



Appeal Decision

Site visit made on 19 December 2023

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/R0660/W/23/3323678

Land West of London Road and South of Gaw End Lane, Lyme Green, Macclesfield SK11 0JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Morris Homes & The Trustees of The Lyme Green
 - Settlement against the decision of Cheshire East Council.
 - The application Ref 21/1249M, dated 3 March 2021, was refused by notice dated 7 December 2022.
 - The development proposed is described as "Full planning permission for the erection of 42 dwellings including access and associated works".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 42 dwellings including access and associated works at Land West of London Road and South of Gaw End Lane, Macclesfield, SK11 0JX in accordance with the terms of the application, Ref 21/1249M, dated 3 March 2021, subject to the conditions in the Schedule attached to this Decision.

Preliminary Matters

2. During the consideration of the appeal proposal by the Council, the description of development was changed with the agreement of the applicant to reflect changes made to the proposal. The proposal considered in this appeal was that on which the Council issued their decision. As, such, the description of development above reflects that position, although I have removed the unnecessary narrative elements from my formal decision.
3. Since the decision of the Council on the application, the Cheshire East Local Plan Site Allocations and Development Plan Policies Document, adopted December 2022 (the SADPD) has been adopted, replacing saved policies in the Macclesfield Borough Local Plan. It is now a part of the development plan in accordance with which decisions must be made. Both the appellant and Council have referred to it in their submissions.
4. Immediately following my site visit, the Government published a revised National Planning Policy Framework. The main parties were offered the opportunity to comment on it and it has been taken into account in my decision.
5. The Committee minutes which detail consideration of the proposal include a note about the level of on-site provision of public open space. Although I have seen this and taken it into account in my decision below, it did not form part of the reason for refusing the application and I am satisfied that it is not a main issue in the appeal before me.

Main Issue

6. Taking the above into account, the main issue is therefore the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site is a small part of a larger allocated site, identified through Policy LPS17 of the Cheshire East Local Plan Local Plan Strategy 2010 – 2030, July 2017 (the LPS) for residential development of around 300 homes. In allocating the site, the Green Belt boundary was adjusted to use readily recognisable physical features and the settlement boundary of Macclesfield was altered to include it.
8. Outline planning permission was subsequently granted for up to 330 dwellings, with a related reserved matters approval for 306 dwellings, on part of site LPS17 excluding the appeal site. This development was underway when I visited the site.
9. Although much has been made of the number of units already permitted within the allocation, I do not consider that the wording of Policy LPS17 sets a limit or a cap on the number of units to be delivered across the allocation as a whole. Indeed, the wording of the policy is quite clear that the three-hundred homes is an approximate figure. The appeal site is therefore allocated for housing, and as the reason for refusal did not take issue with the principle of the proposal, but the detail of it, there is no need to consider the principle further. Nor do I find that it is necessary to consider the need for the homes proposed in light of that position.
10. I note the criticisms of the Council of the density of the site, and their desire for a transition from the built-up area to the countryside. However, I do not consider that the proposal is too dense for the site, nor do I find that the layout is cramped or akin to a more urban area rather than this semi-rural one.
11. The proposal includes generous and contextually appropriate landscaping, and the arrangement of the units, particularly in the northern, more sensitive corner of the site gives, in my opinion, a reasonably spacious and open character. Furthermore, whilst the Council criticises the proposal for failing to deliver a transitional character, the need for such a requirement is far from clear. The site is plainly now within the Macclesfield settlement boundary, and whilst Policy LPS17 requires green infrastructure and buffers to the London Road, which would be provided, it does not explicitly require part of the overall allocation to provide a transition. I note that there is a deficiency of on-site public open space, but it is clear that this is not the same as a deficiency in on-site green infrastructure. Given the easy links into the wider site, as well as the Council's acceptance of a payment towards off-site public open space, it is clear that this is not fatal to the acceptability of the proposal.
12. Overall, I find that the open, wide junctions, gaps at the end of the site, broken-up areas within the London Road elevation, then the significant step-back from the boundary at the northern end of the site, all contribute to an appropriate design, layout, character and appearance for the site in its context, consistent with the requirements of Policy LPS17 and the wider design and development-principles policies.

