

PLANNING POLICY STATEMENT 5 : PLANNING FOR THE HISTORIC ENVIRONMENT

Lead Officer: Tony Pomfret – Development Control Manager

Purpose of Report To inform Members of the new Planning Policy Statement 5 : Planning for the Historic Environment

Recommendation: That this report be noted.

Resource Implications: Nil.

1.0 SUPPORTING INFORMATION

- 1.1 Planning Policy Statements (PPS) set out the Government's national policies on different aspects of spatial planning in England. This new PPS 5 sets out planning policies on the conservation of the historic environment and replaces both Planning Policy Guidance Note 15 "Planning and the Historic Environment" 1994 and Planning Policy Guidance Note 16 "Archaeology and Planning" (1990), both of which are now cancelled.
- 1.2 The development plan making policies in this PPS must be taken into account by local planning authorities in the preparation of local development documents.
- 1.3 The policies are also material consideration which must be taken into account in development control decisions where relevant.
- 1.4 The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.
- 1.5 Steve Palmer from the North of England Civic Trust, who provide conservation and urban design services to the Council on a consultancy basis, will be making a conservation related presentation at the meeting.

Contact Officer: Tony Pomfret – Development Control Manager

Background Papers: A copy of the new PPS 5 is appended to this report



Planning shapes the places where people live and work and the country we live in. It plays a key role in supporting the Government's wider social, environmental and economic objectives and for sustainable communities.



PLANNING

Planning Policy Statement 5:

Planning for the Historic Environment



Planning Policy Statement 5: Planning for the Historic Environment



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PLANNING FOR THE HISTORIC ENVIRONMENT

INTRODUCTION

1. Planning policy statements (PPS) set out the Government's national policies on different aspects of spatial planning in England. This document sets out planning policies on the conservation of the historic environment.¹ These policies should be read alongside other relevant statements of national planning policy. Guidance to help practitioners implement this policy, including the legislative requirements that underpin it, is provided in *Planning for the Historic Environment Practice Guide*. Policy and guidance documents that have been replaced by this PPS are listed in Annex 1.
2. The development plan making policies in this PPS must be taken into account by regional planning bodies in the preparation of revisions to regional spatial strategies,² by the Mayor of London in relation to the spatial development strategy for London, and by local planning authorities in the preparation of local development documents.³ The preparation of development plans should not be delayed unnecessarily to take the policies in this PPS into account. Development plans should not repeat development management policies in this PPS or reformulate them⁴ unless there are specific factors justifying variation of these policies.
3. The policies in this PPS are a material consideration which must be taken into account in development management decisions, where relevant.⁵ Therefore the development management policies in the PPS can be applied directly by the decision-maker when determining whether development should proceed.
4. The policies and principles set out in this statement also apply to the consideration of the historic environment in relation to the other heritage-related consent regimes for which planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. Some heritage assets possess a level of interest that justifies designation (see Annex 2) and particular procedures apply to decisions that involve them. This statement also covers heritage assets that are not designated but which are of heritage interest and are thus a material planning consideration. The historic environment within National Parks, the Broads and Areas of Outstanding Natural Beauty is also the subject of general policies within PPS7.

¹ They are consistent with our obligations as a signatory to the Council of Europe's 'Granada' Convention (The Convention for the Protection of the Architectural Heritage of Europe), 'Valetta' Convention (The European Convention on the Protection of the Archaeological Heritage), the 'Florence' Convention (The European Landscape Convention) and the 1972 UNESCO World Heritage Convention.

² See section 5(3) of the Planning and Compulsory Purchase Act 2004. These policies will apply to responsible regional authorities and regional strategies under the Local Democracy, Economic Development and Construction Act 2009 from 1 April 2010.

³ See section 19(2) of the Planning and Compulsory Purchase Act 2004.

⁴ See paragraphs 4.30-4.32 of Planning Policy Statement 12: Local Spatial Planning.

⁵ See section 38(6) of the Planning and Compulsory Purchase Act 2004, and section 104(2) of the Planning Act 2008.

THE GOVERNMENT'S OBJECTIVES

6. The value of the historic environment, and the contribution it makes to our cultural, social and economic life, is set out in the Government's Statement on the Historic Environment for England 2010. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. This PPS comprises policies that will enable the Government's vision for the historic environment as set out in the 2010 Statement to be implemented through the planning system, where appropriate.
7. The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government's objectives for planning for the historic environment are:
 - to deliver sustainable development by ensuring that policies and decisions concerning the historic environment:
 - recognise that heritage assets are a non-renewable resource
 - take account of the wider social, cultural, economic and environmental benefits of heritage conservation; and
 - recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.
 - to conserve England's heritage assets in a manner appropriate to their significance by ensuring that:
 - decisions are based on the nature, extent and level of that significance, investigated to a degree proportionate to the importance of the heritage asset
 - wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation
 - the positive contribution of such heritage assets to local character and sense of place is recognised and valued; and
 - consideration of the historic environment is integrated into planning policies, promoting place-shaping.
 - to contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available, particularly where a heritage asset is to be lost.

