



## **Consultation Statement – Residential Design Guide Supplementary Planning Document (SPD)**

The council has produced an overarching Statement of Community Involvement (SCI), which explains how local communities and stakeholders can be involved in the production of the SPD. In connection with the preparation of the Residential Design Guide SPD, a consultation statement has been produced which demonstrates who has been consulted and how we have engaged with local people and other interested parties during the preparation stages of the SPD.

A six week consultation on the draft of the Residential Design SPD took place between Monday 9<sup>th</sup> January 2023 to Monday 20<sup>th</sup> February 2023. In accordance with the Council's Statement of Community Involvement all Statutory Consultees were consulted along with other key stakeholders considered appropriate. In addition, residents and organisations on the Dudley Local Plan Consultation Database and agents/developers who regularly submit planning applications in the Borough were contacted.

The consultation was advertised via the Council's website and social media channels and copies of the draft SPD were available to view in the following locations:

- Dudley Council House
- Dudley Library
- Brierley Hill Library
- Stourbridge Library
- Halesowen Library

A total of 12 representation were made on the draft SPD and are summarised in the table below.

Respondent	Summary of Response	Officer's Recommendation
<p>Cllr Adam Davies</p>	<p>Section 1, reference High Density Developments, states: <i>“High density developments over 50dph may be acceptable in certain locations and character areas within the borough, such as in the Strategic and Town Centres, particularly around sustainable transport nodes. High Density developments should be well designed, respect the character and identity of the surrounding area and create a sense of place.”</i></p> <p>This follows Figure 4 which is titled “Transport corridors within the Borough” – however, Figure 4 does not actually show current transport corridors but in some cases <b>proposed</b> transport corridors, namely Metro stops in and around Brierley Hill, even though these stops have not been built yet</p> <p>Therefore, I think it would be wrong to encourage high density developments in Brierley Hill on the basis that they would be “around a sustainable transport node” that does not yet exist. If, as we hope, these Metro stops are built and come into use in the near future, this could then be considered in future SPD updates.</p>	<p>NPPF Chapter 11 [Making effective use of land] paragraph 125 states:</p> <p><i>Plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination and <b>should include the use of minimum density standards for city and town centres and other locations that are well served by public transport.</b></i></p> <p>In line with the NPPF a higher density is proposed to be acceptable in some centre locations to ensure that effective use of land is met.</p> <p>Additionally, the typical densities are only indicative figures, and any scheme would need to demonstrate respect for the local character of the area.</p>
<p>Cllr Adam Davies</p>	<p>Reference to High Density Developments. Encouraging more high density developments in and around town centres like Brierley Hill without regard for the fact this would be adding more smaller (likely 1 and 2 bedroom) properties to an area where these likely already make up a disproportionately high percentage of the local housing</p>	<p>High Density developments do not need to be exclusively small 1 and 2 bed units. Paragraph 5 of the High Density section includes reference to high density developments that include town houses</p>

	<p>stock, risks overloading these areas with properties that are more catered to people who do not intend to stay in that area for more than a few years before moving onto their next home. This risks the situation where a disproportionately high number of residents are transient and do not 'lay down roots' in the community in the way that residents naturally do when settling down into what they perceive to be their long term or family home.</p> <p>Therefore, I would like to see some consideration being given in this guide/document to the existing housing stock in all areas, including town centres, and for efforts to then be made to encourage a healthy mix of developments that ensure provision of a range of property sizes – catering for individuals who may be getting on the property ladder with the purchase of a 1 bedroom property as their first home, as well as for families who may be looking for a property where they can settle with 3 or 4 bedrooms. This should help encourage provision of the homes that people need, and ensure that these are in stable communities, wherever in the borough they may be located.</p>	<p>(Eg. 3 storey homes) and family homes, to <i>provide a range of accommodation to meet market demand.</i></p> <p>Additional text has been added to make it clearer that proposed developments should provide a range of homes including long-term or family homes to ensure that there is an appropriate range of housing types available.</p> <p>In regard to encouraging a mix of property sizes, section 2 contains a paragraph on housing mix. This suggests housing mix being provided in line with local policies (e.g. BCCS Policy HOU2) Additional reference to the need for housing mix has been added to the section titled '<i>A range of property types and sizes</i>' Page 13. to strengthen this point.</p>
<p>Cllr Adam Davies</p>	<p>The draft guide/document does not provide parking provision for HMOs. I think this ignores the fundamental reality that residents of HMOs are likely to be car owners and will thus need somewhere to park their car.</p> <p>Therefore, I would like to see the guide/document changed to specifically include a parking provision requirement for HMOs in the same way that many other local authorities do.</p>	<p>This SPD does not supersede the adopted Parking SPD. The Parking SPD and any updated versions are signposted in the document.</p> <p>Wording has been added which suggests that parking should be in line with the Parking SPD (as amended). There will be</p>

