

ITEM B1

Application Number:	2023/0392	Application Type:	Full
Proposal:	Change of use to an Ofsted registered children's home for up to 3 children with additional needs.	Location:	North Point Burnley Road Bacup Lancashire OL13 8RE
Report of:	Head of Planning and Building Control	Status:	For Publication
Report to:	Development Control Committee	Date:	6 <sup>th</sup> February 2024
Applicant:	Mrs Ataka Anis	Determination Expiry Date:	29/09/2023 EoT 08.02.24
Agent:	Mr Luke Bankhead, MRG I	Health Ltd	

Contact Officer:	Caroline Callow	Telephone:	01706 252432
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In	
Name of Member:	
Reason for Call-In:	
3 or more objections received	Yes
Other (please state):	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

#### Article 8

The right to respect for private and family life, home and correspondence.

#### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. **RECOMMENDATION**

Approve planning permission subject to the conditions set out in this report.

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# 2. <u>THE SITE</u>

The application concerns a two bedroomed chalet bungalow constructed of stone under a slate roof and accessed off a private road leading from Burnley Road. It is located in the open countryside and surrounded by agricultural land to the north and the south which the applicant has indicated is also within their ownership. On the site there are a number of agricultural type buildings and two smaller outbuildings.

# 3. RELEVANT PLANNING HISTORY

X/1991/085 Proposed temporary office accommodation - Refused

# 4. <u>PROPOSAL</u>

The proposed development seeks to change the use of North Point from a dwelling house (Class C3), into a residential home for children between the ages of 8 to the age of 17 years old (Class C2), with three bedrooms for residents.

There will be a maximum of 3 children staying in the property at any one time with three members of staff present at most times, occasionally just two overnight. The aim is to accommodate mainly long-term placements (years, rather than months), but occasional short-term placements may be required.

The applicant has indicated that there would be 14 members of full time staff employed and 8 part time staff, on a shift basis.

The applicant has indicated that there are no physical changes to be made at the property except the removal of a door in one of the two outbuildings and to replace the windows in both building 2 and 3 due to damage. One of these will be converted to a staff bedroom and the other a meeting room.

The proposal also shows the erection of a 1.2m high timber agricultural post and rail fencing around the site and the provision of 6 parking spaces.

# 5. POLICY CONTEXT

# <u>National</u>

# National Planning Policy Framework

- Section 2 Achieving sustainable development
- Section 4 Decision-making
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land

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Section 12 Achieving well-designed places

# Development Plan

# Local Plan 2019-2036

Policy SS: Spatial Strategy

Policy SD1: Presumption in Favour of Sustainable Development

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Policy SD2: Urban Boundary and Green Belt Policy ENV1: High Quality Development in the Borough Policy HS15: Specialist housing Policy TR4 Parking

# Other Material Planning Considerations

National Planning Practice Guidance National Design guide

## 6. CONSULTATION RESPONSES

LCC Highways – No objections see below

## LCC Policy, Commissioning and Children's health- See section below

<u>PROW</u> – The right of way is to remain free from obstructions. The right of way is currently obstructed and this must be removed without delay. Advice offered in respect of temporary closure, diversion, publicity of application, drainage and landscaping.

# 7. <u>REPRESENTATIONS</u>

To accord with the General Development Procedure Order neighbouring properties were notified on 13.09.2023, a site notice was posted on 27.09.2023

Approximately 13 objections to the application have been received raising the following issues:

# **Remote location / Social**

Children will be unable to develop further life skills to enable them to become independent as they will be completely reliant on staff to drive them wherever they need to go.

Deprives children of their liberty.

Potential for rural isolation. A remote rural lifestyle is not for everyone particularly in winter. May have a significant impact on the mental health and wellbeing of young people.

Should be in a location where the children can visit friends and family and visit shops, use local amenities and use public transport or to walk to activities.

Nearest shops, cafes, doctors, dentist, schools in Bacup

## Access

Cycle route is on A671 which is subject to a 60mph speed limit and motorists often exceed this. Local accident black spot.

Cyclists would need a high standard of fitness due to the hills. Deerplay moor is 438m above sea level.

1.8 miles to nearest bus stop and it would be necessary to walk on the road due to lack of pavement.