13. The proposal includes an Arboricultural Assessment, which details tree retention and protection, as well as a detailed Landscape Structure Plan. Together these show how the existing, protected and retained landscaping will work together with new proposed planting to deliver an attractive and well-landscaped development, appropriate to its context.
14. I accept that the proposed housing mix drifts slightly from that sought in the supporting text to SADPD Policy HOU1. However, both that policy, and Policy SC4 of the LPS fundamentally seek to ensure that housing developments deliver a range and mix of house types, sizes and tenures which are spread throughout the site and that reflect and respond to identified housing needs and demands. The appeal proposal does this, with a broad spread of house types and sizes. In reaching this conclusion, I note that the SADPD was in the late stages of examination when the appeal application was reported to Committee, that it was referred to in the report to Committee, and yet still no explicit conflict was found between the proposal and the policies within it.
15. Moreover, I also note that the mix and split of affordable housing units meets the requirements of the Council's Strategic Housing Manager, as contributing towards a clearly expressed local need¹, in a suitable, strategic, sustainable location where the principle of development has already been clearly established.
16. Given that, I am satisfied that whilst the proposal does not strictly accord with the mix set out in table 8.1 of the supporting text to Policy HOU1 of the SADPD, it is not so far removed from it, nor is it so wildly different from it in any tenure that any harm or significant conflict with the overall aim of the policies themselves would arise.
17. Lyme Green Hall, opposite the site across London Road, and Toll Bar Cottage on the opposite corner of the London Road, Gaw End Lane and Robin Lane junction are both Grade II listed buildings.
18. The evidence of the Council is unclear on the significance of Lyme Green Hall beyond the grade of its listing, and its relationship to the site, but at the very least it appears to be a substantial stone-built property of architectural quality. It is separated from the appeal site by a road, some distance, intervening vegetation and trees, which limit any intervisibility. The significance of Toll Bar Cottage is clearer, and is found in its design and appearance, as well as its purpose and location, with its relationship to, and views along, London Road being particularly important. Taking all of these together, the appeal site makes, to my mind, a neutral contribution to the setting and therefore significance of these listed buildings.
19. Notwithstanding the distance between the appeal site and the buildings, the separation afforded by the relatively large and busy road, as well as the intervening vegetation and planting in the case of Lyme Green Hall, the proposal would introduce a greater degree of built-form into this currently undeveloped part of their setting, and the somewhat rural views they enjoy across the site.

¹ 1,592 people on the Cheshire Homechoice waiting list with Macclesfield as their first choice.

20. Given that and the conscious and deliberate design choices made by the appellant to limit the number of units close to Toll Bar Cottage, setting them back into the site and increasing the green buffer on that part closest to the Cottage, I am satisfied that the overall effect of the proposal would be neutral and the experience of the listed buildings within their setting would be sustained.
21. Giving any harm to heritage assets considerable importance and great weight, and having special regard to the desirability of preserving the setting of the listed buildings, I therefore find no harm to their setting or to their significance as heritage assets.
22. I do note however that the Council found less than substantial harm to their significance albeit at the "lesser end" of such a scale. However, even if I were to take that worst-case scenario, then that less than substantial harm would, in my opinion, be clearly outweighed by the public benefits of the proposal found in delivering housing to meet a clearly expressed local need, in a suitable, strategic, sustainable location where the principle of development has already been clearly established through its allocation for residential development.
23. Given the alterations to the design and layout of the proposal in response to the comments of consultees, including giving more space to heritage assets, the protection of key views, and taking account of the local character and design preferences set out in local guidance, and through the use of a wide variety of house types for a relatively small number of units, I find that the proposal avoids the imposition of standardised or generic design solutions which would not establish and maintain a strong sense of quality and place.
24. I therefore find that the proposal would accord with Policies LPS17, SE1 and SD2 of the LPS and Policies PG9 and GEN1 of the SADPD. These seek, amongst other things, to allocate and control development of the wider site for residential development, and to ensure, in accordance with design and sustainable development principles that the proposal would not undermine the visual amenity of the area and the landscaping of the site. The proposal would also accord with Policy SC4 of the LPS and Policy HOUS1 of the SADPD with respect to the proposed housing mix and ensuring that the proposal does not result in a cramped form of development or deliver an inappropriate mix of housing. Taking all of that together, I am also satisfied that the proposal would be consistent with government policy in the Framework on achieving well-designed and beautiful places.

Other Matters

25. I note that a number of third-parties raised objections to the proposal on a range of other matters over and above those dealt with in the decision of the Council, including on matters around highway safety and access, infrastructure, flooding and drainage.
26. I note from the Committee report and consultation responses that all consultees were satisfied with the proposal in these regards, and there is nothing in the evidence before me which suggests I depart from that view. Whilst on site, I was able to see that the London Road is well used, but also that direct accesses to it were not uncommon.

