

From: [REDACTED]
Sent: 27 March 2023 13:30
To: localplan@york.gov.uk
Cc: Fulford Parish Council Chairman
Subject: Draft Local Plan MM Consultation - Fulford Parish Council Representations
Attachments: 20230327 MM1.Form. - Fulford Parish Council.pdf; 20230327 MM1 Form Attachment - Fulford Parish Council.pdf

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Dear Sirs

Please find attached form MM1 together with supporting document attachment in respect of Fulford Parish Council's Representations to the Draft Local Plan MM Consultation February 2023 for your kind attention.

Should you require any further information, please do not hesitate to contact me on this email address.

Kind regards
Rachel

Rachel Robinson
Clerk and RFO to Fulford Parish Council

Phone: 01904 633151 Mobile: [REDACTED]

Email: [REDACTED]

Website: www.fulfordparishcouncil.org.uk

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CITY OF YORK LOCAL PLAN
MAIN MODIFICATIONS CONSULTATION
REPRESENTATIONS BY FULFORD PARISH COUNCIL
MARCH 2023

THE EVIDENCE BASE CONSULTATION

Scope of Consultation

The City of York Council (CYC) webpage titled 'Local Plan Proposed Main Modifications Consultation February 2023' states that all the evidence base documents published since the proposed modifications consultation in May 2021 are the subject of the present consultation exercise, saying:

"Further evidence base published since the previous modifications consultation (May 2021) is... being made available for comment."

However, this clear statement does not accord with the list of evidence base documents which "are available as part of the (present) consultation" that is set out on the CYC webpage titled 'Consultation documents'. This list identifies only documents published since 16 May 2022.

The lack of consistency between the two statements is misleading to the public and means that important evidence base documents published before 16 May 2022 will not have been the subject of any consultation. Fulford Parish Council considers at the very least (see below) that all the new evidence base documents published since May 2021 should be the subject of consultation.

Omitted Documents

Some of the most important evidence base documents submitted by CYC for the Phases 2 to 4 hearing sessions are not listed as subject to the present consultation. Examples include:

- The Local Plan Viability Technical Note on Affordable Housing.
- The Cushman Wakefield Statement on University of York (UoY) Needs
- Oxford Economics Report on York Education Scenarios

These missing documents formed a very important part of the Council's case at the hearing sessions. In particular, the Oxford Economics Report underlies the Local Plan housing and employment requirements. There can be no justifiable reason why these key evidence base documents should be excluded from the present consultation exercise when less important documents are included.

The omitted documents are those which were submitted by CYC as appendices to their hearing statements. As a result they were not given separate document numbers on the Examination webpage. This appears to be the reason why they are not listed as evidence base documents subject to the present consultation exercise.

The Appropriateness of the Present Consultation

The conduct of the hearing sessions during Phases 2 to 4 was severely hampered by the late production of new evidence by CYC. CYC only made available key new evidence base documents with their hearing statements which themselves only appeared on the Examination webpage a few days before the start of the sessions. Sometimes CYC even submitted new evidence base documents after the hearing statements had been issued and immediately before the relevant hearing session. The timescales for submission of hearing statements and other written material for the hearing sessions was significantly shorter than the two or three weeks set out in the PINS guidance note (para 3.21) which it considered necessary to "give the Inspector and participants sufficient time to absorb their contents."

The late production of key evidence by CYC had a substantial impact on the ability of participants to present effective cases at the hearing sessions, especially those who were not legally represented. The hearing statements which they had submitted in line with the Inspectors' guidance notes were frequently rendered out-of-date by the new evidence. This made presentation of their cases very difficult. There was also inadequate time to consider properly the new evidence or to submit written responses to it.

The difficulty for other participants dealing with the late evidence was frequently compounded by the reluctance of the Inspectors to follow their own MIQs and adopt a structured discussion of the issues (including the new evidence). Frequently, the hearings took the form of CYC (and sometimes their developer supporters) being allowed to make lengthy presentations at the start of the session. Other participants such as parish councils were only then invited to join the discussion with a single presentation (admittedly with follow-ups) which was forced to cover a wide range of matters, often including highways, ecology, landscape and viability. This lack of a structured discussion issue-by-issue led to an unfocussed and unsatisfactory examination of the new evidence which generally was not adequately tested.

Fulford Parish Council (and others) objected during the hearing sessions to the late production of evidence by CYC, making clear its view that it had been prejudiced. The Inspectors dismissed the concerns of the Parish Council on the ground that the late production of evidence by Councils was common in their experience at Examinations and therefore should not be a basis for concern.

