

# UPDATE SHEET

## PLANNING COMMITTEE – 4 February 2014

To be read in conjunction with the  
Director of Services & Deputy Chief Executive's Report (and  
Agenda)

This list sets out: -

- (a) Additional information received after the preparation of the main reports;
- (b) Amendments to Conditions;
- (c) Changes to Recommendations

### MAIN REPORT

<b>A2</b>	<b>11/01054/FULM</b>	<b>Erection of 188 no. dwellings with associated garaging / parking, infrastructure, construction of new access off Frearson Road and formation of open space, landscaping and balancing pond</b> Land off Frearson Road Coalville
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The site location plan referred to under recommended Condition 2 is a superseded version; the plan referred to was updated by a revised version including additional off-site "blue" land (i.e. land outside of the application site within the control of the applicant).

#### **Applicant Comments:**

The applicants confirm that they are agreeable to making the contribution requested in respect of improvements to leisure facilities at the Hermitage Leisure Centre.

In terms of developer contributions generally, the applicants advise that these equate to approximately £10,600 per plot which, they confirm, are significantly higher than those of other Bloor Homes sites at Park Lane, Castle Donington and Moira Road, Ashby de la Zouch (£5,280 and £6,263 per plot respectively). The applicants comment that, whilst it is regrettable that the scheme cannot fund the provision of affordable housing, the proposed highway contribution of £846,000 is significant and would enable the District Council to make meaningful investment in local highway infrastructure.

The applicants also advise that the site is capable of delivering homes quickly given that it is a full application and as much of the engineering and landscape design work normally carried out in the post planning stage has already been carried out in order to

inform the viability appraisal. Subject to a resolution to permit and straightforward negotiation of the planning obligation, development of the site could, the applicants advise, commence in the summer of 2014.

**Additional Third Party Representations:**

A copy of representations made to the County Highway Authority has been received querying the list of other proposed developments in the area included in the submitted Transport Assessment and, in particular, the Standard Hill / Highfield Street application (ref. 12/00007/OUTM) and the two Ravenstone applications resolved to be permitted by the Planning Committee on 7 January 2014 (refs. 13/00626/OUTM and 13/00780/OUTM). At the present time, all of these applications have a Planning Committee resolution to permit but, pending the completion of Section 106 agreements, no planning permission has been issued.

One additional representation has also been received raising concerns in respect of the potential impact on parking if yellow lines were to be introduced and overlooking of the objector's dwelling from one of the proposed units. Requests are also made in respect of potential transfer of ownership of land held by the landowners to the existing resident and for that land to be made available as landscaping / residential curtilage.

Andrew Bridgen MP advises that he has been contacted by several local residents regarding the application and understands that objections have been made by the Campaign to Protect Rural England (CPRE) Leicestershire and that the land is of high agricultural quality. Given that the proposals would be contrary to the adopted Development Plan and given the questions over its sustainability, he asks Members to give careful consideration as to whether they deem this to be an appropriate site for development.

Copy correspondence to Members has been received from Hugglescote and Donington le Heath Action Group asking members to refuse planning permission, and making the following points:

- Hugglescote Crossroads is over-capacity
- Developers' traffic study is out of date, and does not include the proposed Standard Hill / Highfield Street scheme
- Section 106 contributions does not guarantee that monies will be specifically used to improve congestion at Hugglescote Crossroads and is not CIL compliant – sufficient monies will not be found and the contribution eventually refunded to Bloor Homes when the project does not proceed
- Application should be refused on the grounds of its impact on the Hugglescote Crossroads as per the Taylor Wimpey scheme on Grange Road (ref. 12/00922/OUTM)
- Site is unsustainable – only three of the Council's own eight facility categories are met by the site
- Outside Limits to Development
- Application should be refused on sustainability grounds as per the scheme at Lower Packington Road, Ashby de la Zouch (ref. 13/00694/OUTM) and as per the recommendation in respect of the site at Normanton le Heath also on the Planning Committee agenda (13/00913/OUT)
- Site is Class 1 agricultural land
- Application vigorously opposed by CPRE and the Leicestershire and Rutland Wildlife Trust as they consider it will be ecologically damaging to Great Crested Newts

- Great Crested Newt mitigation proposed not feasible nor will protect newts as most newts are not currently located within the application site and areas of public open space not suitable or large enough for foraging newts
- Newt survey out of date