27. Given the weather before and during my visit I was also able to see the extent of surface water on the site and its surroundings, and this was entirely consistent with the submitted evidence on flooding and drainage, so again, there is nothing before me to suggest I find the proposal unacceptable in that regard.
28. On the whole the Council was satisfied with the provision of infrastructure associated with the proposal, particularly when combined with the payment of appropriate developer contributions. On the basis of the evidence, I agree.

Conditions

29. Despite repeated requests and the substantial passage of time since receipt of the Statement in which they committed to submitting them, the Council has not provided me with a full list of conditions to be attached, should planning permission be granted. The appellant has provided me with comments on proposed conditions, and I have taken those into account.
30. However, when the application was considered by the Committee, those reports included a headline list of conditions, repeated by the appellant in their appeal submissions. I have had regard to that headline list, the comments of consultees, the evidence of the appellant, the requirements of the Framework and the Planning Practice Guidance (the PPG).
31. I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans, drawings, documents and the recommendations withing them (2). Conditions 3 and 4 are necessary to ensure that the development can be appropriately, suitably and sustainably accessed. Condition 5 is necessary to ensure that the development can take place without undue harm to the amenity of the area or occupiers of surrounding properties. Conditions 6 and 7 are necessary to ensure that any unexpected ground contamination can be appropriately managed. Conditions 8 and 9 are necessary to ensure that the proposal is properly drained and that site levels are suitable. Conditions 10 to 13 are necessary to ensure the satisfactory appearance of the completed development and to ensure that the natural environment and protected species are protected and enhanced as required by the relevant policy and legislation.
32. The Council had requested conditions which required the assessment of ground contamination risks and the subsequent carrying out of any necessary remediation. However, this assessment has already taken place and its results submitted. The report detailing that² is already included in the approved documents list at condition 2.
33. Dispute remains over the final width of the footway along the eastern boundary. Whilst I note the request by the appellant for me to specify the width in what is now condition 4, I have not done so, such that the Council and appellant can resolve this matter between them.
34. The appellant has confirmed in writing that they have no objection to the terms of the pre-commencement conditions, subject to various comments that I have taken into account and which are reflected in the drafting of the conditions where appropriate.

² e3p Phase II Geoenvironmental Site Assessment Ref 13-898-R1-2 11 November 2020, submitted as Appendix D to the Flood Risk Assessment and Drainage Strategy 12.09.22 Hydrock

35. It is necessary and reasonable that the information required by these conditions be provided prior to the commencement of development, as these are matters which cannot properly or reasonably be addressed following the commencement of the development.
36. Where the headline conditions essentially repeated the requirement for compliance with the submitted plans and documents, or information already contained within them, they have not been imposed, consistent with the Framework requirement to keep their use to a minimum.
37. The Council requested the removal of a wide range of householder permitted development rights through a condition. Both the Framework and the PPG presume against such blanket removals, noting that without clear justification, they will be unlikely to pass the tests of reasonableness or necessity. I have not been given any justification for such a condition, and there is nothing in the evidence before me which suggests that such a condition would be reasonable or necessary in this case. It has therefore not been imposed. The requirement for electric vehicle charging points has now been overtaken by other legislation so does not require a condition.
38. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the PPG.

Planning obligation

39. I have had regard to the evidence, the relevant guidance in the Framework and considered whether the requirement for contributions towards secondary education, off-site public open space, indoor sport, and the provision of affordable housing meets the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. I am satisfied that such contributions would be necessary to make the development acceptable in planning terms, directly relates to the development and are fairly related in scale and kind to the development.
40. A signed and sealed obligation under section 106 of the Act, in the form of a unilateral undertaking from the appellant to the Council has been provided. Although the Council has not confirmed that this undertaking meets their requirements, on the basis of the evidence, I am satisfied that both legally and with regard to what it will secure and deliver it achieves what the Council sought in their reports to Committee and in their evidence to this appeal. On that basis, I consider that the proposal could secure satisfactory contributions towards the matters listed.

Conclusion

41. For the reasons given above I conclude that the proposal accords with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it.
42. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development shall be carried out strictly in accordance with the list of approved plans, drawings and documents (including their appendices), recommendations and details therein, provided at the end of this schedule.
3. No dwelling shall be occupied until the site accesses have been constructed in accordance with the approved plans. The accesses as constructed shall be retained thereafter.
4. Prior to the commencement of development, design, construction and implementation details of the footway along the eastern boundary, the pedestrian connection on the northern site boundary shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

the parking of vehicles of site operatives and visitors;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
wheel washing facilities;
measures to control the emission of noise, dust and dirt during construction;
any necessary scheme of piling works;
delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

6. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
7. No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and the reports produced as a result, shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing within 21 days of receipt. If any of these reports identifies any discrepancy with the verification report then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further 21 days and approved in writing within 21 days of receipt. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.

8. No dwelling hereby permitted shall be occupied until drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

In accordance with the submitted Flood Risk Assessment and Drainage Strategy, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

9. Prior to the commencement of development, full details of the finished levels, above ordnance datum, of the ground floors of the proposed dwellings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
10. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include;

a statement setting out the design objectives and how these will be delivered;

earthworks showing existing and proposed finished levels or contours;

means of enclosure and retaining structures;

pedestrian and cycle destination signage;

any external lighting;

water and drainage features;

features to enhance the biodiversity value of the proposed development for use by roosting bats and nesting birds;

a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas;

an implementation programme, including phasing of work where relevant.

The landscaping works shall be carried out in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

11. Prior to the commencement of development, an Ecological Enhancement Strategy for the incorporation of on site features to enhance the biodiversity value of the proposed development shall be submitted to and approved in writing by the local planning authority. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats (as specified in the Cheshire East Design guide), gaps in garden fences to facilitate the movement of hedgehogs, brash/deadwood piles, and native species planting. The proposals shall be permanently installed in accordance with the approved details.

12. Prior to the commencement of development, the consented development is to be entered into Natural England's District Licensing Scheme for Great Crested Newts.
13. Prior to the commencement of development, a Habitat Creation Method Statement and a 30-year Habitat Management Plan for the retained and newly created habitats on site is to be submitted to and approved in writing by the local planning authority. The Habitat Management Plan shall detail how the newly created, enhanced and retained habitats will be managed achieve the target condition specified in the Biodiversity Metric Calculation. The habitat management plan to include a schedule of ecological monitoring and reporting and a mechanism to secure the agreement and implementation of contingency measures in the event that monitoring reveals that habitats on site are failing to achieve their target distinctiveness and/or condition. Habitat creation and management shall be carried out in accordance with the agreed Method Statement and management plan.

Condition 2 approved plans, drawings and documents

Energy Statement 01.11.21 AES Sustainability Consultants Ltd
Transport Assessment 01.11.21 Vectos
Great Crested Newt Impact Assessment 06.10.21 United Environmental Services Ltd
Engineering Appraisal (10-04 P5) 01.20 RSK Land and Development Engineering Ltd
Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate Signed 10.03.22 United Environmental Services Ltd
Revised Scheme Urban Design Justification 01.11.21
Flood Risk Assessment and Drainage Strategy 12.09.22 Hydrock
Bat Tree Assessment 08.12.21 United Environmental Services Ltd
Bat Aerial Tree Assessment Letter 23.06.22 United Environmental Services Ltd
Arboricultural Impact Assessment 08.12.21 Ascerta
Road Traffic Noise Impact Assessment 01.12.21 Hepworth Acoustics
Topographical Survey (P19106 A) 28.05.19 SiteScan
Preliminary Environmental Risk Assessment 01.05.19 GroundTech Consulting
London Road Macclesfield Street Scenes (N1204/STREET/01)
BNG Assessment (UES3119-03) 21.07.22 United Environmental Services Ltd
BNG Metric Full Assessment 19.07.22 United Environmental Services Ltd
Detached Garage Details (13/006 A) October 2019
Topographical Survey (P19106 A) 28.05.19 SiteScan
Eastbury Green Edge Elevations (LYME.EST/GE/E/02) 11.21 A3
Eastbury Green Edge Plans (LYME.EST/GE/P/02) 11.21 A3
Capesthorpe Toll Bar Elevations (LYME/CAP/TB/E/01) 11.21 A3
Capesthorpe Toll Bar Plans (LYME/CAP/TB/P/01) 11.21 A3
Disley Plus London Road Elevations (LYME/DISP/LR/E/01 Rev A) 11.21 A3
Disley Plus London Road Plans (LYME/DISP/LR/P/01) 11.21 A3
Winster Green Edge (Render) Plans (LYME/WINR/GE/P/01) 11.21 A3
Winster London Road Render Plans (LYME/WINR/LR/P/01) 11.21 A3
Houghton Green Edge Elevations (LYME/HOU/GE/E/01) 11.21 A3
Houghton Green Edge Plans (LYME/HOU/GE/P/01) 11.21 A3
Morton Green Edge Elevations (LYME/MOR/GE/E/01) 11.21 A3
Morton Green Edge Plans (LYME/MOR/GE/P/01) 11.21 A3
Moreton SA London Road Plans (LYME/MORSA/LR/P/01) 11.21 A3

Moreton SA Green Edge Elevations (LYME/MOR-SAHE/E/01) 11.21 A3
Moreton SA Green Edge Plans (LYME/MOR-SAHE/P/01) 11.21 A3
Ryedale Green Edge Plans (LYME/RYE/GE/P/01) 11.21 A3
WGA Toll Bar Elevations (LYME/WGA/LR/E/01) 11.21 A3
WGA Toll Bar Plans (LYME/WGA/LR/P/01) 11.21 A3
Henley Green Edge (Render) Elevations (LYME/HER/GE/E/01) 11.21 A3
Henley - Green Edge (Render) Plans (LYME/HER/GE/P/01) 11.21 A3
Norfolk Green Edge Elevations (LYME/NOR/GE/E/01) 11.21 A3
Norfolk Green Edge Plans (LYME/NOR/GE/P/01) 11.21 A3
Stretton DG Green Edge Plans (LYM/STR/GE/P/01) 11.21 A3
Lydhurst Green Edge Elevations (LYME/LYD/GE/E/02) 11.21 A3
Lydhurst Green Edge Plans (LYME/LYD/GE/P/02) 11.21 A3
Lydhurst London Road Elevations (LYME.LYD/LR/E/01) 11.21 A3
Lydhurst London Road Plans (LYME.LYD/LR/P/01) 11.21 A3
Chelford London Road Elevations (LYME/CHE/LR/E/01) 11.21 A3
Chelford London Road Plans (LYME/CHE/LR/P/01) 11.21 A3
Radlett - Toll Bar Elevations (LYME/RAD/TB/E/01) 11.21 A3
Radlett - Toll Bar Plans (LYME/RAD/TB/P/01) 11.21 A3
Davenham Green Edge Plans (LYME/DAV/GE/P01) 11.21 A3
Davenham London Road Plans (LYME/DAV/LR/P/01) 11.21 A3
Dalton Green Edge Plans (LYME/DAL/GE/P/01) 11.21 A3
Disley London Road Elevations (LYME/DIS/LR/E/01 Rev A) A3
Disley London Road Plans (LYME/DIS-P/LR/E/01 Rev A) A3
Disley – Toll Bar Elevations (LYME/DIS/TB/E/01 Rev A) A3
Disley – Toll Bar Plans (LYME/DIS/TB/P/01 Rev A) A3
Ryedale Green Edge Elevations (LYME/RYE/GE/E/01 Rev A) A3
Salisbury Toll Bar Elevations (LYME/SAL/TB/E/01) 01.08.22 A3
Salisbury Toll Bar Plans (LYME/SAL/TB/P/01) 01.08.22 A3
Bray London Road Elevations (LYME/LYD/LR/E/01 Rev A) A3
Bray London Road Plans (LYME/LYD/LR/P/01 Rev A) A3
Davenham Green Edge Elevations (LYME/DAV/GE/E/01 Rev A) A3
Davenham London Road Elevations (LYME/DAV/LR/E/01 Rev A) A3
Dalton Green Edge Elevations (LYME/DAL/GE/E/01 Rev A) A3
Stretton DG Green Edge Elevations (LYME/STR/GE/E/01 Rev A) A3
Waddesdon Green Edge (Render) Elevations (LYME/WAD-R/GE/E/01 Rev A) A3
Waddesdon Green Edge (Render) Plans (LYME/WADR/GE/P/01 Rev A) A3
Waddesdon SA London Road Elevations (LYME/WADSA/LR/E/01 Rev A) A3
Winster Green Edge (Render) Elevations (LYME/WINR/GE/E/01 Rev A) A3
Winster London Road (Render) Elevations (LYME/WIN-R/LR/E/01 Rev A) A3
Affordable Housing Plan (N1204/P/AFF01 Rev C) 09.21
Landscape ` Plan (M3470-PA-02-V2) 07.2022
Location Plan (N1204/P/LP01 Rev A) 12.02.21
Materials Dispersion (N1204/P/MP01 Rev C) 12.02.21
Planning Layout (N1204/P/PL01 Rev G) 09.21
POS Plan (N1204/P/POS01 Rev B) 09.21
Hard Surfacing Plan (N1204/P/SP01 Rev A) 18.03.22
Natural Play Space Trim Trail Plan (3470-PA-03-V1) 09.22

End of Schedule of Conditions