Whether it is common or not, the late production of evidence by CYC for the hearing sessions and the lack of time given to participants to consider it was contrary to the guidance issued by the Planning Inspectorate (PINS) which says (para 5.13)

"Unsolicited additional written material will not usually be accepted at the hearing sessions unless it is directly relevant to the soundness and legal compliance of the

plan and could not reasonably have been provided earlier. Where such information is accepted, the Inspectors may ensure that other participants have sufficient time to consider the new material.”

In relation to para 5.13 above, the Inspectors never asked, to our knowledge, for any of the new evidence which was submitted by CYC nor why it could not have been provided earlier so that it could have been taken into account by participants’ hearing statements. Finally the Inspectors did not give participants additional time to consider the new evidence before the start of the relevant hearing session.

In conclusion, Fulford Parish Council considers that it has been severely prejudiced by the very late presentation of key evidence by CYC. The effect was to undermine its ability to make an effective case at the hearing sessions and to give CYC an unfair advantage. The Parish Council recognises that the current consultation provides an opportunity to make representations on some but not all of the late evidence but it does not detract from the prejudice caused. The hearing sessions are a key part of the Examination process and represents the only opportunity for participants to make representations directly to the Inspectors and test in debate the evidence on which the Council relies. As the PINS guidance makes clear, Main Modifications will only be published once the Inspectors are satisfied that a sound and legally compliant plan can be achieved. It is therefore not the correct stage to raise concerns about the submitted plan and the evidence supporting it. This is the function of the hearing sessions and the lead-up to them.

EX/CYC/87a Local Plan Transport Modelling By Wood

This Study is the only document which takes into account the traffic implications of the local plan proposals up to 2038. The other transport document (EX/CYC/87) only produces forecasts up to 2033 and therefore does not take into account the full traffic implications of the larger greenfield allocations which will only be partially developed by that time. Even Ex/CYC/87a is incomplete in this regard because ST15 will continue to produce large numbers of dwellings after 2038.

Table 7.1 of EX/CYC/87a is the most relevant in this regard. It shows the predicted increases in journey time for the main routes into York at 2040. The most important for Fulford is the A19 (Route 4). Table 7.1 predicts an increase in journey time of 32.8% during the inbound PM peak and 48.3% during the outbound PM peak. Such substantial increases on an already highly congested route must be considered to be a “severe” residual impact applying NPPF paragraph 32 and therefore should not be acceptable. EX/CYC87a justifies re-examination of the proposed allocations which are causing this level of increase including ST15 and ST27.

It must also be remembered that this harmful level of impact has been predicted using the TEMPRO forecasts. If a standard TRICS model had been used, the impacts would have been even more severe.

Q22: Object

Q23: Fails soundness tests of being effective, justified and consistent with national policy.

Q24: See above

EX/CYC/89: Sustainable Transport Model By Wood

The first part of the Wood Study examines garden villages which have been proposed by local plans elsewhere in England. The main conclusion to be drawn from this summary is the very lengthy time period required to bring such proposals to fruition, including the time for processing the necessary applications. There is no indication by the Study that development has started on any of the case studies. As such, it confirms the points made by the Parish Council that the relatively short timescales envisaged by the Council for the implementation of the two proposed new settlements are unduly optimistic.

In relation to Site ST15 the Study confirms (4.5) that it is not within easy walking distance of any of the "key locations" such as the University of York, the Science Park, Fulford, the City Centre and the railway station. The Study also indicates that the city centre and the railway station (and the main employment and retail locations to the north and west of the City) are outside the 30 minutes cycling distance which it uses as its accessibility test for cycle use. For these reasons, the Study suggests that the main form of active travel for the new settlement would be a high quality bus service. The Study provides various options of how this bus service could be provided but comes to no conclusion of the reasonableness of any option (and neither did CYC's or the developer's evidence to the hearing sessions). In particular some of the Wood options appear to be incompatible with the developer's intentions for the amount of bus subsidy and the phasing of the A64 Link Road.

Q 22: Object

Q23: Fails soundness tests of being effective, justified and consistent with national policy.

Q24: See above

EX/CYC/87 Local Plan Forecasting Report

During discussion on this report, CYC said that one of the assumptions used is that 25% of ST15 trips would be to and from the University of York (UoY). CYC said that this assumption was based on the fact that a similar proportion of trips from Fulford were university-related. However such an argument is misleading because a significant proportion of Fulford's housing is occupied by students. In contrast, there is no known proposal for any significant proportion of student housing within ST15. This is of importance because the UoY is the only large trip generator within easy cycling distance of ST15 (see EX/CYC/89). If the number of trips related to the University are over-estimated, the implication is that ST15 will generate far more car traffic than is allowed for by EX/CYC/87.