**Additional Consultee Comments:**

**Hugglescote and Donington le Heath Parish Council** has sought to clarify its position in terms of the Parish Council's comments as reported under Summary of Representations Received. In particular, the Parish Council advises that the list of items reported as sought by the Parish Council in the event that the application is permitted (and including purchase of the Ashburton Road Recreation Ground) represent, for the most part, long term aims, related to the transfer of the existing lease between the District Council and the Harley Trust, and forming part of ongoing discussions in respect of that. Insofar as the Frearson Road application is concerned, the Parish Council confirms that it is requesting £1,400 per dwelling towards off-site youth and adult play and £1,000 per dwelling towards provision of new facilities. Insofar as the Hugglescote Crossroads is concerned (and as set out under Means of Access and Transportation in the main report), the Parish Council clarifies that it is not its intention to use the requested funds to purchase the existing building, rather that the contribution would be used to purchase property elsewhere where alternative accommodation could be provided to conduct Parish Council business.

**Leicestershire and Rutland Wildlife Trust** reiterates its objections on the following grounds:

- Will damage the habitat of protected Species, primarily Great Crested Newts, but potentially also others such as bats, badgers and breeding birds
- In respect of Great Crested Newts (GCN) there are a number of concerns, including:
  - (i) There are a handful of sites in North West Leicestershire where Great Crested Newts have been recorded in large numbers in the last 10 years so the importance of this site should not be underestimated - recent surveys in North West Leicestershire with historic records of GCN show that many GCN populations have been lost
  - (ii) Numbers of GCN are continuing to decline locally and nationally - a year-long study commissioned by Natural England revealed that they are now uncommon
  - (iii) The survey data is now more than 2 years old so up to date surveys would need to be undertaken between March and June before development can be allowed
  - (iv) The survey data is likely to have understated the population size as when surveys were undertaken two of the ponds dried out in early June
- Lighting, noise pollution and disturbance from the housing development are likely to have an adverse impact on a number of species, particularly GCN, bats and other nocturnal wildlife - the possible impact on these has not been fully assessed
- An area for a future housing development has been allocated immediately to the west of this development in the North West Leicestershire Local Plan - the cumulative effect of these two developments will further squeeze wildlife in this area as there will be further loss of habitat / additional disturbance and needs to be taken into consideration when determining this application.

- The Natural Environment and Rural Communities Act 2006 places a duty on public bodies including Local Authorities to have regard to the requirements of biodiversity in carrying out their functions.

**Comment:**

At the present time, all of the applications referred to in the additional representations above (i.e. Standard Hill / Highfield Street and the two Ravenstone applications resolved to be permitted by the Planning Committee on 7 January 2014) have a Planning Committee resolution to permit but, pending the completion of Section 106 agreements, no planning permission has been issued. In terms of the Standard Hill / Highfield Street application, the County Highway Authority considers that, if the Transport Assessment was to be updated to take that proposal into account, the only capacity issues likely to be identified would be in respect of Hugglescote Crossroads and that these are proposed to be addressed by way of the contributions strategy. Insofar as the Ravenstone applications are concerned, the County Highway Authority confirms that, when those applications were considered, a cumulative impact assessment for the Ravenstone Crossroads was undertaken which indicated that the cumulative impact would be minimal, and that this could be addressed by way of a contribution towards MOVA (a system to enhance efficiency of traffic signals) at that junction.

In terms of the amenity concerns raised, it is not considered that the dwellings in question would be sufficiently close to result in material loss of amenity from mutual overlooking, and particularly given the presence of an existing landscaped buffer between the existing and proposed dwellings. The request to provide for additional off-site landscaping has been raised with the applicants. In response they advise that they do not consider that amending the recommended landscaping condition to include these areas of land would meet the requirements of the National Planning Policy Framework in that they do not accept that such a condition would not be necessary or relevant to the development proposed. On balance, it is accepted that, in the absence of such additional landscaping (which would be located alongside the site access road on the part currently within the existing Frearson Road estate), it could not be demonstrated that the development would be unacceptable in amenity terms and, as such, no change to the suggested landscaping conditions as set out in the main report is recommended.

Insofar as the comments of the Leicestershire and Rutland Wildlife Trust are concerned, these are addressed in the main report. As set out in the main report, Leicestershire County Council, as the Local Planning Authority's advisors in respect of ecology and biodiversity matters, raises no objections subject to conditions. Any issues in respect of the cumulative impacts with other sites would, if applicable, need to be taken into account as and when any future application was made for other sites in the vicinity.