Bus service although scheduled for once an hour 06:45 to 18:45 is unreliable.

Staff would realistically either need to get a taxi or bus.

Due to the elevation a majority of farms get snowed in annually and the children would miss school possibly for days at a time.

#### Access track

House previously occupied by one lady. Additional wear and tear on the privately owned lane which is not owned by the applicant.

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If any staff or visitors miss the turnoff then they will have to continue on the single track lane and land which belongs to a second land owner.

The lane is also used daily by agricultural machinery

Applicant has not made contact with the landowner to discuss arrangements to use the private lane.

# Footpath

Diversion of footpath into a dyke/water way.

The current footpath was used by walkers on a regular basis until the gates were locked.

If footpath diverted it would cost the adjoining land owner a considerable amount of money to place suitable compacted material.

Loss of grazed area would have impact on adjoining landowner.

The existence of the footpath though Northpoint would make safeguarding vulnerable children an impossibility.

# Site layout

Different plans show a different site layout. Question if the application is for 3 or 4 children.

# Children

The children will not be able to integrate into the existing community as there is no existing local community in the vicinity.

The closest place that could be classed as a local community space is the Doals Centre in Weir which is 1.8 miles away and a children's play area on the Burnley Road heading towards Bacup.

Any other opportunities to integrate into the community will mean travelling into Bacup, Rawtenstall or Burnley.

# Safeguarding

One member of staff will be in a converted outbuilding - question quick access to the main building to respond to an emergency.

Safeguarding of individual member of staff alone in separate building.

Site plans do not take into account any public rights of way. This could be a safeguarding issue.

## Weather

There is a micro climate around North Point with 7-8 foot snow drifts in winter and the majority of farms get snowed in annually. There is fog during many nights of the year. When the fog comes down it is virtually impossible to navigate and children may go for a walk and get lost due to the extreme weather conditions.

The weather may make it difficult to get staff and visitors to North Point.

## Inconsistencies in application

Such as number of children.

Application states that the property is on mains sewage. It is not, but has a septic tank in one of the fields which is currently non-compliant and does not have a man hole so anyone could fall in.

## Lack of consultation and site notice

Officers can confirm that neighbour notification letters were sent to 2 properties and a site notice erected close to the site on 27<sup>th</sup> September, as required by legislation, with a 21 day date requiring submissions by 18<sup>th</sup> October. In addition, neighbours have been able to make further representations until the date this report was prepared in January 2024.

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# 8. ASSESSMENT

## Principle/Sustainability

The National Design Guide advises in paragraph 77 that:

"A well-designed movement network defines a clear pattern of streets that:

- is safe and accessible for all;

- functions efficiently to get everyone around, takes account of the diverse needs of all its potential users and provides a genuine choice of sustainable transport modes;

- limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying opportunities to improve air quality;

- promotes activity and social interaction, contributing to health, well-being, accessibility and inclusion;"

Paragraph 78 advises:

"A well-designed and connected network gives people the maximum choice in how to make their journeys. This includes by rail, other public transport, walking, cycling and by car"

Paragraph 83 it advises that:

"In well-designed places, people should not need to rely on the car for everyday journeys, including getting to workplaces, shops, schools and other facilities, open spaces or the natural environment."

The emphasis from the above is that people should be able to choose how they travel for everyday activities including getting to work without having to rely on the motor car.

The principles of sustainability are a central thread running through planning policy. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF refers to the need for new developments to be sited in sustainable locations readily accessible by public transport, cycle and on foot. The NPPF states an environmental objective as an overarching objective and this includes moving to a low carbon economy. The NPPF has a presumption in favour of sustainable development at its heart:

"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development"

The NPPF advises that in assessing applications for development it should be ensured that

- (a) "appropriate opportunities to promote sustainable transport modes can be-or have beentaken up, given the type of development and its location
- (b) safe and suitable access to the site can be achieved for all users."

It goes on to advise that it should be ensured that applications for development should (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, and (b) "address the needs of people with disabilities and reduced mobility in relation to all modes of transport."

