



Portfolio Holder Decisions

Resources, Planning and Economic Development, Neighbourhood Services and Community Safety

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Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.
Report of the Corporate Director Communities

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Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Mark Billington, Corporate Director Environment	Councillor Alan Vincent, Resources Portfolio Holder and Councillor Roger Berry, Neighbourhood and Community Services Portfolio Holder	21 May 2020

Wyre Dune and Beach Management Scheme

1. Purpose of report

- 1.1 To seek approval to develop the full business case for the Wyre Dune and Beach Management scheme and, subject to meeting gateway requirements, continue to construction using the SCAPE Framework.

2. Outcomes

- 2.1 The Wyre Dune and Beach Management Scheme will be developed to allow construction to commence.

3. Recommendations

- 3.1 That approval is given to develop the full business case for the Wyre Dune and Beach Management Scheme with Balfour Beatty Civil Engineering through the SCAPE Strategic Procurement Arrangement 2019-23 Civil Engineering and Infrastructure Framework (SCAPE Framework).
- 3.2 That approval is given for the Head of Engineering Services to continue working with Jacobs consultants to assist in the production of studies including Environmental Impact Assessments required to obtain planning permission and Marine Management Organisation licences necessary to commence construction. Contracts will be let using the Environment Agency (EA) Next Generation Supplier Arrangement (NGSA) which has replaced the Water and Environment Management (WEM) framework.
- 3.3 That approval is given for the Head of Engineering Services to appoint Marlan Maritime Technologies Ltd to undertake remote monitoring of

Wyre's beaches through the Land Based, Coastal Remote Sensing Services Framework Agreement.

- 3.4** That approval is given to allow for the appointment of a geotechnical consultant under the exemptions to Contract Procedures contained within the Financial Regulations and Financial Procedure Rules to appoint specialist consultants on the grounds that the goods, works or services are of a specialised nature carried out by only one or a limited number of firms with no reasonably satisfactory alternatives available.

4. Background

- 4.1** The Dune and Beach Management scheme aims to maintain beach levels along the frontage through a combination of beach control structures and beach management. The scheme will protect over 11,000 properties between the boundary at Cleveleys and Fleetwood ferry dock. Phase 1 works provide better protection to 1,910 properties along the Rossall Beach frontage through the construction of a sub beach level rock revetment together with improvement works to the existing seawall. Phase two works involve improvements to beach control structures and defences at Cleveleys, Rossall South and Fleetwood North (including dune management) and beach management of the whole frontage such that the strategically optimised standard of protection of 1 in 200yrs is maintained. The scheme will provide reduced flood risk to 11,056 properties, critical infrastructure and businesses in the Wyre urban core area and whole life benefits of £434 million.
- 4.2** Approval to prepare an application to undertake studies leading to a business case to the EA was given by the Resources and Neighbourhood Services and Community Safety Portfolio Holders on 9 March 2017. The application was submitted and was subsequently formally approved on 15 August 2018.
- 4.3** The Outline Business Case produced was submitted to the EA Large Projects Review Group (LPRG) in December 2019 and formally approved on 10 March 2020. This formally gives the council a reserved allocation of £37,901,071 of which £4,000,000 is allocated for 2020/21.
- 4.4** The next stage of the project is to work with a framework contractor to develop the scheme and subsequently to commence construction. Two frameworks were considered by an assessment panel including the Neighbourhood Services and Community Safety Portfolio Holder with the SCAPE framework being selected as the most appropriate and providing best value to the council in delivering the scheme. The SCAPE framework is a single supplier framework with Balfour Beatty Civil Engineering Limited BBCEL being the selected supplier. The scheme will be developed through feasibility and pre-construction phases to allow for a contract for the delivery of the scheme to be entered into.
- 4.5** Before starting each phase there are formal gateways as defined in the SCAPE framework. The Feasibility Stage's purpose is to undertake a joint

feasibility study to determine whether the Contractor and Client's expectations for the project in terms of time, scope and cost are aligned. This phase is taken at the Contractor's own risk. The Pre-Construction phase develops the design and obtains sub-contractor prices so the Client can issue a Delivery Agreement to the Contractor to execute the works. The Contractor's involvement during this phase is paid for as a percentage of the contract value.