**RECOMMENDATION – AMEND CONDITION 2**

- 2 The proposed development shall be carried out strictly in accordance with the following plans:
- Site location plan (EMS.2198\_05-4 C) deposited with the Local Planning Authority on 1 June 2012
  - Site layout (ME-0006-11-001\_W) deposited with the Local Planning Authority on 11 December 2013

- Plans in respect of the proposed house types, garages and car ports as set out in the Schedule of Drawings dated June 2013 attached to and forming part of this permission

*Reason - To determine the scope of this permission.*

A3 13/00829/OUT

**Erection of eight dwellings with associated garaging and access road (Outline - Access, layout and Scale included)**  
Land At Measham Road, Appleby Magna

**Representations**

The Clerk to Appleby Magna Parish Council has made the following additional comments:

*'It is worth noting that the Severn Trent water disposal lorry is in the village every day dealing with water problems – this is causing a great deal of concern to residents, especially in light of further possible developments.'*

Two further letters of representation have been received from Appleby Environment (a formally constituted community group) which object on the following grounds:

- a strategic assessment of the scale of development which would be appropriate for Appleby should be undertaken;
- the criticisms from the Inspector in relation to the Core Strategy related to housing numbers and the lack of specific identified sites for development and there was no challenge to the issue of distribution of housing;
- it would be against the Sustainability Appraisal to grant permission for more than a handful of dwellings in Appleby Magna;
- the four applications should be accompanied by an EIA to allow consideration of the individual and cumulative impacts of the applications;
- an Appropriate Assessment of the impacts on the River Mease SAC needs to be undertaken;
- the District Council's own sustainability criteria show that housing development in the rural villages at all but the smallest scale threatens nationally required sustainability targets;
- the application is seriously inadequate in its assessment of car travel that will be created by the development;
- loss of Sensitive Area and destruction of features and characteristics which have been defined as significant for the characteristics of Appleby in the Village Design Statement;
- the level of services that are available in Appleby Magna has been exaggerated;
- social facilities in the village exist but are not extensive;
- no credible evidence that there is significant unmet local housing need, and evidence that the village has taken a responsible position in relation to assessing and addressing local need;
- permission was granted in January 2014 for more houses in Ravenstone than were intended in all the sustainable villages for the whole of the plan period;
- all access roads to the village have become impassable at the same time on several occasions due to flooding;
- limited capacity available at Snarstone Waste Water Treatment Works;
- destruction of hedgerows and open areas which would have an adverse impact on nature conservation;
- the minutes from Appleby Magna Parish Council meetings show that the GP surgery will be closed;
- all options being offered in relation to the No. 7 bus service involve a significantly reduced service to Measham and Ashby and are an improvement on the 2012

consultation options so it is not plausible that there will be any further enhancement of service;

- the officer report does not address how the proposal would avoid the southern part of the Sensitive Area from being developed;
- a full application is required to assess the impact on the Sensitive Area and the Conservation Area;
- outline applications can be significantly changed when detailed permissions are sought.

### **Other Matters**

Discussions have been ongoing with Severn Trent Water (STW) in respect of the wording of conditions 4 and 5 to ensure that the STW is happy with the wording and that the conditions meet the six tests for conditions set out in Circular 11/95.

### **Officer Comments**

The matters raised by the Parish Council in relation to capacity of the drainage system have been addressed in the Committee Report.

The additional letters of representation do not raise any new issues in relation to flooding, capacity of the Snarestone Waste Water Treatment Works and impact on trees/ecology and these matters are addressed in the Committee Report.

The District Council has to deal with applications as they are received. The Submission Core Strategy has now been withdrawn and the policies, figures and text within this document can no longer be taken into account. Work is being undertaken to review and update the background information/evidence base document and the Core Strategy itself following the Inspector's advice. In the meantime decisions on applications have to be taken in accordance with the adopted North West Leicestershire Local Plan and the guidance in the NPPF. Matters relating to housing land supply, the scale of development and the relevant policies and matters to consider in relation to the principle of the development have been addressed in the Committee Report.