POLICIES

POLICY HE1: HERITAGE ASSETS AND CLIMATE CHANGE

- HE1.1 Local planning authorities should identify opportunities to mitigate, and adapt to, the effects of climate change when devising policies and making decisions relating to heritage assets by seeking the reuse and, where appropriate, the modification of heritage assets so as to reduce carbon emissions and secure sustainable development. Opportunities to adapt heritage assets include enhancing energy efficiency, improving resilience to the effects of a changing climate, allowing greater use of renewable energy and allowing for the sustainable use of water. Keeping heritage assets in use avoids the consumption of building materials and energy and the generation of waste from the construction of replacement buildings.
- HE1.2 Where proposals that are promoted for their contribution to mitigating climate change have a potentially negative effect on heritage assets, local planning authorities should, prior to determination, and ideally during pre-application discussions, help the applicant to identify feasible solutions that deliver similar climate change mitigation but with less or no harm to the significance of the heritage asset and its setting.
- HE1.3 Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets in accordance with the development management principles in this PPS and national planning policy on climate change.

PLAN-MAKING POLICIES

POLICY HE2: EVIDENCE BASE FOR PLAN-MAKING

- HE2.1 Regional and local planning authorities should ensure that they have evidence about the historic environment and heritage assets in their area and that this is publicly documented. The level of detail of the evidence should be proportionate and sufficient to inform adequately the plan-making process.
- HE2.2 Local planning authorities should either maintain or have access to a historic environment record.⁶
- HE2.3 Local planning authorities should use the evidence to assess the type, numbers, distribution, significance and condition of heritage assets and the contribution that they may make to their environment now and in the future. It should also be used to help predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

POLICY HE3: REGIONAL AND LOCAL PLANNING APPROACHES

- HE3.1 Regional spatial strategies⁷ (RSS) and local development frameworks (LDF) should set out a positive, proactive strategy for the conservation and enjoyment of the historic environment in their area, taking into account the variations in type and distribution of heritage asset, as well as the contribution made by the historic environment by virtue of:
- (i) its influence on the character of the environment and an area's sense of place
 - (ii) its potential to be a catalyst for regeneration in an area, in particular through leisure, tourism and economic development
 - (iii) the stimulus it can provide to inspire new development of imaginative and high quality design
 - (iv) the re-use of existing fabric, minimising waste; and
 - (v) its mixed and flexible patterns of land use that are likely to be, and remain, sustainable.
- HE3.2 The level of detail contained in an RSS or LDF should reflect the scale of the area covered by the plan and the significance of the heritage assets within it.

⁶ Most historic environment records (HERs) are hosted by unitary/upper tier local authorities and National Park Authorities – and in Greater London, by English Heritage. Details can be found at www.heritagegateway.org.uk/Gateway/CHR

⁷ See footnote 2.

- HE3.3 At a regional level, the character and significance of the historic environment should inform the RSS with particular attention paid to the landscapes and groupings or types of heritage assets that give distinctive identity to the region or areas within it.⁸ Some individual heritage assets such as World Heritage Sites are likely to have regional significance in plan-making.
- HE3.4 At a local level, plans should consider the qualities and local distinctiveness of the historic environment and how these can contribute to the development of the spatial vision in the local development framework core strategy. Heritage assets can be used to ensure continued sustainability of an area and promote a sense of place. Plans at a local level are likely to consider investment in and enhancement of historic places, including the public realm, in more detail. They should include consideration of how best to conserve individual, groups or types of heritage assets that are most at risk of loss through neglect, decay or other threats (see also policy HE5).

POLICY HE4: PERMITTED DEVELOPMENT AND ARTICLE 4 DIRECTIONS

- HE4.1 Local planning authorities should consider whether the exercise of permitted development rights would undermine the aims for the historic environment. If it would, local planning authorities should consider the use of an article 4 direction to ensure any development is given due consideration.

POLICY HE5: MONITORING INDICATORS

- HE5.1 Local planning authorities should consider how they can best monitor the impact of their planning policies and decisions on the historic environment. They should pay particular attention to the degree to which individual or groups of heritage assets are at risk of loss or decay, how they expect this will change over time, and how they propose to respond.⁹

⁸ Historic characterisation provides a useful approach for assimilating this information.

