

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Wednesday 7<sup>th</sup> June 2023 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Justin Gilbody, Robert Hiney-Saunders, Chris Kane, Duncan McGregor, John Ritchie, Phil Smith, Janet Tait and Carol Wood.

Officers: Steve Phillipson (Principal Planner), Jim Fieldsend (Monitoring Officer), Chris McKinney (Interim Head of Planning Policy), Kim Wyatt (Heritage Conservation Manager), Julie-Ann Middleditch (Principal Officer – Planning Policy), Daniel Oakley (Community Arts Development Officer (for Minute No. PL7-23/24)), Matthew Connley (Leisure Special Projects Officer (for Minute No.PL7-23/24)) and Hannah Douthwaite (Governance and Civic Officer).

### **PL1-23/24            APOLOGIES FOR ABSENCE**

An apology for absence was received on behalf of Councillor Lisa Powell.

### **PL2-23/24            URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **PL3-23/24            DECLARATIONS OF INTEREST**

Councillor Carol Wood declared a non-disclosable interest in item 6 – Oxcroft Settlement Conservation Area as she had Members of her family living within the area.

### **PL4-23/24            MINUTES**

Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane  
**RESOLVED** that the Minutes of a Planning Committee held on 1st March 2023 be approved as a correct record.

### **PL5-23/24            22/00380/FUL - DEMOLITION OF EXISTING BUNGALOWS AND ASSISTED LIVING BUILDING. REPLACEMENT WITH 23NO. NEW DWELLINGS (COMPRISING 8NO. HOUSES AND 15NO. BUNGALOWS), AND A 20NO. FLAT INDEPENDENT LIVING BUILDING - DEVELOPMENT SITE AT WOBURN CLOSE, BLACKWELL**

Committee considered a detailed report in relation to the above application. The application had been referred to Planning Committee due to the Council being the

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applicant.

The application had been amended following deferral from Planning Committee on 25th January 2023, and sought approval for the demolition of existing bungalows and assisted living building, and the redevelopment of the site.

Currently the site comprised of 20 semi-detached bungalows, assisted living building and a community centre. It was proposed that these be replaced with 23 new dwellings (comprising of 8 houses, 15 new bungalows and an independent living flat).

However, Blackwell Parish Council had since decided to withdraw from the scheme, so the application proposals had been re-designed to include retention of the existing community centre.

Further information was included in the update report which advised of comments received from NHS Derby and Derbyshire Integrated Care Board / Joined Up Care Derbyshire, confirming that the development fell under their threshold for requesting a S106 contribution.

Regarding condition 2 of the recommendations, the update report requested Committee to agree to delegate a minor update to the Interim Head of Development Management to address a matter in relation to the elevation plans, and an amendment to the wording of condition 13 regarding hard and soft landscaping.

Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith  
**RESOLVED** that the application be granted subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, unless specifically stated otherwise in the conditions below:

### **Site Plans:**

- 12213-WMS-30-ZZ-DR-A-13001-S8-P01- Site Location Plan
- 12213-WMS-30-ZZ-DR-A-13002-S2-P03 - Proposed Block Plan
- 12213-WMS-30-ZZ-DR-A-13003-S8-P03 - Proposed Site Plan

### **Dwellings:**

- 12213-WMS-30-00-DR-A-13020-S8-P02 - Proposed 1B2P Detached Floor Plans
- 12213-WMS-30-00-DR-A-13040-S8-P02 - Proposed 1B2P Detached Elevations
- 12213-WMS-30-00-DR-A-13021-S8-P02 - Proposed 1B2P Semi-Detached Floor Plans
- 12213-WMS-30-00-DR-A-13041-S8-P02 - Proposed 1B2P Semi-Detached Elevations
- 12213-WMS-30-00-DR-A-13022-S8-P02 - Proposed 2B3P Semi-Detached Bungalow Floor Plans
- 12213-WMS-30-00-DR-A-13042-S8-P02 - Proposed 2B3P Semi-Detached Elevations