The NPPF places an emphasis on sustainable travel and advises that significant development should be focused on locations which are or can be made sustainable, through limiting the

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need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

The NPPF states that Planning policies and decisions should:

(f) create places that are safe, inclusive and **accessible** and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The Local Plan also emphasises the need for sustainable development. The Local Plan Objectives as set out in paragraph 12 include:

• Reducing the carbon footprint through suitable design and ensuring sustainable development in appropriate locations

• Reducing the impact of and adapting to climate change, including suitable flood prevention measures, the promotion and protection of Green Infrastructure, green energy projects, and encouraging travel by modes other than the car.

Policy SS advises that:

"The Council will focus growth and investment in and around the Key Service Centres, with development supported in other areas taking account of the suitability of the site, its sustainability and the needs of the local area, whilst protecting the landscape and existing built form and the character of rural areas."

Policy SD2 also states that "All new development in the Borough will take place within the Urban Boundaries, defined on the Policies Map, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area."

Policy HS10 in respect of specialist forms of housing states that such proposals will be supported provided that the "development is well located so that shops, public transport, community facilities and other infrastructure and services are accessible for those without a car, as appropriate to the needs and level of mobility of potential residents and staff"

Policy ENV1 requires proposals to demonstrate how the new development will connect to the wider area via public transport, walking and cycling.

The application site is approximately 1.8 miles from the nearest bus stop and 1.57 miles to the nearest primary school and 5 miles from the nearest secondary school.

Whilst there is an existing 2 bedroomed dwelling on the site the proposed use will generate a significant number of additional users to the property including 18 Full Time Equivalent employees, social workers, health professionals and family members and friends. The applicant has indicated on the application form that the proposal is to operate the property as an Ofsted registered children's home for children with additional needs. In their planning statement they advise that the facility will provide "specialist therapeutic environments support children who have been subjected to Child Sexual Exploitation, Child Criminal Exploitation, or those who present early life chronic trauma or post-traumatic stress." Children with complex issues could lead to a significant number of visits from other professionals.

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Although it is accepted that a small family could occupy the property and it is a reasonable assumption that they may have 2 cars, this is a matter of choice. The significant number of employees (14 Full time employees and 8 part time) and other visitors to the property would not have that choice and would need to have access to a car. A significant proportion of the employees would be working shifts and this would decrease further the opportunity for them to access the property by sustainable means. Overall the proposal would be contrary to the principles of sustainability at the heart of the NPPF and the Rossendale Local Plan 2019-2023. It would be contrary to the sections of the NPPF that seek to ensure that "safe and suitable access to the site can be achieved for all users, that applications for development should give priority first to pedestrian and cycle movements and secondly to high quality public transport, and also that seek to create places that are safe, inclusive and accessible.

It would also be contrary to Local Plan policies SS and SD2 which require all that new development in the Borough will take place within the Urban Boundaries, defined on the Policies Map, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area and take into account the proposals sustainability and the needs of the local area and HS10 in respect of providing specialist forms of housing well located so that shops, public transport, community facilities and other infrastructure and services are accessible for those without a car, as appropriate to the needs and level of mobility of potential residents and staff and policies. The proposed location would limit the opportunity of residents to undertake basic things such as independently travelling to school a shop or visiting friends.

It is however important to consider whether there are local needs or economic arguments that can outweigh the concerns in respect of the sustainability of the site. This will be addressed later in the report.

## LCC Policy, Commissioning and Children's health

LCC Children's Services has advised:

"There are significantly more children's homes in Lancashire County Council's area than in any other local authority in England. According to Ofsted's register of children's homes (September 2023) there were a total of 226 Ofsted registered children's homes run by private providers in Lancashire, able to care for up to 734 children. However, over 60% of these homes do not care for a Lancashire child. As of 31 August 2023, only 102 Lancashire children were living in an Ofsted registered children's home in Lancashire County Council's boundaries. 70 other Lancashire children were living in a children's home outside of Lancashire County Council's boundaries. However, in the vast majority of cases, these children were not living outside of Lancashire because it was part of their care plan to live at a distance from their community but were doing so because homes in Lancashire were full with children from outside of Lancashire.

The large number of homes caring for children from out of area is having a significant impact on local services such as school, police and health. There is almost the same number of children in care living in Lancashire from other local authorities than there are Lancashire's own children in care. Lancashire Children's Services is firmly of the view that we do not need any more homes in our area that do not care for Lancashire children".