	<p>For example, South Gloucestershire Council require that: <i>“Where planning permission is required for a House in Multiple Occupation (HMO), the minimum number of 0.5 car parking spaces per bedroom should be provided (rounded up to the nearest whole number of spaces).”</i></p> <p>With more car drivers also moving over to electric/plug in hybrid vehicles each year, I think it would be sensible for the SPD to include a requirement for parking provision to be designed with this in mind where possible.</p> <p>As well as the above changes to the draft SPD, I would also like to see DMBC adopting a HMO specific SPD similar to the one adopted by South Gloucestershire Council.</p>	<p>an opportunity to comment on the amended Parking SPD when it is published for consultation in late 2023.</p> <p>In relation to electric vehicle charging – this is required for new developments through the Parking SPD, however reference to this requirement has been made in the SPD (Page 32 Section 2 - Electric Charging Points). In addition, electric vehicle charging is now required through building regulations [Part S of Schedule 1, Building Regulations 2010 (2022)] (which sits outside of the remit of this SPD).</p> <p>Housing policies, <u>which</u> <u>take</u> <u>ing</u> account of HMO development, is being considered as part of the Dudley Local Plan process.</p>
<p>Sue Harris – Wall Heath &amp; Kingswinford Greenbelt Group</p>	<p>Clarification in relation to how the Planning Department would enforce the ‘Climate Change’ issues listed on page 20 of the consultation document (provided they are agreed), on future housing developers/developments via:</p> <ul style="list-style-type: none"> <li>Solar Water Heating</li> <li>Small Wind Turbine</li> <li>Loft Insulation</li> <li>Runoff Water Usage</li> <li>Ventilation with Heat Recovery</li> <li>Composting and recycling</li> </ul>	<p>The SPD sets out guidance for new developments but does not create new policy. The existing policies in the Black Country Core Strategy and Dudley Borough Development Strategy set out what is required from developments. The SPD provides additional guidance on other initiatives which could be incorporated into schemes to create a well-designed and sustainable developments.</p>

	<p>Cavity Wall Insulation Ground source Heat Pump Smart Metering Elec Vehicle Charging Facility Double Glazing Photovoltaic Electricity</p>	
<p>Sue Harris – Wall Heath &amp; Kingswinford Greenbelt Group</p>	<p>1. Specific Policy for Climate Change... I noted that Policies S3 – Renewable Energy and S7 - Landscape Design, encompass climate change issues, but is there a generic Policy Statement detailing the Council’s commitment to tackling Climate Change currently in place, or in the pipeline?</p> <p>3. Would the best practice guidance set out in the National Design Guide be enforced by the Planning Department, specifically the 10 listed characteristics which help to sustain a sense of community and work to address climate related issues together with the criteria contained in the West Midlands Design Guide?</p>	<p>The SPD sets out guidance for new developments but does not create new policy. The existing policies in the Black Country Core Strategy and Dudley Borough Development Strategy set out what is required from developments. The SPD provides additional guidance on what additional works would create a well-designed and sustainable development.</p>
<p>Martin Redden (resident)</p>	<p>I'm excited to be asked to participate in the New Housing Consultation. Like many people this is something that I feel strongly about. I feel that we need to move on from the idea that towns are bad and green belt is good. Just because there are many bad towns, it doesn't mean that we can't ever build nice ones.</p> <p>We build houses the same way as we did in the 1930s. There doesn't seem to be any Imagination to new builds. Perhaps it's because the town planning idealism of the 1960s and 1970s is seen</p>	<p>This SPD sets out guidance to ensure that new residential developments within Dudley borough achieve a high level of design and create a well built and beautiful borough.</p> <p>In regard to the conflict between cars, pedestrians and sustainable design, there are sections within the document relating to the importance of sustainable transport</p>