The public consultation undertaken in respect of closure of the village GP surgery was actually undertaken at the end of 2013. Although the minutes of the Appleby Magna Parish Council from May and June 2013 indicate that the village GP surgery will be closed, the website for the Measham Clinic contains a consultation on the closure of the surgery which ended on 14 December 2013. As noted in the Committee Report, the outcome of the consultation is not yet known.

Consultation was undertaken in both 2012 and 2013 in respect of a reduction in the No. 7 bus service. The County Council has advised that its current review of this bus service will be considered at its Scrutiny Committee in March 2014 and at its Cabinet meeting in May 2014. All three of the proposed options would result in a total of six buses running per day in both directions, whereas under the current timetable a total of 11 buses run per day in both directions. The poor public transport connectivity of the village is noted in the Committee Report.

The Committee Report advises that it has been concluded that the proposal does not constitute EIA development under the EIA Regulations 2011. Copies of the Screening Opinion have been placed on the planning file and on the EIA Register. An Appropriate Assessment of the impact of the proposal on the River Mease SAC/SSSI has also been undertaken and is contained within the Committee Report.

As noted in the Committee Report, if any future applications were submitted for development of The Elms' garden (i.e. the southern part of the Sensitive Area), they

would be considered on their own merits, including the importance of this area identified by the Local Plan Inspector. The western part of Stoney Lane, which includes the southern part of the Sensitive Area, does not lie within the boundaries of the Conservation Area.

The layout of the proposed development is included for determination with the application and this would be fixed if the application is approved. Details of the design of the new dwellings would need to be submitted as part of a reserved matters application. Further consultations would be carried out with consultees and residents and material planning considerations taken into account, including design and impact on residential amenities. The information included at this outline stage was considered acceptable to consider the impact on the Sensitive Area and the Conservation Area.

The detailed wording of conditions 4 and 5 may be redrafted but their overall requirements preventing occupation of the dwellings until capacity is available at Snarestone Waste Water Treatment Works and within the drainage/sewer network will be retained.

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION with possible amendments to the wording of conditions 4 and 5**



**A4            13/00702/FULM            Erection of two storey and single storey retail food store with restaurant (A1 and A3) (2830 sqm gross external), erection of petrol filling station with single storey kiosk, erection of single storey retail terrace (538 sqm gross external) and erection of two storey nursery (D1) (604 sqm gross external)**

## **Representations**

**Representation from neighbouring business:** Received 24 January 2014. The comments can be summarised as follows:

- The highways splay line onto the new road cuts across the tree planting scheme at the front of the Art Forma site next to the Duflex site and encroaches on adjacent land; and,
- We do not like the idea of such a busy development next to our industrial units (Art Forma and Charles Blyth & Co Ltd).

**LCC Highways:** Received on 30 January 2014. The Highway Authority advises that the on-site access arrangements are acceptable, but that it is not satisfied with the proposed off site works. However, the Highway Authority has confirmed that there is adequate space within the public highway at Station Road for an appropriate scheme to be achieved and that this could be dealt with by condition.

In addition, financial contributions through a legal agreement are sought as follows:

- The S106 Legal Agreement should include a monitoring fee of £11337.00 to enable Leicestershire County Council to provide support to the Development's Travel Plan Co-ordinator in connection with the audit of annual Travel Plan performance reports to ensure the Travel Plan outcomes are being achieved, and for it to take responsibility for any enforcement. The Framework Travel Plan published on the North West Leicestershire District Council website on 4/11/13 is required to ensure that the proposed development is satisfactorily assimilated into the transport network. This approach is considered to be consistent with Government guidance contained in the National Planning Policy Framework, the CIL Regulations 2011, and the County Council's Local Transport Plan 3.
- To comply with Government guidance in NPPF the following Public Transport contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:
  - Travel Packs; to inform employees from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
  - 6 month bus passes, one per employee (application forms to be included in Travel Packs and funded by the developer); to encourage employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable

travel modes other than the car (can be supplied through LCC at (average) £325.00 per pass – NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).

- Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.
- Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4908.00 per shelter.
- Contribution towards equipping the nearest suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. At a total of £3000.00.

The Highway Authority also recommends that a requirement for details of the routing of construction traffic, to be approved by the Local Planning Authority in consultation with the Highway Authority, should be included in a S106 legal agreement. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA.

### **Officer Comments**

The application site boundary reflects the existing Duflex boundary and, as such, does not extend onto land associated with the adjacent business at Art Forma. No other new issues are raised as a result of the neighbour comments.