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- 12213-WMS-30-00-DR-A-13023-S8-P02 - Proposed 2B3P Semi-Detached Bungalow with Bay Window - Floor Plans
- 12213-WMS-30-00-DR-A-13043-S8-P02 - Proposed 2B3P Semi-Detached Bungalow with Bay Window – Elevations
- 12213-WMS-30-00-DR-A-13024-S8-P02 - Proposed 2B3P L-Shape Semi-Detached Bungalow - Floor Plans
- 12213-WMS-30-00-DR-A-13044-S8-P02 - Proposed 2B3P L-Shape Semi-Detached Bungalow – Elevations
- 12213-WMS-30-00-DR-A-13026-S8-P02 - Proposed 2B3P Narrow Front Semi-Detached Bungalow - Floor Plans
- 12213-WMS-30-00-DR-A-13046-S8-P02 - Proposed 2B3P Narrow Front Semi-Detached Bungalow – Elevations
- 12213-WMS-30-00-DR-A-13027-S8-P02 - Proposed 3B5P Semi-Detached House - Floor Plans
- 12213-WMS-30-00-DR-A-13047-S8-P02 - Proposed 3B5P Semi-Detached House – Elevations
- 12213-WMS-30-00-DR-A-13028-S8-P02 - Proposed 3B5P Detached House - Floor Plans
- 12213-WMS-30-00-DR-A-13048-S8-P02 - Proposed 3B5P Detached House - Elevations
- 12213-WMS-30-00-DR-A-13029-S8-P01 - Proposed 4B7P Detached House - Floor Plans
- 12213-WMS-30-00-DR-A-13049-S8-P01 - Proposed 4B7P Detached House – Elevations

### **Independent Living Scheme:**

- 12213-WMS-30-00-DR-A-13032-S8-P01 - Proposed ILS - Ground Floor Plan
- 12213-WMS-30-01-DR-A-13033-S8-P01 - Proposed ILS - First Floor Plan
- 12213-WMS-30-XX-DR-A-13034-S8-P01 - Proposed ILS - 1B2P Flat Types
- 12213-WMS-30-XX-DR-A-13035-S8-P01 - Proposed ILS - 2B3P Flat Types
- 12213-WMS-30-XX-DR-A-13051-S8-P05 - Proposed ILS – Elevations
- 12213-WMS-30-XX-DR-A-13079-S8-P02 - Proposed ILS - 3D Views

### **Engineering:**

- 12213-WMS-30-XX-DR-C-39203-S3-P2 - EXISTING\_IMPERMEABLE\_AREAS-22.12.20
- 12213-WMS-30-XX-DR-C-39204-S3-P2 - PROPOSED\_IMPERMEABLE\_AREAS
- 12213-WMS-30-XX-DR-C-39205-S3-P2 - FLOOD\_FLOW\_ROUTES
- 12213-WMS-30-XX-DR-C-39001-S3-P2 - LEVELS\_LAYOUT
- 12213-WMS-30-XX-DR-C-39501-S3-P3 - STOPPING\_UP
- 12213-WMS-30-XX-DR-C-39502-S3-P4 - VISIBILITY\_SPLAYS
- 12213-WMS-30-XX-T-C-32101-S8-P3 - DRAINAGE\_STATEMENT

*Reason: For the avoidance of doubt and having regard to the amended and additional documents submitted during the application in order to define the planning permission.*

3. Before the construction of the development above foundation level commences on site, samples of the exterior wall and roof materials must be submitted to and approved in writing by the Local Planning Authority. The development must be constructed using the approved materials and must be maintained as such thereafter.

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*Reason: To ensure a satisfactory standard of external appearance and in compliance with Policies SS1(h), SC1, SC2(g and i), and SC3(a, b and e) of the Local Plan for Bolsover District.*

### **Land Contamination / Condition**

4. Prior to the occupation of the development hereby approved the additional site investigation works as identified in report Ref NE4057A submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the submitted site investigations identify unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days-notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

*Reason: To protect future occupiers of the development, buildings, structures/services, eco systems and controlled waters, including deep and shallow ground water.*

5. No dwellings or buildings hereby approved shall be occupied until:
  - a) The approved remediation works required by condition 4 above have been carried out in full in compliance with the approved methodology and best practice.
  - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated to the satisfaction of the LPA and through the process described in condition 4 above.
  - c) Upon completion of the remediation works required by condition 4 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