	<p>as leaving us with 'rough estates', that we now only seem to build modern versions of the 1930s semi.</p> <p>I'm always going around telling anyone who'll listen to me that if we built nice towns, then we wouldn't feel so protective about the green belt. People get misty eyed about smelly working farms and quagmires of mud. If we built a beautiful town, perhaps like the model villages of Bournville, Port Sunlight, Letchworth etc, then people would not only love to live there, but they wouldn't feel the need to travel away to holidays all the</p> <p>Going back to the 1930s design. You wouldn't design a factory the way that we design roads and houses, on the grounds of safety. Factories wouldn't put vehicles and pedestrians in the same area. In most roads in Dudley Borough you can't walk down the pavement without bumping into parked cars, or having to avoid those same cars as they drive off or avoiding people reversing off their drive. I have a simple solution cars at the back, in a service road, and then have the pedestrians using a front exit into beautiful parklands with footpaths, trees and flowers.</p> <p>And that brings me onto another thing, parks. I don't agree with parks, the way that they are implemented in most places, including Dudley. People should live in the parks, not have to travel to them for a day out. The houses, should be in the parks. I'm describing something like Bournville, I think those model villages and garden cities should be a start for planning in Dudley Borough. Mary Stevens parks should cover the whole of Stourbridge and</p>	<p>methods such as walking and reducing the emphasis on car-centric design. However, reference on car parking being located within 2m of the entrance of dwelling (as opposed to remote parking as suggested in the response) is to ensure that parking is used by residents and reduces on street parking.</p> <p>Regarding flooding and tarmacking, most frontages are paved under permitted development, however this does require materials to be permeable in order to reduce surface water flooding. In addition, the document does set out that proposals for new developments incorporate SuDs (Sustainable Urban Drainage) to reduce the impact of flooding in line with national and local policies. In addition, the importance of landscaping is also detailed in the document.</p>
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	<p>there should be houses, schools and shops in that same park.</p> <p>If we built a model village on green belt, then people would see that it was an improvement to the smelly muddy farms that were there before. I'm not talking about building on important areas of natural beauty such as Clent and Kinver.</p> <p>One last thing, - downstream flooding. If the front of our upland houses in Dudley were parkland, rather than block paving or tarmac to accommodate the car that endangers pedestrians every time it reverses off; then perhaps the poor residents who live near the River Severn wouldn't get flooded every time we have a bit of rain in Dudley</p> <p>Dudley Garden City – now there's an idea for the council</p>	
<p>P Hind (Resident)</p>	<p>The statement below are essential to our future Dudley –</p> <ul style="list-style-type: none"> <li>• Pedestrian and cycling priority, not vehicle priority</li> <li>• Good cycling infrastructure</li> <li>• Provide clear and legible pedestrian/cycle routes which encourage active and continual use ie. Active travel.</li> </ul> <p>All the above will greatly improve air quality, especially everyone's health therefore reducing costs to NHS. Also accessibility for non-car owner and those who do not have car access. Also environmental and quality of life benefits or all communities.</p> <p>Sadly, the SPD does not see safety and security as an issue, which discourages people from travelling actively. Especially or women and children. Safety and security must be improved in particular areas of Dudley are not safe to walk/cycle through therefore more</p>	<p>The SPD provides guidance on new housing developments and alterations to residential properties. Page 22 includes a section on reducing the emphasis on car-centric design and sustainable movement. This provides guidance on how new developments should focus on providing other methods of transport to car travel. This includes a section on encouraging the use of active travel, outlining the benefits it has on healthier lifestyles.</p> <p>Regarding safety and security, the Council has an adopted Secured by Design SPD</p>

	<p>people use cars instead. Future plans must reassure everyone this issues is being addressed</p>	<p>(signposted in the document on page 22) which sets out the principles on how to create safe and accessible developments. The SPD encourages the active and continual use of pedestrian and cycle routes.</p>
<p>Canal and River Trust</p>	<p>The Trust requests that policy ENV4 is added to the list of relevant adopted BCCS policies as it sets a context for the importance of the waterway network to the history of Dudley and the role it can play in the evolution of future development. The policy states, “The Black Country’s canal network is one of its most defining historical and environmental assets and its preservation and enhancement is a major objective in the Vision for environmental transformation and the delivery of Spatial Objective 6”. This importance is worthy of emphasis.</p>	<p>Noted and added.</p>
<p>Canal and River Trust</p>	<p>The Trust welcomes mention of, “green/blue corridors, particularly its canal network...” within this scene-setting section.</p> <p>The Trust also welcomes mention of the potential of discharge to watercourses within SUDs schemes. Whilst such discharge also requires a licence from the Trust as landowner, investigation of potential use of the canal network as part of sustainable drainage design is encouraged and the Trust is willing to assist at pre-application stage to investigate feasibility of this to inform the evolution of residential scheme design where this form of sustainable drainage is a possibility.</p>	<p>Support noted and no change required.</p>





	<p>The Trust shares the Council's view of the importance of pre-application engagement and remains keen to input into such discussions with both the Council and with developers direct on schemes with a close relationship to our network. Details of our own free pre-application advice service are available on our website here: <a href="https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice">https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice</a></p> <p>This helps to ensure that the implications of developments on the Structural stability of the network, water quality, drainage, nature Conservation and biodiversity, and sustainable travel are incorporated into development schemes at an early stage.</p>	
<p>Canal and River Trust</p>	<p><u>Section 1 – Development Context</u></p> <p>Overall, the Trust's aspiration is for development adjoining our network to fully investigate potential for embracing the canal frontage rather than turning its back on canal corridors as might have been more traditionally the case in the past. Canals offer great opportunity for permeability and sustainable travel links to other residential, employment, leisure, and retail destinations and other travel hubs. Increasingly canals are recognised as areas for the promotion of well-being and public health agendas in addition to their obvious visual contribution to the public realm, all of which are components of the National Design Guide. The Trust therefore requests specific mention of our network within this section on the wider development context of Dudley, including the importance of the canal's heritage assets.</p>	<p>Comments noted, there is reference to the canal policy and the importance of the blue network in the document.</p>

Canal and River Trust	We note that Figure 4 – Transport Corridors within the Borough on page 12 appears to focus only on vehicle based transport corridors. We suggest that it be expanded to include the cycle network and the canal network, thereby covering non-car modes of transport fully in the interests of promoting sustainable travel.	Figure 4 shows public transport nodes, it does not illustrate all transport in the borough (including car travel). To make this clearer, the figure has been renamed.
Canal and River Trust	Ecology and Geology (pg 15) – the Trust welcomes mention of the canal network within the sub-section on the Black Country Global Geopark. However, we feel that given its mention in the text our network should be added into Figure 5 – Dudley Borough Green Network.	Noted and the blue network has been added to this figure.
Canal and River Trust	Historic Environment (pg 16) Given the importance BCCS Policy ENV4 places on the overall vision for Dudley’s environmental transformation, the Trust requests specific mention of the canal network within this section.	Noted, reference to Policy ENV4 has been included on page 6.
Canal and River Trust	Section 2 - Design Principles for New Development (pg 18)  Climate Change (pg 20) – in the second bullet point the Trust requests the addition of ‘water-source’ heat- pumps to the list	Noted and changes made in line with the response.

	<p>already including air and ground source versions. This reflects the opportunity for use of canals for heat exchange purposes.</p> <p>Sustainable movement, permeability and surveillance (pg 22) – the Trust requests specific mention of the waterway network within this section of discussion given its obvious role in promoting modal shift away from the private car and use of walking and cycling for a variety of linked living, work and leisure purposes. More recently we commented on the Draft Dudley MBC Public Rights of Way Improvement Plan (2023) and encouraged further engagement opportunities with the Council to promote delivery of our shared sustainable travel, health and tourism, and heritage agendas across the often-interlinked Council and Trust footpath networks within Dudley.</p>	
<p>Canal and River Trust</p>	<p>Section 3 - House Extensions (pg 35)</p> <p>Whilst the Trust has no comments to make on the detailed design guidance offered for house extensions, we would clarify that even for these there will be occasions where even small-scale domestic proposals are in such close proximity to our network that they will need to demonstrate the avoidance of adverse land stability, water quality or environmental impacts on our network. In these instances, the Trust will set out matters for further investigation and mitigation within our statutory consultation responses.</p>	<p>Noted.</p>
<p>Canal and River trust</p>	<p>In conclusion, the canal network has played an iconic role in Dudley's history and today offers a unique opportunity around which to focus new residential development which borders it, in terms of both urban design initiative but also the promotion of sustainable travel, the protection and enhancement of biodiversity and the</p>	<p>Noted.</p>



	<p>historic environment, and the promotion of well-being and healthy living. We are keen to engage with the Council in the forthcoming Dudley Local Plan and other emerging policy documents and master planning exercises to build a sound base for the continuing role of our network within Dudley’s development aspirations, and also directly with the Council and third-party developers through proactive pre-application engagement.</p>	
Coal Authority	No Comments	Noted.
Environment Agency	No Comments	Noted.
Historic England	<p>We welcome a section setting out Dudley’s unique character and what is locally important about the area on page 7, as well as a reference to the UNESCO Black Country Geopark. We welcome the inclusion of design principles and the aspiration for new development to be sensitive to its setting and contribute to the area, in its own right.</p> <p>We support the Council’s aspirations to respond to climate change through adaptation and mitigation and draw the Councils attention to recent work undertaken by Historic England dealing with a response to climate change for the historic environment. Link below: <a href="https://historicengland.org.uk/whats-new/features/climate-change/">https://historicengland.org.uk/whats-new/features/climate-change/</a></p> <p>We support Section 1, on page 11 and the aim to respect and respond to the historic character and local distinctiveness of places. Table 1 is a useful exercise in illustrating the different types of locally distinctive design.</p>	Noted.

	We support the reference on page 13 to building heights	
Historic England	The section on public realm within page 14 could benefit from a reference to the historic environment and the opportunities to better reveal the historic environment and interpretation/ art opportunities that tell the story of place.	Noted and changes made in line with the response
Historic England	We welcome a specific and detailed section on the historic environment, beginning on page 16. It may be useful to provide some additional detail on what a Heritage Statement should cover, so that they are fit for purpose when submitted.	Given the scope of this document this detail has not been added. However the document does signpost to other documents which contain this information.
Historic England	Further it would be useful to have a section in the document that details how the principles may differ where development affects a heritage asset, for example where an extension or alteration may require listed building consent or where development is proposed within or adjacent to a Conservation Area and alternative considerations may be needed. Additionally, it would be helpful to include a section on retrofitting climate change mitigation and adaptation for existing buildings and how this may need specific considerations for the historic environment.	Details regarding heritage assets are covered within the existing Historic Environment SPD.
National Highways	No Comments	Noted.
Natural England	No Comments	Noted.
Severn Trent	Page 20 – Climate Change Severn Trent are very supportive of the use of sustainable drainage to mitigate the adverse effects of Climate Change and, whilst it is noted that the use of SuDS is mentioned on this page, it is under a heading of “other green initiatives” which we feel lessens the	Noted – however given the scope of the document, we feel the Climate Change section is the most suitable location for this section.

	<p>perceived importance of the subject. We feel that the use of SuDS should be discussed in further detail to highlight the importance of this area.</p> <p>For your information we have set out some general guidelines and relevant policy wording that may be useful to you.</p>	<p>In addition, the requirement and importance of SuDS can also be seen in Dudley Borough Development Strategy S5 [Minimising Flood Risk and Sustainable Drainage Systems (SuDS)] and Black Country Core Strategy [Flood Risk, Sustainable Drainage Systems and Urban Heat Island].</p> <p>This document is an SPD and cannot introduce new policies, it provides guidance to existing policies.</p>
Wildlife Trust	<p>Section 1 – Development Context</p> <p>Ecology and Geology –</p> <p>This section includes a figure of the Dudley Borough Green Network. We feel that this should be replaced with the more recent Black Country Local Nature Recovery Opportunities Map (April 2021). Whilst this was part of the Draft Black Country Local Plan, which is no longer being taken forward, we would expect the Black Country Nature Recovery Network (and associated mapping) to feature heavily in any future Local Plans in the Black Country.</p>	<p>The figure suggested was part of the Black Country Plan which is no longer progressing. The new Dudley Local Plan is currently being prepared and this will be reviewed as part of this process, in the meantime the existing figure will remain</p>
Wildlife Trust	<p>Climate Change –</p> <p>We are of the opinion that some of the wording in this section should be changed to be more definitive. For example, it is</p>	<p>Noted, however as this document is an SPD it cannot require additional measures above those required by existing and</p>