⁹ The local planning authority has a duty to consider conservation area designation pursuant to section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

DEVELOPMENT MANAGEMENT¹⁰

POLICY HE6: INFORMATION REQUIREMENTS FOR APPLICATIONS FOR CONSENT AFFECTING HERITAGE ASSETS

- HE6.1 Local planning authorities should require an applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. As a minimum the relevant historic environment record should have been consulted and the heritage assets themselves should have been assessed using appropriate expertise where necessary given the application's impact. Where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation.¹¹
- HE6.2 This information together with an assessment of the impact of the proposal should be set out in the application (within the design and access statement when this is required) as part of the explanation of the design concept. It should detail the sources that have been considered and the expertise that has been consulted.
- HE6.3 Local planning authorities should not validate applications where the extent of the impact of the proposal on the significance of any heritage assets affected cannot adequately be understood from the application and supporting documents.

POLICY HE7: POLICY PRINCIPLES GUIDING THE DETERMINATION OF APPLICATIONS FOR CONSENT RELATING TO ALL HERITAGE ASSETS

- HE7.1 In decision-making¹² local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset) taking account of:
- (i) evidence provided with the application
 - (ii) any designation records

¹⁰ 'Development' in this context means any works that require planning permission, listed building consent or conservation area consent, and references to 'applications for consent' mean applications for any of those consents.

¹¹ Field evaluations which involve the disturbance of buried human remains will need to comply with the relevant burial legislation, as will any conditions imposed by the local planning authority.

¹² This may relate to an application for planning permission, Listed Building Consent or Conservation Area Consent.

- (iii) the historic environment record and similar sources of information
 - (iv) the heritage assets themselves
 - (v) the outcome of the usual consultations with interested parties; and
 - (vi) where appropriate and when the need to understand the significance of the heritage asset demands it, expert advice (from in-house experts, experts available through agreement with other authorities, or consultants, and complemented as appropriate by advice from heritage amenity societies).
- HE7.2 In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.
- HE7.3 If the evidence suggests that the heritage asset may have a special significance to a particular community that may not be fully understood from the usual process of consultation and assessment, then the local planning authority should take reasonable steps to seek the views of that community.¹³
- HE7.4 Local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping; and
 - the positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable communities and economic vitality by virtue of the factors set out in HE3.1
- HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.
- HE7.6 Where there is evidence of deliberate neglect of or damage to a heritage asset in the hope of obtaining consent, the resultant deteriorated state of the heritage asset should not be a factor taken into account in any decision.
- HE7.7 Where loss of significance is justified on the merits of new development, local planning authorities should not permit the new development without taking all reasonable steps to ensure the new development will proceed after the loss has occurred by imposing appropriate planning conditions or securing obligations by agreement.

¹³ Annex 2 provides an explanation of the different types of significance a heritage asset may have.

POLICY HE8: ADDITIONAL POLICY PRINCIPLE GUIDING THE CONSIDERATION OF APPLICATIONS FOR CONSENT RELATING TO HERITAGE ASSETS THAT ARE NOT COVERED BY POLICY HE9

HE8.1 The effect of an application on the significance of such a heritage asset or its setting is a material consideration in determining the application. When identifying such heritage assets during the planning process, a local planning authority should be clear that the asset meets the heritage asset criteria set out in Annex 2. Where a development proposal is subject to detailed pre-application discussions (including, where appropriate, archaeological evaluation (see HE6.1)) with the local planning authority, there is a general presumption that identification of any previously unidentified heritage assets will take place during this pre-application stage. Otherwise the local planning authority should assist applicants in identifying such assets at the earliest opportunity.

POLICY HE9: ADDITIONAL POLICY PRINCIPLES GUIDING THE CONSIDERATION OF APPLICATIONS FOR CONSENT RELATING TO DESIGNATED HERITAGE ASSETS

HE9.1 There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments,¹⁴ protected wreck sites, battlefields, grade I and II* listed buildings and grade I and II* registered parks and gardens, World Heritage Sites, should be wholly exceptional.

HE9.2 Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:

- (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or
- (ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and

¹⁴ Development affecting Scheduled Monuments and Protected Wreck Sites will also require prior consent from the Secretary of State for Culture, Media and Sport (see www.culture.gov.uk/). In such cases, local planning authorities should encourage applications for all relevant consents to be made in parallel.