Q22: Object

Q23: Fails soundness tests of being effective, justified and consistent with national policy.

Q24: See above

EX/CYC/99c: Viability Assessment Of ST15

The Parish Council does not question the mechanical calculations contained in the study. However it considers that little reliance can be placed on its conclusion that the development of ST15 is viable for the following reasons:

1. The main infrastructure costs set out in Table 1 are not based upon any professional study of likely costs. At best, the costs are no more than estimates produced by CYC Officers without any knowledge of important variables such as ground conditions and the need to move existing services (such as telecommunications) which are likely to greatly impact upon out-turn costs. At worst they are no more than guesses. This is best demonstrated by the differences between the figures in Table 1 supplied by CYC and LDP. Some crucial costs are missing including the works required to Fulford Interchange (which National Highways say is necessary) and others are far too low (such as the public transport contribution). The idea that a high frequency bus service for a new settlement remote from the existing urban area can be achieved for £2 million is totally unrealistic. It is noted that neither CYC nor LDP produced any documentation from bus operators which said that the required frequency of bus service could be provided for this amount.
2. The positive result of the viability assessment is totally dependent upon achievement of the very high dwelling completion numbers set out in the housing trajectory. This is because a significantly longer development period would impose much higher interest charges upon the developer. However CYC provided no evidence that the very high number of completions annually proposed are achievable over an economic cycle which is the test set in Planning Practice Guidance. Similar completion numbers have not been sustained as a long-term average on any comparable housing site in North Yorkshire over the past decade. ST15 will in particular struggle to compete for house-buyers with the alternative sites proposed by the local plan because of its location remote from the main urban area.
3. The Study was prepared at the peak of the housing boom. Since then the housing market has substantially deteriorated. Construction costs have greatly increased whilst values have declined. The OBR predicts that house prices will fall by at least 10% over the next 12 months and may take some years to recover.

In conclusion, EX/CYC/99c cannot be relied on as a reliable guide to present viability.

Q22: Object

Q23: Fails soundness tests of being effective, justified and consistent with national policy.

Q24: See above

EX/CYC/105 Draft Economic Strategy June 2022

The Draft Economic Strategy does not contain any proposal to create 650 jobs p.a. over its life. As such, it does not support the job target set out in the Submitted Local Plan which underlies the housing and employment land requirements. The failure to include the 650 job target is of significance as CYC could have chosen to do so if it was felt to be achievable or an appropriate corporate aspiration.

The Draft Economic Strategy recognises that most of the employment growth in recent years has been in part-time jobs and this is likely to continue into the future. This is of significance to the Local Plan because the housing requirement is based upon the assumption that all of the 650 jobs will be full-time and these workers will require separate dwellings. In contrast many part-time workers have two or more jobs and therefore the amount of housing required to fill the vacancies will be significantly less.

Q22: Object

Q23: Fails soundness tests of being effective, justified and consistent with national policy.

Q24: See above

EX/CYC/106 AIR QUALITY ANNUAL STATUS REPORT

The report highlights the continuing problems of poor air quality in York, including within the designated AQMAs. The Parish Council made representations at the hearings that the Local Plan evidence base is deficient because it contains no projections of the impact of the Local Plan proposals upon air quality of specific areas. The report demonstrates why such such projections are necessary. The areas identified as having the worst air quality are also some of the areas which EX/CYC/87a predicts will experience the greatest levels of traffic increase with consequent impacts on air quality. Even areas such as Fulford where there have been recent air quality improvements may deteriorate to the point where AQMAs may have to be redeclared because of the projected traffic increases.

The need for local plans to be informed by studies of the cumulative air quality impacts of proposals upon "local areas" is emphasised by NPPF paragraph 124 which states:

"Planning policies should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impact from individual sites in local areas."

EX/CYC/106 does not provide any assessment of the cumulative impact of the Local Plan proposals upon "local areas" of the City and therefore is not in accordance with relevant national policy.

Q22: Object

Q23: Fails soundness tests of being effective, justified and consistent with national policy.

Q24: See above

LOCAL PLAN MAIN MODIFICATIONS

Fulford Parish Council made detailed representations on the Local Plan throughout its preparation process. For the avoidance of doubt, these representations still stand and lack of specific objection to a main modification does not indicate that the Parish Council accepts the change as making the plan sound.

Main Modification MM3.1: Policy SS1

The MM proposes a housing requirement of 822 dwellings p.a. over the plan period (2017-2032/33). This housing requirement is not justified by any demographic projection and is over double that which would be required by the latest household projection.