The comments of the Highway Authority are noted and it is recommended that conditions as set out below are included as part of any permission should the application be approved.

In terms of the financial contribution requests, Circular 05/2005 sets out the Government's policy in respect of planning obligations. In particular, it provides in Annex B Paragraph B5 that "A planning obligation must be:

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

In addition to the above policy tests, the Community Infrastructure Levy (CIL) Regulations 2010 provide a legislative requirement that an obligation must meet tests (ii), (iii) and (iv) above which is also advocated in the Draft 2012 CIL Regulations.

The contribution requests would help mitigate the impact of the development on existing highway infrastructure, would meet the Circular tests and be CIL compliant.

**RECOMMENDATION: PERMIT AS RECOMMENDED (SUBJECT TO CONDITIONS AS SET OUT IN THE MAIN REPORT AND ADDITIONAL CONDITION(S) LISTED BELOW AND A LEGAL AGREEMENT IN RELATION TO HIGHWAY ISSUES) -**

- 16 Development shall not begin until details of design for the off-site highway works being the signalisation of the Station Road/Trent Lane/Victoria Street junction, the provision of a 'ghost island right turn lane' junction and appropriate pedestrian crossing facilities have been approved in writing by the local planning authority; and the proposal shall not be occupied until that scheme has been constructed in accordance with the approved details.

*Reason- To ensure a satisfactory form of development and in the interests of Highway safety.*

- 17 Before the development hereby permitted is first occupied, off-street car parking and lorry parking provision shall be made within the application site in accordance with the details shown on the drawing No. 12-133-P002. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

*Reason- To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.*

- 18 Before the development hereby permitted is first used, cycle parking provision shall be made to the satisfaction of the LPA and once provided shall be maintained and kept available for use in perpetuity.

*Reason- In the interests of the sustainability of the development and to encourage alternative transport choice.*

- 19 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

*Reason- To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 20 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to either access, they shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as to open inwards only.

*Reason- To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.*

- 21 Before first occupation of the development, the access drives and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound

material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and shall be so maintained at all times.

*Reason- To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)*

- 22 Before first occupation of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.

*Reason- To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.*

- 23 The gradient of the access drives shall not exceed 1:12 for the first 15 metres behind the highway boundary.

*Reason- To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.*

### **Additional Notes To Applicant**

In connection with the proposed off-site highway works:

The Highway Authority has concerns that the proposals fail to demonstrate that safe and appropriate crossing facilities would be provided across Station Road to cater for the proposed pedestrian flows in connection with the development. It would appear that it would be possible to provide a split controlled crossing facility on the south side of Trent Lane and Victoria Road across the central splitter island. The crossing could easily be accommodated within the proposed stage and phasing without adversely affecting the capacity. This splitter island will need to be widened to accommodate a staggered pedestrian crossing i.e. 3.5m.

The layout of the pedestrian island, at the proposed uncontrolled access to the site, appears to be designed so that it could be signalled at later date i.e. staggered split crossing tactile arrangements. If LCC were to look at signalling this access in the future, due to safety or congestion issues, we would have some concerns regarding this layout i.e. width of the splitter island should be at least 3.5m.

Further to the above point, traffic northbound on Station Road would queue back and block right turning traffic from the access, as shown in the linsig model. This could cause problems with right turning traffic from the access pulling out and blocking the south bound traffic on Station Road as well as being a potential accident problem. Consideration should be given to an option showing the proposed new access signalled as well.

Further information is required in connection with which crossing points are to be signalled and buff or red coloured tactile paving should be used as appropriate.

Further consideration should be given to the centre island on the main road as this could affect how vehicles turn right in to Victoria Street (any more than 2 or 3 vehicles would block ahead no flows in the linsig model).

Intervisibility splay for the junction needs to be provided. This could be an issue for

Victoria Street. This needs to be checked against TD50/04 - 2.10 Junction Intervisibility Zone.

There is a need to define the limit of the highway boundary on the site access road which will need to take into account any traffic signals equipment and maintenance.

You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.

The proposed roads do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd) or phone 0116 3057198. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the LPA before the development is occupied.

The proposal is situated in excess of 45 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.

**AGENDA ITEM A5**

**13/00913/FUL**

**Report Error**

Members are advised that on page 142 of the Main Report, there is an error in the title of the Executive Summary. It should read as follows:

**'EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR REFUSAL'**

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION**