refuse the application.

Councillor Joseph, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- € Other houses along the same street had dropped kerbs and there was no information in relation to accidents in the area caused by reversing off driveways.
- € The amount of vehicle movement was anticipated to be one to two times a day at minimum.
- € The visibility for other houses in the street had not been an issue when driving cars out of a driveway.
- € The decision to refuse the application in November 2019 was unfair, which was why it had been submitted to Committee.
- € There were other areas in the City that had experience busier traffic movements.
- € Members commented that although there were drop kerbs on other properties, the Officers had confirmed that these were installed some time ago and that the applications would be refused if presented to Committee currently.
- € The highway safety concerns raised by Members were valid, however it was felt that there were other driveways along the road with drop kerbs and other busier roads within the City.

Mr Somoye the applicant addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The application was refused by the Highway Officer as it had been highlighted to be a classified road.
- Garton End Road and Ascott Drive had double yellow lines, which made it difficult to park. There had been alternative parking arrangements agreed with the landlord of the neighbouring public house, however, there had been some criminal damage to vehicles in that car park.
- The visibility issue raised by Officers in relation to safety were not shared by the applicant. There were five point nine metres from the house to the picket fence, the width of the house was four point one metres and the properties from the left and right were five point two metres, which was adequate for a vehicle to be parked.
- The current tenants of the property had just had a baby and it was difficult for the mother to cross the road.
- There were other houses along the road that had dropped kerbs.
- There was enough room for the vehicles to turn, exit and enter the proposed driveway.
- The applicant agreed that Garton End Road was busy, which was why applicant the appealed the Officers refusal.
- It had been apparent to the applicant that there was no parking provision before he purchased the property, however, parking requirements had changed.

- There had been cases of speeding on Garton End Road, however the applicant felt that the issue had not been a consistent.
- The applicant felt that it would safe to drive in forwards and reverse onto the road as there was enough space and visibility.
- It was not known when the double yellow lines were installed on Garton End Road.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- Members were advised that there was history of a serious traffic incident on Ascot Drive junction but not from reversing off a driveway.
- Members were advised that Officers were required to account for driver behaviour on classified roads despite what had been taught during driving lessons.
- The Officer advised that reversing onto a driveway from a busy classified road could hold up traffic deeming it unsafe. In addition, there had been issues with visibility with the properties either side of 152 Garton End Road and therefore would be unsafe.
- Members were advised that there was no control over existing planning permission in relation to dropped kerbs on Garton End Road, however, Officers were obliged to observe the meet current standards.
- The traffic incident on Ascot Drive happened in 2018.
- The Highways Officer confirmed that the local area was assessed for vehicle manoeuvring in relation to dropped kerbs and there had been no recent case history.
- Members commented that it was apparent at the site visit, Garton End Road was busy with traffic.
- The boundary treatment assessed on properties either side of 152 Garton End Road had visually presented a tunnel effect for vehicles manoeuvring out of the proposed driveway. This had been due to a hedge and fence blocking the view on exit.
- Some Members felt that there was a speed limit in place and there was a good gap between the road and proposed driveway. There was a house opposite 152 Garton End Road that had the same visibility and had a dropped kerb. In addition, there had not been a significant number of traffic incidents along Garton End Road as a result of reversing off a driveway.
- There had only been one vehicle incident associate with Ascott Road.
- Some Members felt that the tenants of Garton End Road would be careful when exiting the proposed dropped kerb.
- Some Members commented that there were no parked cars near 152 Garton End Road and there had been double yellow lines. Officers views had been about road safety; however, it was felt that this was in relation to the likelihood a vehicle traffic incident would happen.
- Some Members felt that it would be detrimental to ignore the highways advice and policy as it had been clear from the site visit that visibility would be limited if the dropped kerb was installed, which could put the public in danger. In addition, the property was next to a public house, which would also contribute to large volumes of traffic.
- Some Members felt that the issue was road safety and it was important to seriously consider the Highways Officer's advice. In addition, to approve the application would set a precedence for similar requests, therefore safety outweighed the need for a dropped kerb at 152 Garton End Road.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application as per Officers recommendation. The Committee **RESOLVED** (7 For, 4 Against) to **REFUSE** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

The proposed dropped kerb was considered to be unsafe and detrimental to the safety of users of the adjacent public highway network. The dropped kerb would not provide the necessary vehicle-to-vehicle visibility splays which would prevent drivers exiting the site from having adequate visibility of oncoming traffic. In addition, the site was not capable of provision of the necessary parking and turning areas which would result in vehicles leaving the site backwards and reversing into oncoming traffic, impeding its free flow and posing an unacceptable safety danger. The dropped kerb would therefore result in unacceptable harm to the safety of users of the public highway and was considered contrary to Policy LP13 of the Peterborough Local Plan (2019).