The only justification given for the new housing requirement is that it is required to meet the housing needs arising from the 650 jobs p.a. local plan target. However this jobs target does not form any part of the Council's current economic strategy and its only basis is an employment forecast set out in the 2016 Employment Land Review (ELR). Since 2016, the national and local economy has changed significantly, including through the effects of a 'hard' BREXIT, the COVID epidemic, and the Ukraine War. The national economy has yet to recover to pre-pandemic levels. Medium and long-term economic growth expectations are now much lower, including for future employment. The latest OBR forecast (March 2023 Table A.1: Economy forecast) shows only a very small increase in total UK jobs over the ten year period 2017 to 2027 (from 32.1 million to 33.7 million). This rate of job increase for the UK as a whole is much less than that predicted for York by the ELR. There is no reason to expect that York would significantly outperform the wider UK economy in terms of job generation especially as the latter includes high growth areas such as London and the South East.

All the job forecasts produced by CYC since the 2016 ELR show a level of employment increase which is significantly lower than 650 jobs p.a..

In an attempt to overcome this difficulty, CYC produced for the Phase 4 hearings a "draft" report by Oxford Economics entitled York Education Scenarios. This document postulated a potential employment increase of between 570 to 610 jobs p.a. depending on which growth scenario for the University is adopted.

Despite being a key part of the CYC's evidence base, the Oxford Economics report is not part of the current consultation, Therefore we feel that we can only comment on it briefly.

The methodology used by Oxford Economics is to use as its starting-point the employment forecast of 510 jobs p.a. which it produced in December 2019 and then apply the increases in employment which might result if the student numbers grow at various rates.

This methodology has many inherent failings. However the most important is that it relies on the December 2019 forecast as still being up-to-date and relevant. Since it was produced, there has been the COVID pandemic, high inflation and the Ukraine War which have all reduced economic growth expectations. The Oxford Economics Report itself recognises that the December 2019 forecast may be out-of-date, saying:

“The economic climate has changed significantly since 2019 and there is heightened uncertainty associated with the economic climate.”

Oxford Economics does list the changes and uncertainties in Section 3 of its report. During the Phase 4 hearings CYC sought to argue that this showed that Oxford Economics still considered the December 2019 forecast remains up-to-date. However the report has been carefully worded and nowhere does it say that the Oxford Economics considers the December 2019 forecast remains up-to-date. If this is its view, it would have said so. As it is, the report is little more than a mechanical exercise which adds the employment implications of higher student numbers to an out-of-date employment forecast.

In conclusion, MM1 has not been properly justified.

Q22 Object

Q23: Fails soundness tests of being effective, justified and consistent with national policy.

Q24: See above

Main Modification MM3.2: Policy SS1 Explanation

Paragraph 3.1c sets out the development strategy which underlies the development proposals of the local plan. As such, it should be incorporated into policy. Failure to do so has resulted in the strategy not being properly evaluated in the Sustainability Appraisal including consideration of alternatives such as lower development requirements.

Q22: Object

Q23: Fails soundness tests of being effective, justified and consistent with national policy.

Q24: See above

Main Modification Policy SS13: Land West of Elvington Lane

The Parish Council opposes the principle of the new settlement for the reasons given previously.

If the principle is accepted, the Parish Council considers that the biodiversity net gain (BNG) should be increased to at least 15% in line with the stated policy objectives for the new settlement. National policy already requires a minimum BNG of 10% so the proposed requirement vi) adds little.

Requirement viii) should be strengthened. As it stands, it is likely to be interpreted to mean that immediately the compensatory and mitigation works are physically complete, development can start on the rest of the new settlement. However the physical works such as land re-sculpting and planting will not provide instant new habitats for displaced wildlife. Some time will need to be given before the new habitats become sufficiently established to provide adequate mitigation and compensation for the loss of the existing important wildlife areas within the proposed new settlement area. Requirement viii) should be reworded as follows:

Deliver ecological and compensation measures so that these are well-established prior to commencement of the rest of the development. They must be...

Q22: Object

Q23: Fails soundness tests of being effective, justified and consistent with national policy.

Q24: See above

Main Modification Policy EC1 Explanation Table 4.1

Table 4.1 and its policy requirements are based on the 650 jobs p.a. target on which we have already commented. It is also based on the assumption that all of the new jobs will require employment space to be created. This assumption is not reasonable. Prior to the COVID pandemic, some 20% of jobs were home-based in North Yorkshire and therefore not requiring employment floorspace. It is likely that at the very minimum the same would apply to any new jobs which are created in York over the plan period.