*Reason: To protect future occupiers of the development, buildings, structures/services, eco systems and controlled waters, including deep and*

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*shallow ground water.*

6. No development shall commence (excluding the demolition of existing structures and site clearance) until;
  - a) a scheme of further intrusive investigations has been carried out on site to fully establish the risks posed to the development by past shallow coal mining activity; and
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

*Reason: To protect future occupiers of the development, buildings, structures/services, eco systems and controlled waters, including deep and shallow ground water, having regard to coal mining legacy.*

7. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

*Reason: To protect future occupiers of the development, buildings, structures/services, eco systems and controlled waters, including deep and shallow ground water, having regard to coal mining legacy.*

### **Biodiversity**

8. The Method Statement detailed in Section 5.2.2 of the Ecology Survey and Code for Sustainable Homes report (CGC Ecology, February 2022) shall be implemented in full during demolition of Bungalows 13 and 14. A short statement of compliance shall be submitted to the LPA upon completion of works to discharge this condition.

*Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.*

9. No stripping, demolition works, or vegetation clearance shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

*Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for*

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### *Bolsover District.*

10. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. Light spill to trees, hedgerows, bat boxes and adjacent offsite habitats shall be avoided. The Strategy shall provide details of the chosen luminaires, their locations, and any mitigating features such as dimmers, PIR sensors and timers. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

11. Prior to building works commencing above foundation level, an Ecological Enhancement Plan shall be submitted to the LPA for approval. This shall expand upon the recommendations in Section 5.5.2 of Ecology Survey and Code for Sustainable Homes report (CGC Ecology, February 2022) and provide sufficient information to ensure these enhancements are implemented during construction. The approved Plan shall be implemented in full, and features maintained in perpetuity.

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

### **Drainage**

12. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a) Revised Drainage Statement, Ref No: 12213-WMS-30-XX-T-C-32101-S8-P3, Date of Document: March 2023 “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team; and

b) DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015).

have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.*

13. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from

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site during the construction phase.

*Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.*

14. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the approved scheme (or detail any minor variations), provide the details of any management company, and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

*Reason: To ensure that the drainage system is constructed to the national non-statutory technical standards for sustainable drainage and CIRIA standards C753 and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.*

### **Hard and Soft Landscaping**

15. Notwithstanding the submitted details, no building will be occupied until full details of both hard and soft landscape works, to include details of all proposed means of enclosure, along with a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority and the works and implementation programme must be carried out as approved. The details of means of enclosure must include brick walls to garden boundaries facing Primrose Hill and the rear boundaries of plots 12-15.

If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted, or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

*Reason: To ensure that satisfactory landscaping is provided within a reasonable period in the interests of visual amenity and in compliance with policy SC9 and SC3 of the Bolsover District Local Plan.*

### **Highways**

16. No development shall commence until a Construction Management Statement/Plan has been submitted to and approved in writing by the Local Planning Authority. The statement/plan shall include details specifically relating to, but not limited to, arrangements for the following in respect of each phase of the work:
- a) Details of temporary construction access, including geometry, construction within highway limits and visibility sightlines and also arrangements for the removal of any temporary access arrangements on completion of construction activities;
  - b) parking for vehicles of site personnel, operatives, and visitors;
  - c) site accommodation;
  - d) storage of plant and materials clear of the highway;
  - e) routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicant's / developer's control;

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- f) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- g) provision of roadside boundary hoarding behind any visibility zones and;
- h) any proposed temporary traffic management;
- i) a programme of measures to minimise the spread of airborne dust from the site during construction periods;
- j) a limit to construction works on the site and deliveries to the site of between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday, with no work undertaken on site or deliveries to the site on Sundays or public holidays.

Only the approved details shall be implemented, which shall be maintained throughout the construction period.

*Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway and to accord with policy SC3 of the Local Plan for Bolsover District.*

17. Prior to occupation of any dwelling or building deriving access to or from Woburn Close, the permanent access arrangements shall be laid out (in accordance with the application drawing no. 12213-WMS-30-ZZ-DR-A-13003-S8-P03 - Proposed Site Plan), fully constructed within highway limits (which may require relevant Stopping up Orders and S38 agreements to be in place), drained, lit, provided with white lining and tactile paving (where appropriate), and provided with visibility splays of 2.4m x 43m in each direction, both measured to the nearside edge of the carriageway. The area in advance of the sightlines being laid out as an extension of the existing footway and constructed in a solid bound material and not forming part of any adjoining plot, or other sub-division of the site.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

18. Prior to the first occupation of each dwelling, space shall be provided for the parking of vehicles associated with that dwelling, in accordance with the approved plans (in accordance with the application drawing no. 12213-WMS-30-ZZ-DR-A-13003-S8-P03 - Proposed Site Plan), and such space shall be maintained thereafter free of any impediment to its designated use.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

19. Before works to create a new estate street take place, construction details of the residential estate streets and footways (including layout, levels, gradients, surfacing and means of surface water drainage via a positive gravity-fed system discharging to a public sewer, highway drain or watercourse) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details. For the avoidance of doubt the applicant is advised to agree the construction details with the Highway Authority prior to discharging this condition.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*



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20. Prior to the first occupation of each dwelling hereby permitted, the new street between each respective plot and the existing public highway shall be laid out in accordance with the plans approved under the above condition, constructed to at least base level, drained and lit. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageway and footways in front of each respective plot shall be completed with the final surface course within 12 months (or 3 months in the case of a shared surface road) from the first occupation of that plot.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

21. No gates, including any part of their opening arc, shall be permitted to open outwards over the adjoining footway areas / highway. Any gates shall be set-back into the site an appropriate distance or shall open inwards only.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

22. No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under Section 38 of the Highways Act (1980).

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

23. An electric vehicle charging point shall be provided on the exterior of each dwelling hereby approved before the dwelling is first occupied.

*Reason: To promote high standards of low carbon and energy efficient design, to improve air quality and in compliance with the requirements of Policy SS1(d), SC2(d) and SC3(k) of the adopted Local Plan for Bolsover District.*

### **Statement of Decision Process**

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

### **Equalities Statement**

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. "the Public Sector Equality Duty").

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

### **Human Rights Statement**

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The specific Articles of the European Commission on Human Rights ('the ECHR') relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home, and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

Councillor Carol Wood left the meeting for the following item of business.

### **PL6-23/24                      OXCROFT SETTLEMENT CONSERVATION AREA**

The Heritage Conservation Manager provided an update on the outcome of a public participation exercise on the proposed designation of the Oxcroft Settlement Conservation Area.

The public consultation exercise had run for a period of six weeks, between 27th January 2023 and 10th March 2023. A list of the properties consulted, and a detailed summary of the issues raised with an officer response was detailed in the report.

The Oxcroft Conservation Area Appraisal was attached to the report and detailed the historic significance of the area and how the Conservation Area Legislation had been met.

Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane  
**RESOLVED** that:

- (1) the Oxcroft Conservation Area appraisal be adopted;
- (2) the designation of the Conservation Area be approved,
- (2) that delegated authority be granted to the Interim Head of Development Management and Heritage Conservation Manager to make any minor amendments to the documents.

Councillor Carol Wood returned to the meeting.

### **PL7-23/24                      QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING**

Committee considered a quarterly progress report in respect of the monitoring of Section

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106 Agreements.

In line with the approved procedure, the progress report was required to highlight any sums of money at risk of clawback which required spending within 24 months of receipt.

The last quarterly update had highlighted seven sums as being within their 24-month deadline. Further to the Monitoring Group meeting held on 27th April 2023, this was updated to eight sums within their 24-month deadline and were detailed in the report. However, only two of these fell within a 12 month spend period.

Committee was advised that further to publication of the report, monies in relation to Meridian Close, Bolsover, cricket pitch, had now been spent and the invoice processed for payment.

A query was raised regarding Mansfield Road, Tibshelf – Outdoor Sport. The Leisure Special Projects Officer advised Members that he was currently awaiting a response from the Football Foundation, however, he would make enquires for an update.

Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith  
**RESOLVED** that the report be noted.

The meeting concluded at 10:53 hours.