45.2 19/01829/FUL - Unit D The Boulevard Retail Park Maskew Avenue New England

The Committee received a report, which sought permission for the addition of a mezzanine floor to Unit D, with a coverage of approximately 700 sqm. There were no changes proposed to the external elevations of the unit.

The Head of Planning introduced the item and highlighted key information from the report and the update report, which included an amendment to condition three (C3).

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- € Members had no issues with the application as it was a reasonably modest mezzanine.
- € Members felt that there were other units within the industrial business area, which had similar elevated floors.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application as per Officers recommendation. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

Subject to the imposition of the conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The addition of this bulky goods retail floorspace within the existing unit, had been considered to be acceptable and would not affect the vitality and viability of designated retail centres or undermine the Council retail strategy in terms of retail capacity and growth. The proposal would therefore not represent an unacceptable conflict with LP12 of the Local Plan and the NPPF
- The access arrangements and traffic impacts were considered to be acceptable. There were no highway safety concerns with the proposal. The development was therefore in accordance with Policy LP13 of the Local Plan.

2:17pm, at this point Councillor Skibsted stepped down from the Committee.

45.3 19/01870/OUT - 2 Moggsell Lane Orton Longueville Peterborough PE2 7DS

The Committee received a report, which sought permission for a detached bungalow with all matters reserved (access, appearance, landscaping, layout and scale). A site plan had been submitted with the application however this was indicative only and should not be used in the detailed consideration of the proposal. Background Outline planning permission (with siting secured and all other matters reserved) for a single storey dwelling was granted planning permission on appeal (appeal reference: APP/J0540/A/1170969) in June 2005. The planning permission was never implemented and had since expired. Prior to the submission of the current application, an identical outline planning application for a bungalow was submitted for consideration under planning application reference 19/01625/OUT. The application was subsequently withdrawn following advice from Officers that the proposal was unacceptable and was to be refused under delegated powers.

The Head of Planning introduced the item and highlighted key information from the report. The Officer recommendation was for refusal.

Councillors Walsh and Skibsted and Walsh, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Mrs Hardy wished to utilise her large garden to help care for her elderly father and could eventually provide accommodation for her son.
- It had been suggested that the proposal was not in keeping of the area however, there were many diverse housing examples within the surrounding roads.
- It was felt that one single road should not be treated any differently to other single roads in the area.
- There were other properties on Moggsell Lane that had undertaken considerable building development, which included additional dwellings.
- There were no wildlife impact or biodiversity issues raised by Officers. In addition, the applicant had not planned to remove any of the trees on the borders of her property to allow for the development.

- The plans were not final as suggested by objectors. The applicant was willing to liaise with surrounding neighbours over the final design of the proposed development.
- There were no substantial conservation issues and development work would be in accordance with planning policy framework.
- The Parish Council had not raised any objections.
- The statement within the report in relation to properties on Mogswell Lane were predominantly detached dwellings, however, this could be challenged as there were 16 properties, which were all smaller in size but had been developed as part of an existing property.
- There was nothing within the Planning Policy document to preclude back land development. There were similar plans for a non-material development on Royston Avenue, and this had been felt to be too onerous for neighbouring properties.
- The reason provided by officers in relation to LP 16 had not constituted a reason for refusal.
- The proposed development would not affect privacy, produce noise or other disturbances, nor would it attract crime and disorder and therefore, LP 17 was not applicable as cited by the Officers. In addition, the proposed bungalow would not be visually intrusive for neighbouring properties on Mary Armyne Road.
- Developments to the rear of eight and nine Mary Armyne Road were very visible from number 2 Mogswell Lane, with an outbuilding to one of the properties. The applicant had not raised any objection to the developments at eight and nine Mary Armyne Road.
- The applicant had been approached by the residents of eight and nine Mary Armyne Road to express an interest in purchasing some of her land to extend their gardens.
- It was believed that the objections raised were ones of personal interest by the neighbouring properties.
- There had been no indication that the applicant would sell her property at any time once planning permission had been granted.
- On page 35 of the report, the access road had been described as an access to other dwellings for other properties, however there were barriers which presented the appearance of a col de sac. The report stated that Mogswell Lane posed no significant danger.
- It was believed that the objections received were not material as the application was for outline planning.
- Both number eight and nine Mary Armyne Road have had significant development and was very visible from Mrs Hardy's property.
- Members commented that they had not noticed any overdevelopment from numbers eight and nine Mary Armyne Road whilst on the site visit. Ward Councillors clarified that the appearance of an outbuilding was built right up to the fence of number two Mogswell Lane, and although it was permitted development, it had been close to the boundary of number two Mogswell Lane.
- It was confirmed to Members that the application was for outline planning permission and the applicant's intention was to erect one single storey building. In addition, the applicant had not intended to install a high-pitched roof, out of respect for the neighbours.

Mr Jones, objector, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There were many objections to the application, which included numbers four to nine Mary Armyne Road inclusive.
- There were currently no buildings on the boundary of the affected homes.
- The development would destroy the view and character of the area, which would be irreversible.
- The proposed development would be particularly overbearing for properties of seven to nine Mary Armyne Road and it was unsure whose fence line the proposed bungalow would be built against.
- The proposed development could extend to over five point five metres tall and garden fences were one point eight metres. The proposed bungalow would extend over tree point five metres of the fence line and dominate the neighbouring gardens and homes. The impact would be particularly devastating to number eight as the proposed would extend beyond the width of their garden in both directions.
- The application to purchase the applicants garden was made to protect the green space.
- The Ministry of housing had put measures in place to stop garden grabbing.
- It was felt that given the objections and Officers recommendation, the application should be refused.
- The objectors had issues with both the proposed build and its location and there were very few other options of where to place it.

Mrs Hardy the applicant addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The applicant had lived in Orton Longueville village for a long time and had not intended to sell the plot.
- The applicant's father was elderly and needed care. The only option was to build a property on her land in order to care for him.
- It would not be feasible for the applicant or her sister to accommodate the elderly father in their homes and there were no property options nearby that could accommodate his requirements.
- The applicant wanted to work with neighbours over the design of the bungalow.
- There were very different types of buildings on Mogswell Lane and Mary Armyne Road and the applicant intended to develop the building in keeping with the area.
- There had been objections from Mary Armyne Road where some of the properties had not connected to the applicant's boundary.
- There were some houses where comments had been received about noise and large vehicles, that were not adjoined to the applicant's land.
- Other properties had been developed in the area and the applicant had experienced noise disruption from those, however never had any issue with it.
- The proposed dwelling was always designed as a single storey building

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- € The Full planning application would need to return to Committee in relation to design.

- € The Highway's Officer confirmed that visibility splays would not be achieved without the involvement of the party boundary.
- € Members were advised that the proposed bungalow would not be acceptable for the site and was contrary to policy despite various design options.
- € Officers confirmed that it was unlikely that the decision for refusal would be overturned by appeal.
- € The boundary road was owned land, which belonged to number four Mogswell Lane and this was out of the applicant's control. In addition, the highways issue highlighted was not the main reason for Officer refusal.
- € Officers confirmed that an annex to the existing property would be considered differently.
- € Members felt that the property proposed for development was of a considerable size and would be visible to the residents of Mary Armyne Road, however the issues could be resolved at reserve planning matters. In addition, there were no significant highways issue.
- € Members commented that it would be up to the applicant to work with Officers to draft an acceptable dwelling design.
- € Members commented that the proposal would not appear to harm the character of the area.
- € Members felt that the reasons for development were understandable and that the proposal was for the development in principal and the neighbours would be consulted over the final design.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against the Officers recommendation and **GRANT** the application. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

Members felt that there was not a strong enough case to refuse the application despite the policies outlined by Officers and that the Committee had not raised the same concerns during debate. Members were of the view that the proposal would be compatible with the site and surroundings with no adverse impact on neighbouring properties, nor any significant highway concerns.

In addition, Members also expected that the neighbours concerns should be taken into account when reserve matters returned to Committee for approval.

Chairman
1:30pm – 3:14pm

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 4
12 MAY 2020	PUBLIC REPORT

Report of:	Steve Cox – Executive Director, Place and Economy	
Cabinet Member(s) responsible:	Peter Hiller - Cabinet Member for Strategic Planning and Commercial Strategy and Investments	
Contact Officer(s):	Nick Harding – Head of Planning	Tel.07920 160161

PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE TEMPORARY DECISION MAKING ARRANGEMENTS DURING COVID19 RESTRICTIVE PERIOD

R E C O M M E N D A T I O N S	
FROM: Steve Cox – Executive Director, Place and Economy	Deadline date: N/A
<p>It is recommended that the Planning & Environmental Protection Committee agree:</p> <p>1. That the temporary decision making arrangements as set out in 4.1 are put in place for the period when the Covid 19 restrictions are in place .</p>	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Planning & Environmental Planning Committee following a referral from the Executive Director, Place and Economy.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to obtain the agreement of the Committee for the introduction of temporary arrangements so that those agenda items (particularly planning applications), that would normally be presented to committee, can be still be decided.