Since the onset of the COVID pandemic, there has been a very large increase in home- and hybrid working both nationally and locally which has led to a substantial reduction in demand for office floorspace. CYC acknowledged that this was the case at the Phase 2 hearings but said that it was too early to make detailed predictions about the long-term impact. Since then, the trend towards home- and hybrid working has become even more entrenched. Very recent national surveys have shown little change in office occupancy over the past 12 months, from approximately 70% pre-pandemic to around 40% currently. As an example of the local impact of this change, the move to home- and hybrid working has led CYC recently to lease two-thirds of its main West Offices HQ to other organisations including Network Rail, the probation service and the Department of Health.

The application of any reasonable assumption for home- and hybrid working would result in a substantial reduction in the need for new office floorspace as set out in Table 4.1.

Q22: Object

Q23: Fails soundness tests of being effective, justified and consistent with national policy.

Q24: See above

SUSTAINABILITY APPRAISAL

The SA Addendum and Technical Note do not meet the concerns of the Parish Council which were raised in our previous submissions.



1. Survey Information

Comments made during this consultation should relate to the proposed Main Modifications, Policy Map changes, associated Sustainability Assessment (SA) or Habitat Regulation Assessment (HRA) Addenda and new evidence documents. All representations made will be taken into account by the Inspectors in examining the Plan. Comments should relate to the Plan's legal and procedural compliance and the soundness of the modifications. The tests of soundness are set out in the National Planning Policy Framework.

Please read our guidance note for more information on taking part.

Our survey asks for some personal information which you may choose not to give. We do not publish or share any information which can identify you. Please read our privacy notice to find out more about how we protect your personal information. We will ask for your consent to this at the start of the survey.

You can withdraw your consent at any time by contacting localplan@york.gov.uk.

* 1. Do you confirm that you have read and understood the privacy notice? You must select 'Yes' in order to take the survey.

Yes No



2. Register for consultation

*** 2. Your name:**

RACHEL ROBINSON

*** 3. Contact details:**

Please provide email and/or address

Organisation (optional) FULFORD PARISH COUNCIL

Address [REDACTED]

Address 2 [REDACTED]

City/town [REDACTED]

Post code [REDACTED]

Email address [REDACTED]

*** 4. Do you wish to be notified when the City of York Local Plan is adopted by the Council?**

If yes we will use contact details provided above

- Yes No

3. Your response

This formal stage of consultation is about the proposed Main Modifications, Policy Map changes, associated SA and HRA Addenda and new evidence documents. Modifications are put forward without prejudice to the Inspectors' final conclusions, and all representations made will be taken into account by the Inspectors. Therefore please note:

- Comments can only be made on the proposed Main Modifications, Policy Map Modifications, Sustainability Appraisal Addendum or Habitats Regulation Assessment Addendum
- **You may only comment on one modification or document at a time. To record multiple comments please repeat the survey. Further instructions for making additional comments will be given at the end of the survey.**
- This is not the opportunity to make comments on other aspects of the Plan.
- If you submitted comments during the pre-submission Regulation 19 consultation undertaken between 21st February and 4th April 2018, Proposed Modifications Consultation 10th July to 22nd July 2019 or Proposed Modifications Consultation 25th May to 7th July 2021, the Inspector has considered these during the examination and there is no need to repeat these comments again.

* 5. To which consultation document does this response relate?

Please note, links shown beside each option are for associated documents.

- Proposed Main Modifications - [link](#)
- Proposed Policy Map Modifications - [link](#)
- Sustainability Assessment Addendum - [link](#)
- Habitat Regulations Assessment Addendum - [link](#)
- New evidence documents
- Sustainability Appraisal Technical Note (ST15a) - [link](#)
- Habitat Regulations Assessment Addendum (ST15a) - [link](#)

SEE ATTACHED



4. Proposed Main Modifications

* 6. To which section does this response relate?

- Section 2: Vision
- Section 3: Spatial Strategy
- Section 4: Economy and Retail
- Section 5: Housing
- Section 6: Health and Wellbeing
- Section 7: Education
- Section 8: Placemaking, Heritage, Design and Culture
- Section 9: Green Infrastructure
- Section 10: Managing Development in the Green Belt
- Section 11: Climate Change
- Section 12: Environmental Quality and Flood Risk
- Section 14: Transport and Communications
- Section 15: Delivery and Monitoring

SEE ATTACHED



5. Section 2: Vision

* 7. To which modification does this response relate?

- MM2.1 Paragraph 2.5
- MM2.2 Policy DP2: Sustainable Development
- MM2.3 Policy DP2: Sustainable Development
- MM2.4 Policy DP2 explanation - paragraphs 2.19a and 2.19b
- MM2.5 Policy DP4: Approach to Development Management

SEE ATTACHED