- (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
 - (c) conservation through grant-funding or some form of charitable or public ownership is not possible; and
 - (d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.
- HE9.3 To be confident that no appropriate and viable use of the heritage asset can be found under policy HE9.2(ii) local planning authorities should require the applicant to provide evidence that other potential owners or users of the site have been sought through appropriate marketing and that reasonable endeavours have been made to seek grant funding for the heritage asset's conservation and to find charitable or public authorities willing to take on the heritage asset.
- HE9.4 Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:
- (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and
 - (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.
- HE9.5 Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. The policies in HE9.1 to HE9.4 and HE10 apply to those elements that do contribute to the significance. When considering proposals, local planning authorities should take into account the relative significance of the element affected and its contribution to the significance of the World Heritage Site or Conservation Area as a whole. Where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the World Heritage Site or Conservation Area, including, where appropriate, through development of that element. This should be seen as part of the process of place-shaping.
- HE9.6 There are many heritage assets with archaeological interest that are not currently designated as scheduled monuments, but which are demonstrably of equivalent significance. These include heritage assets:
- that have yet to be formally assessed for designation
 - that have been assessed as being designatable, but which the Secretary of State has decided not to designate; or
 - that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979.
- The absence of designation for such heritage assets does not indicate lower significance and they should be considered subject to the policies in HE9.1 to HE9.4 and HE10.¹⁵

¹⁵ Advice and information about the significance of known, but non-designated heritage assets with archaeological interest may be obtained from County Archaeologists and historic environment records, respectively.

POLICY HE10: ADDITIONAL POLICY PRINCIPLES GUIDING THE CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT AFFECTING THE SETTING OF A DESIGNATED HERITAGE ASSET

- HE10.1 When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.
- HE10.2 Local planning authorities should identify opportunities for changes in the setting to enhance or better reveal the significance of a heritage asset. Taking such opportunities should be seen as a public benefit and part of the process of place-shaping.

POLICY HE11: ENABLING DEVELOPMENT

- HE11.1 Local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan (having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004¹⁶) or from national policies, taking into account whether:
- it will materially harm the significance of the heritage asset or its setting
 - it will avoid detrimental fragmentation of management of the heritage asset
 - it will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation
 - it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid
 - there is a source of funding that might support the heritage asset without the need for enabling development
 - the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests.

¹⁶ Note that these criteria are listed as a starting point; what is a material consideration will always depend on the circumstances of the individual case and this list is not comprehensive.

POLICY HE12: POLICY PRINCIPLES GUIDING THE RECORDING OF INFORMATION RELATED TO HERITAGE ASSETS

- HE12.1 A documentary record of our past is not as valuable as retaining the heritage asset, and therefore the ability to record evidence of our past should not be a factor in deciding whether a proposal that would result in a heritage asset's destruction should be given consent.
- HE12.2 The process of investigating the significance of the historic environment, as part of plan-making or development management, should add to the evidence base for future planning and further the understanding of our past. Local planning authorities should make this information publicly available, including through the relevant historic environment record.
- HE12.3 Where the loss of the whole or a material part of a heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions or obligations as appropriate. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Developers should publish this evidence and deposit copies of the reports with the relevant historic environment record. Local planning authorities should require any archive generated to be deposited with a local museum or other public depository willing to receive it.¹⁷ Local planning authorities should impose planning conditions or obligations to ensure such work is carried out in a timely manner and that the completion of the exercise is properly secured.

¹⁷ Where the archive includes excavated human remains, any requirements as to the recording of the disposal of human remains will need to be taken into account.

ANNEX 1: CANCELLED PLANNING POLICY GUIDANCE

Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15, 1994)

Planning Policy Guidance Note 16: Archaeology and Planning (PPG16, 1990)

ANNEX 2: TERMINOLOGY

ARCHAEOLOGICAL INTEREST

An interest in carrying out an expert investigation at some point in the future into the evidence a heritage asset may hold of past human activity. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them. These heritage assets are part of a record of the past that begins with traces of early humans and continues to be created and destroyed.

ARCHITECTURAL AND ARTISTIC INTEREST

These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.

CONSERVATION

The process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance.

DESIGNATED HERITAGE ASSET

A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated as such under the relevant legislation.

ENABLING DEVELOPMENT

Development that would be unacceptable in planning terms but for the fact that it would bring heritage benefits sufficient to justify it being carried out, and which could not otherwise be achieved

HERITAGE ASSET

A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets (as defined in this PPS) and assets identified by the local planning authority during the process of decision-making or through the plan-making process (including local listing).

HISTORIC ENVIRONMENT

All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. Those elements of the historic environment that hold significance are called heritage assets.

HISTORIC ENVIRONMENT RECORD (HER)

Historic environment records are information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use. Typically, they comprise databases linked to a geographic information system (GIS), and associated reference material, together with a dedicated staffing resource.

HISTORIC INTEREST

An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide an emotional meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

SETTING

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

SIGNIFICANCE

The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.¹⁸

¹⁸ The accompanying Practice Guide expands on how one can analyse the public's interest in heritage assets by sub-dividing it into aesthetic, evidential, historic and communal values. This is not policy, but a tool to aid analysis.

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