It is noted that in a ministerial statement from Rachel Maclean (Minister of State, Department for Levelling up, Housing and Communities) in March 2023 she stated: 'The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places

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with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love'.

Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children's Homes Regulations) to demonstrate this."

The applicant has during the process of the application discussed the proposal with Lancashire County Council. The applicant has advised by email dated 18<sup>th</sup> November 2023 that it is their intention to work with Lancashire County Council. In order to reflect the Ministerial statement it is considered important that the care home is for local children, and if not children from Rossendale then children from Lancashire. It is not considered in line with the Guidance if the children are from significant distances, such as London and the south of England. This results in the need for social workers and families to travel very long distances by private motor vehicle, from the home area and would not represent sustainable development. It also puts pressure on local services such as health, education and police. It is therefore recommended that a condition is applied to any planning permission to secure occupation by local children.

Lancashire County Council have advised that if the home is to be a smaller home with a higher staffing ratio then this would be in line with the type of home that Lancashire struggle to secure for local children. If the home would specialise in caring for children with autism or mental health difficulties this would support an identified local gap in provision. The applicant has confirmed that that they will have between 1 and 3 children and that each child would be supported on a 1:1 basis and the service would provide specialist support for children with a diagnosis of Autism and/or mental health issues.

In respect of the location of the children's home in the countryside the applicant has advised that:

"We have carefully considered the location for our proposed children's home, we've chosen a property that offers a truly unique environment, tailor-made to cater to the specific needs of the children under our care. From our own experiences and discussions with local commissioners, we have identified there is a cohort of children who stand to gain immensely from the inherent advantages a rural property can provide.

We acknowledge that the remoteness might not suit children in advanced stages of independence, we've found that this location offers a distinctive advantage. For those at risk of distraction or temptation, often associated with more urban settings or robust transportation networks, our property becomes a haven of focus and stability to support children to progress to more independent living.

Beyond its practical advantages, the property opens doors to incredible opportunities for the children to develop agricultural skills. The connection with nature goes beyond the superficial, offering profound therapeutic and health benefits. We envision a space where growth isn't confined to walls but flourishes under open skies and amidst the tranquillity of the countryside.

In our commitment to individualised care, each placement undergoes a meticulous assessment and commissioning process. We will act in the best interests of each child, collaborating closely

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with Lancashire to identify those who would thrive in the unique embrace of North Point. Our aim is not just to provide shelter but to create an environment where every child can truly blossom, tapping into their full potential."

# Visual Amenity

Policy ENV1 of the Local Plan seeks to promote high quality design in the Borough, and includes a varied set of criteria with which development proposals need to comply. These include that proposals take account of the character and appearance of the local area including scale, design and materials and will be sympathetic to surrounding land uses.

The application initially included the erection of 1.8m high fencing along the front of the site and to enclose the buildings on the south and west side. It was considered that this height and type of fencing would not reflect the rural character of this site and would be detrimental to the visual amenity of the site and the area. The applicant has therefore amended the proposal to show a fence that is more typically found in a rural area. The proposal would also leave 1.5m to ensure the public footpath is not blocked.

There would be no other significant changes to the external elevations of the building that would be detrimental to the visual appearance.

## Neighbour Amenity

Policy ENV1 (c) requires development to be sympathetic to surrounding land uses, avoiding demonstrable harm to the amenities of a local area; and (d) states that the scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light;-nor should it be adversely affected by neighbouring uses and vice versa;

There are no nearby residential properties in the immediate vicinity of the site that would be adversely impacted in respect of overlooking, privacy, light and general disturbance.

## Highway Safety

Lancashire County Council as the Local Highway Authority have advised that the proposed development will not have a significant impact on highway safety or capacity in the immediate vicinity of the site. They have advised that there is no dedicated secure cycle storage proposed. However there are outbuildings on the site that could be used for cycle storage.

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles the Local Highway Authority has advised that an electric vehicle charging points should be provided to ensure that the development provides sustainable transport options. These should be fitted in line with the Department for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

LCC Highways/Public Rights of Way have advised that the existing site gates into North Point are across the recorded line of the footpath and were chained and padlocked at the time of the site visit by officers from LCC on 15 September, so constituting an obstruction. The right of way is to remain free from obstructions such as locked gates and should not be used to store materials, vehicles or machinery. If found to do so it would be deemed an obstruction and the applicant would be subject to enforcement proceedings to remove.