- 4.6** At the conclusion of the Pre-Construction phase the Client and Contractor shall endeavour to agree a document which includes: Delivery agreement including Scope, Site Information, Programme, Project Risk Register and other documents required to administer the contract. A project board has been established which includes Senior Suppliers, EA and a Contractor Director, Wyre's Corporate Director Environment and the Neighbourhood Services and Community Safety Portfolio Holder. Any decision to proceed would be made through the Board.
- 4.7** The critical programme activities include obtaining planning permission for the scheme which will require a Habitat Regulations Assessment (HRA) for which assistance from the Jacobs team who assisted on the OBC is required. A proposal has been provided by Jacobs to undertake this work and a quotation obtained through Middlemarch (previously employed on the Rossall scheme) for the necessary fieldwork.
- 4.8** Radar monitoring equipment has been installed which provides autonomous monitoring of the beaches, waves and currents across Wyre's beaches as agreed in the previous Portfolio Holder report. It is proposed to continue this monitoring through the scheme development and to utilise the multi-site five year proposal offered through the Land Based, Coastal Remote Sensing Services Framework Agreement developed by Sefton Council for the North West Coastal Groups' Cell Eleven Regional Monitoring Strategy (NWCG CERMS) as this provides significant cost savings over an annual arrangement.

5. Key issues and proposals

- 5.1** In order to progress the scheme to Construction environmental advice will be required. Approval to use Jacobs (formally CH2M) was given by the resources Portfolio Holder on 9 March 2017. A quotation through the EA's NGS framework for this specialist work has been received from Jacobs. It is proposed to directly appoint Jacobs for this work, through this framework.
- 5.2** Marlan Maritime Technologies Ltd have been selected for the Land Based, Coastal Remote Sensing Services Framework Agreement as part of the North West regional monitoring strategy. Procurement of their services through this framework provides best value for this specialist service.
- 5.3** All works and studies required to develop the scheme to Construction will be supported through external funding through Flood Defence Grant in Aid

(FDGiA). An application for these Pre-Construction works has been made to the EA.

- 5.4** The updated capital costs identified for the Phase 1 scheme in the financial implications section below should be included in the council's Capital Programme for 2020/21. A further report will be submitted for Phase 2 identifying the allocation of the residual £33,901,071 for 2021/22 onwards, in due course.

6. Delegated functions

- 6.1** The matters referred to in this report are considered under the following executive function delegated to the Neighbourhood and Community Services Portfolio Holder (as set out in Part 3 of the council's constitution):

“To consider any matter relating to the Council's responsibilities for coast protection or the provision and maintenance of sea defences.”

- 6.2** The matters referred to in this report are considered under the following executive function delegated to the Resources Portfolio Holder (as set out in Part 3 of the council's constitution):

“To consider departures from Rules relating to financial and contractual matters if appropriate.”

Exemptions to the contract procedures are permitted where:
a framework agreement is available that necessitates the Council not having to go out to tender and the goods, works and services will still provide the Council with best value for money.