2.2 This report is for the Planning & Environmental Protection Committee to consider under its Terms of Reference No. 2.6.6 and 2.6.7

Delegations to Officers and functions reserved to the Planning and Environmental Protection Committee

2.3 Putting temporary decision making arrangements in place in relation to planning related matters will be in line with the corporate priority to drive the growth, regeneration and economic development of the city.

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	
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4. **BACKGROUND AND KEY ISSUES**

4.1 The Covid 19 restrictions (especially in relation to social distancing) mean that it is not possible to hold committee meetings in the normal way. The Government has made legislative changes so that virtual meetings can now take place and this is very much welcomed. Some Councils have not made any temporary changes to their scheme of delegation (to increase the level of delegation to officers) and are just holding their meeting as normal but in a virtual way.

In addition, having had two committee meetings cancelled, there is a backlog of items that need a decision.

It is proposed that the following measures are put in place in respect of items that would usually go to the committee for determination:

- The Head of Planning be given authority to determine the agenda item subject to consultation with the Committee Chairman and Opposition Group Representatives (or the substitutes for these three individuals)
- The Chairman & Opposition Group Representatives have 2 working days to respond to the consultation
- The outcome of the consultation will either be that the head of Planning will determine the item in accordance with the officer recommendation OR that the item will be presented to a virtual meeting of the normal committee
- The virtual committee meetings will allow for public speaking / members questions (as per our normal arrangements) in the usual way and shall be broadcast to the public

These measures above are an extension of the delegation to Officers under section 2.6.6.1 of the terms of the reference so that in the first instance all applications would follow the above proposal.

Should an application need to be determined by the committee the normal terms of reference and procedures would be followed.

The arrangements set out above are in accordance with the guidance set out in the Government's. Chief Planning Officer letter and in line with best practice published by the Planning Advisory Service.

5. **CONSULTATION**

5.1 The above proposal was put to:

- The Committee Chairman – Cllr Chris Harper
- The Portfolio Holder – Cllr Peter Hiller
- The Group Representatives – Cllrs Hogg & Amjad Iqbal

Comments on the proposal are below:

- Cllr Hiller - Supports the proposal.
- Cllr Hogg supports the proposal but sought clarification on how the deferral to the virtual committee would operate.
- Cllr Amjad Iqbal – Supports the proposal
- Cllr Harper – Supports the proposal

In addition Group Leaders have been informed of the proposal as outlined.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 The temporary arrangements will enable efficient and effective decision making to happen at a time where restrictions are in place which make face to face meetings impossible to take place. There remains the political oversight of decisions that would normally be determined by a meeting of the planning committee and therefore those applications that need to be considered by committee instead of delegated to officers can still be dealt with in that way.

There will some applications that may, due to their exceptional nature and level of public interest, not be suitable to be delegated or to be taken through the virtual committee process and will have to await the return to 'normal service'.

7. REASON FOR THE RECOMMENDATION

7.1 There is the need to put temporary arrangements in place so that planning decisions normally made by the usual full committee can take place. The proposals put forward are considered to strike the right balance between a pragmatic way forward whilst at the same time ensuring political and democratic input.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1
1. Hold committee meetings as normal but in a virtual way. The disadvantage of this is that we have a backlog of matters for committee to consider and virtual meetings are significantly more time consuming to deliver and operate. In addition officer resource has also been provided to the Covid-19 Hub during this time.
 2. Delegate all committee matters to the Head of Planning. This would not provide for appropriate political / democratic input on what could be items of particular public interest

9. IMPLICATIONS

Financial Implications

9.1 None

Legal Implications

9.2 Section 101 of the Local Government Act 1972 provides (subject to any express provision contained in the 1972 Act or any other Act passed after the 1972 Act) that local authorities may arrange for the discharge of any of their functions by Committee, Sub-Committee or an officer of the Authority. The delegation proposed provides extended authority for the Head of Planning in the manner described, taking account of the The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Equalities Implications

9.3 Those without internet access will not be able to participate in person or view the virtual committee meetings.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Corona Virus Act 2020 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

11. APPENDICES

11.1 None