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Public Rights of Way is satisfied with the line of footpath FP1404130 in the revised Proposed Site Plan, drawing 2703\_BUR\_01\_Planning\_REV\_C submitted on 14<sup>th</sup> December.

# 9. CONCLUSION

The proposed children's home is in a remote location difficult to access other than by staff and visitors having access to a private motor vehicle. The development would not give people the opportunity to choose more sustainable means of transport. This affects a significant number of people who would work at the children's home, other visitors, family members and friends and may prevent some from actually visiting their children or taking employment.

However the applicant has suggested that the location is carefully selected in this case to provide a haven for children away from distraction and temptation of more urban settings. Lancashire County Council has advised that there is a need for this type of accommodation for children from the County. The occupation by children from other areas of the country puts additional strain on resources in Lancashire and does not meet the objectives as described in a ministerial statement from Rachel Maclean (Minister of State (Department for Levelling up, Housing and Communities) in March 2023 when she stated that it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support and it is not acceptable that some children are living far from where they would call home.

On balance it is considered that although the proposal is not in a sustainable location, that the need for this type of accommodation for Lancashire children could constitute an overriding reason for allowing the proposal which would otherwise be contrary to the NPPF, the Rossendale Local Plan 2019-2036 and the National Design Guide. In order to ensure this it would be necessary for a condition to be included to prioritise the occupation of the facility by Rossendale children and secondly to house children from Lancashire.

# 10. RECOMMENDATION

Approve planning permission subject to the conditions set out below.

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

Drawing Title	Drwg No	Date Rec'd
Existing and Proposed Elevations Site Plan	5 2703_BUR_02 2703 BUR 01Rev C	26.10.23 14.12.23
Location Plan		16.08.23
Ground and First floor plan	PC/CH1/APRV/23/09	04.09.23
First Floor Plan	PC/CH1/APRV/23/09	04.09.23

Reason: To define the permission and in the interests of the proper development of the site

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3. The number of children resident in the property shall not at any time exceed 3.

Reason: To define the permission and ensure an acceptable level of occupancy.

4. The fencing as shown on the submitted site plan shall be as detailed in the photograph submitted to the Council on 29.11.23 and shall not exceed 1.2m in height.

Reason: To ensure a satisfactory appearance to the development.

5. Prior to first occupation of the approved development an electric vehicle charging points shall be provided in accordance with a scheme to be approved by the Local Planning Authority. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

6. The residential institution hereby permitted shall only be occupied by the following:

a) A child or young person (under 18 years of age) who has been living in Rossendale District for 3 or more years (other than an existing care home); or

b) A child or young person (under 18 years of age) with a local connection to Rossendale District (such as immediate family members or a long-term carer who have been living in Rossendale District for 3 or more years, but excluding an existing care home); or

c) A child or young person (under 18 years of age) with a local connection to another district within Lancashire (such as immediate family members or a long-term carer who have been living in Lancashire for 3 or more years, but excluding an existing care home).

Reason: To ensure that the development does not put undue pressure on local services and is in line with Ministerial Guidance to ensure children's homes are provided close to where their home area.

# Informatives

1. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

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	OSED SIDE ELEVATION 1:100	SIDE ELEVATION 1:100
North Point Burnley Road, Bacup OL13 8RE Drawn: CDW Scale: 1:200 @ A1 Date: October 2023 2703_BUR_02_Planning CD Wilkinson Plans CD Wilkinson Plans CD Wilkinson Plans.co.uk 5 Highmeadow, Manchester, M26 1YN		THIS DRAWING IS FOR PLANNING PURPOSES ONLY





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CD Wilkinson Plans tel: 07967 522401 email: chris@cdwilkinsonplans.co.uk 5 Highmeadow, Manchester, M26 1YN	Drawn: CDW Scale: 1:200 @ A1 Date: October 2023 2703_BUR_01_Planning_Rev_C	North Point Burnley Road, Bacup OL13 8RE Proposed Site Plan	REV C General amendments REV B General amendments REV A General amendments			THIS DRAWING IS FOR PLANNING PURPOSES ONLY

#### Date Produced: 15-Aug-2023

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