Financial and legal implications

	<p>The cost of developing the application to the EA to date has been £429,908.02 of which £415,000 has been paid to date by the Environment Agency as FDGiA. The balance will be claimed as part of this second phase.</p> <p>The estimated cost of the pre-construction phase of the scheme as outlined above is shown below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Item Description</th> <th style="text-align: right;">Cost</th> </tr> </thead> <tbody> <tr> <td>Environmental Advice</td> <td style="text-align: right;">£47,264</td> </tr> <tr> <td>Jacobs</td> <td style="text-align: right;">£37,694</td> </tr> <tr> <td>Noise Surveys</td> <td style="text-align: right;">£3,070</td> </tr> <tr> <td>Environmental surveys</td> <td style="text-align: right;">£6,500</td> </tr> <tr> <td>Enabling Works</td> <td style="text-align: right;">£1,148,187</td> </tr> <tr> <td>Rock Supply</td> <td style="text-align: right;">£593,280</td> </tr> <tr> <td>Site Compound</td> <td style="text-align: right;">£554,907</td> </tr> <tr> <td>Site Investigations</td> <td style="text-align: right;">£75,000</td> </tr> <tr> <td>Plant & Equipment</td> <td style="text-align: right;">£50,000</td> </tr> <tr> <td>Geotech Investigations & Report</td> <td style="text-align: right;">£25,000</td> </tr> <tr> <td>Detailed Design</td> <td style="text-align: right;">£45,112</td> </tr> <tr> <td>Consultant Advice</td> <td style="text-align: right;">£11,112</td> </tr> <tr> <td>Consultant Advice Structural</td> <td style="text-align: right;">£25,000</td> </tr> <tr> <td>Consultant Advice Contractual</td> <td style="text-align: right;">£9,000</td> </tr> <tr> <td>Contract Management</td> <td style="text-align: right;">£156,284</td> </tr> <tr> <td>BBCEL Pre Contract</td> <td style="text-align: right;">£156,284</td> </tr> <tr> <td>Internal Fees</td> <td style="text-align: right;">£49,000</td> </tr> <tr> <td>Risk & Contingency</td> <td style="text-align: right;">£248,000</td> </tr> <tr> <td>Advance spend in 2019/20</td> <td style="text-align: right;">£14,908</td> </tr> <tr> <td>Grand Total</td> <td style="text-align: right;">£1,783,755</td> </tr> </tbody> </table> <p>These pre-construction works will be incorporated into the 2020/21 Environment Agency allocation for the scheme of £4 million. The balance of £2,216,245 will be allocated later in the year.</p>	Item Description	Cost	Environmental Advice	£47,264	Jacobs	£37,694	Noise Surveys	£3,070	Environmental surveys	£6,500	Enabling Works	£1,148,187	Rock Supply	£593,280	Site Compound	£554,907	Site Investigations	£75,000	Plant & Equipment	£50,000	Geotech Investigations & Report	£25,000	Detailed Design	£45,112	Consultant Advice	£11,112	Consultant Advice Structural	£25,000	Consultant Advice Contractual	£9,000	Contract Management	£156,284	BBCEL Pre Contract	£156,284	Internal Fees	£49,000	Risk & Contingency	£248,000	Advance spend in 2019/20	£14,908	Grand Total	£1,783,755
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Legal	<p>The SCAPE Procure Strategic Procurement Arrangement 2019-23 Civil Engineering and Infrastructure Framework (SCAPE Framework) has been procured by the SCAPE Group a public-sector partnership in accordance with OJEU regulations. The procurement complies with the Council's Financial Regulations and Contract Procedure rules and the European Procurement Procedure. The framework is available to any public body in the United Kingdom.</p> <p>Contracts will be entered into with the consultants identified above through the relevant frameworks.</p>																																										

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	✓
climate change	✓
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
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List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

None

Dems/ph/re/ne/0005cg1/Wyre Beach



Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Mark Billington Corporate Director Environment	Councillor Alan Vincent, Resources Portfolio Holder	21 May 2020

**Prohibition of release of sky lanterns and balloons
from council land and property**

1. Purpose of report

- 1.1 To consider the environmental implications of the release of lanterns and balloons and how the council can seek to address this locally.

2. Outcomes

- 2.1 To improve the health and wellbeing of our communities.
- 2.2 To promote a cleaner and greener Wyre.
- 2.3 To assist in meeting objectives of the Single Use Plastics Policy.