	<p>suggested that 'Other green initiatives include...' We do not feel that simply making a reader aware of potential options is the purpose of an SPD and it should instead state what is required of a developer looking to apply for planning permission.</p> <p>In this instance, we recommend that instead wording along the lines of 'New dwellings should seek to include at least one of the following measures;' be used in order to encourage early uptake of these sustainable design ideas, instead of suggesting that they are optional extras.</p>	<p>adopted policies, as such the wording has not been changed.</p>
Wildlife Trust	<p>This section of the document should also include wording on the importance of integrating soft landscaping design into adjoining land uses, where these are valuable/ strategically important habitats. Development should also seek opportunities to contribute to strategic landscape-wide habitat creation initiatives (such as the Nature Recovery Network), as well as linking with green infrastructure.</p>	<p>Noted and changes made in line with the response.</p>
Wildlife Trust	<p>Ecology –</p> <p>There is an over-reliance, in this section, on referring the reader to the Nature Conservation SPD rather than including useful detail in this document. There are simple, but key design requirements contained in the Nature Conservation SPD that are not reflected in this document at all.</p>	<p>The document is not a nature conservation document and therefore signposting to the Nature Conservation SPD shall remain as both SPD documents will be relevant considerations for future applications.</p>
Wildlife Trust	<p>Ecology –</p>	<p>Noted and changes made in line with the response.</p>

	<p>Wording in the first paragraph should be amended to ‘... the loss of valuable habitats within a site...’ – not all ‘established’ habitat is of value to biodiversity and some may actively limit a site’s potential.</p> <p>Mitigation is referred to quite heavily in this section, but mitigation is only part of the wider ‘Mitigation Hierarchy’ (avoidance, mitigation, compensation) as set out in the NPPF. The importance of avoidance as the first mitigation measure should be reflected in this text.</p> <p>In the fourth bullet point, ‘extreme’ should be replaced with ‘some’. It is felt this word has undesirable negative connotations in this context.</p>	
Wildlife Trust	<p>Bird Boxes and Bat Boxes –</p> <p>Two key points that are contained in the Conservation SPD should also be included here. First that there is an expectation that these boxes be integrated into the design of buildings (rather than mounted externally or on trees) and secondly that they should be provided at rate of 1 box per 3 residences. The earlier a developer is aware of this expectation, the more likely they will be able to integrate these requirements into the design of their development.</p> <p>Similarly to previous comments; a list of initiatives which ‘can’ be included within a scheme is less useful than measures which are ‘required’.</p>	The document is not a nature conservation document and therefore signposting to the Nature Conservation SPD shall remain as both SPD documents will be relevant considerations for future applications.



	<p>Hard and Soft Landscaping –</p> <p>This section includes topics such as the need to protect retained habitats on site during construction and considering how these habitats are managed long-term. This would be an excellent opportunity to make developers aware that a Construction Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) should contain these details, respectively.</p> <p>Boundary Treatment –</p> <p>The final paragraph of this section should be amended to ‘Opportunities for maximising the ecological permeability of the site should be designed into the development from an early stage’.</p>	<p>Noted and changes made in line with response</p>
<p>Wildlife Trust</p>	<p>Appendix B – Tree Replacement</p> <p>What guidance are the recommendations contained in this table taken from? It would be more conventional to have tree replacement be on a 1:1 ratio, with additional trees being secured through enhancement measures where appropriate. Is stem diameter the best metric for measuring the relative quality of a tree? A large sycamore could be considered less ‘valuable’ than a semi-mature black poplar, for example.</p>	<p>Noted, however this guidance for tree replacement has been developed by the Bristol Tree Officers Association which is based on the value of larger trees (e.g. carbon capture) and how many trees are required to mitigate this loss.</p> <p>This is only guidance on the replacement of trees. The loss of specific trees which may have different value will be dealt with on a case-by-case basis.</p>