3. Recommendations

- 3.1 That it is agreed to prohibit the release of sky lanterns and balloons from land or property owned and/or controlled by Wyre Borough Council.
- 3.2 That officers amend conditions of hire and event guidance for use of council land and property to stipulate the prohibition of balloon and sky lantern releases.

4. Background

- 4.1 Sky (Chinese) lanterns consist of a paper-covered wire or bamboo frame with an open heat source, which lifts the lantern into the air where it can float for miles from point of release. These, along with intentional mass releases of latex or foil balloons, are used at events and special occasions to raise funds or commemorate an event.

- 4.2** There is sufficient national evidence to show that releases of sky lanterns present an avoidable fire risk. Most notably in June 2013, a single sky lantern was the source of a major fire at a recycling centre in Smethwick, causing £6m worth of damage. During the summer months, crops and moorlands are at particular risk. Lanterns have also been mistaken as marine distress signals, leading to false coastguard callouts, as well as disruption to aviation traffic.
- 4.3** Whilst some products are advertised as biodegradable, debris from sky lanterns and balloons remain in the landscape long enough to pose a significant hazard to wildlife ingestion, entanglement and entrapment. Studies from the Marine Conservation Society reveal that only 13% of latex balloons burst into small pieces, whilst more than 80% of balloons come down intact and can last for up to four years in the marine environment. Similarly, paper lanterns with bamboo frames can take decades to degrade and do not provide a safe alternative.
- 4.4** Local organisations, such as the Love my Beach – Rossall residents / beach buddies and other community groups have raised concerns about the environmental impact and debris caused by such releases. Volunteers from the group often have to remove all manner of debris from local beaches and hedgerows. Locally, in 2011, a dead juvenile green turtle was washed ashore at Knott End-on-Sea, having ingested a balloon. There have also been recorded deaths of pedigree cattle worth £1,000 in both Kent and Cheshire through the ingestion of balloons and metal lantern frames.
- 4.5** A number of national representative groups, including the Chief Fire Officers Associated, National Farmers Union, Marine Conservation Society, Keep Britain Tidy, the RSPCA and the RSPB have for many years called for a nationwide ban on mass releases of both sky lanterns and balloons due to the detrimental impact these have upon the environment. Instead, they have urged groups and individuals, as well as events planners and retailers, to use alternative methods to celebrate.
- 4.6** Recent Government policy, in the form of the 25 Year Environment Plan (Jan 2018), outlines intentions to protect and improve the environment. This includes significantly reducing and preventing all kinds of marine plastic pollution, particularly material that originally came from land, and eliminating avoidable plastic waste. Currently no legal action could be taken for littering under the Clean Neighbourhoods and Environment Act 2005 or Environmental Protection Acts, as “releases” are not currently defined as littering offences, even though the items released do ultimately become litter.
- 4.7** To date, 88 local authorities from across the United Kingdom have successfully established a ban on the release of balloons and/or sky lanterns from their land, and now prohibit the use of these via their terms and conditions of hire agreements.

- 4.8** Whilst locally the number and type of releases or plans to hold such events is unknown, there have been releases in the past and there are retail establishments selling these items locally. In addition, recent online campaigns have suggested releasing sky lanterns in aid of the NHS during the coronavirus pandemic, which has renewed concerns and pressure from groups such as the RSPCA and National Fire Chiefs Council to oppose these events.
- 4.9** The council has recently implemented a Single Use Plastic Policy (July 2019), with the goal to achieve a single-use plastic-free organisation across the council workforce, operations and assets. Within this policy, the council is committed to working with event organisers to reduce single-use plastics at events held on council land.

5. Key issues and proposals

- 5.1** Over the past decade, the mass release of balloons and sky lanterns has become popular with groups and individuals and is often associated with raising funds for charity or to mark commemorations. However well-intentioned such activity is, there is growing recognition that sky lanterns and mass balloon releases present an avoidable fire and safety risk, a hazard to wildlife and livestock, as well as being a contributor to the defacement of land.
- 5.2** In response to the number of national representative groups calling for a nationwide ban, Government and council intentions to eliminate plastic pollution, and increasing evidence of the negative impacts upon flora and fauna, it is proposed that the council adopts a policy prohibiting the release of sky lanterns and balloons from council land. This will be specified as such within the terms and conditions of hire and usage of council land (and land controlled by the council), as well as discouraging staff and council members from supporting sky lantern and balloon releases, either through funding provision or officer and member time.
- 5.3** As a large landowner, the council is uniquely placed to implement a ban and 'lead by example', encouraging partners to adopt the same approach for their land and influencing the public to follow suit. As such it is proposed that the council provide communications to inform local charities, residents and visitors on the dangers of releasing sky lanterns and balloons.
- 5.4** The option of doing nothing was not considered viable as balloon and lantern releases would continue to occur and present an ongoing risk of environmental harm. A national ban is not in place and sales of these products continue, suggesting it is unlikely market forces will address the issue.
- 5.5** Some councils have chosen to ban either sky lanterns or balloons, rather than a complete prohibition of both products. Whilst this would reduce some risk, it would not prevent the release of airborne litter and the environmental hazards from the remaining product would still be present.

5.6 It is therefore considered that prohibiting the release of sky lanterns and balloons is the option that will have the most impact in preventing littering, reducing risk of fire and minimising hazards to wildlife. This outcome would also align with the council’s commitment to the Single Use Plastic Policy, contributing to the phasing out of single-use plastics across council locations and ensuring our parks, beaches and open spaces are free from plastic litter.

6. Delegated functions

6.1 The matters referred to in this report are considered under the following executive function delegated to the Resources Portfolio Holder (as set out in Part 3 of the council’s constitution): “To consider the Council’s strategic direction in relation to asset management including: (a) Any matters relating to the sale, lease or tenancy of land or buildings, or the grant of any other right over land, beyond the powers delegated to the Head of the Built Environment; and (b) To consider the management, repair, maintenance and use of the Council’s land and buildings.”

Financial and legal implications	
Finance	No financial implications for the council have been identified.
Legal	It would be very difficult to obtain sufficient evidence to undertake legal action for littering under the Clean Neighbourhoods and Environment Act 2005 or Environmental Protection Act, as “releases” are not currently defined as littering offences, even though the items released do ultimately become litter.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	✓
health and safety	✓

risks/implications	✓ / x
asset management	✓
climate change	✓
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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Sammy Gray Climate Change and Environmental Projects Officer	01253 889100	Sammy.Gray@Wyre.gov. uk	06/05/2020

List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

None

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Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Mark Billington, Corporate Director Environment	Cllr Alan Vincent, Resources Portfolio Holder	21 May 2020

Boundary Wall Works to St Chad’s Churchyard, Poulton-le-Fylde

1. Purpose of report

- 1.1 To seek approval for boundary wall works to St Chad’s Churchyard, Poulton-le-Fylde and to include the scheme in the Council’s 2020/21 Capital Programme.

2. Outcomes

- 2.1 To deliver the Asset Management programme of works.

3. Recommendations

- 3.1 That approval is given for boundary wall works to St Chad’s churchyard.
- 3.2 That the scheme, costing £42,910 (Including contingencies and professional fees), is added to the Council’s 2020/21 Capital Programme. An additional provisional sum of £20,000 is approved for use for significant changes or unforeseen works. Use of the provisional sum is with Corporate Director Environment approval only.

4. Background

- 4.1 The boundary wall to the rear of St Chad’s churchyard is a retaining wall. The wall is leaning and distorted with a developing bulge. Remedial works are required to remove a length of distorted wall and upgrade the length.
- 4.2 Church faculty permission has been required to undertake the works. The faculty has advised that archaeological oversight is required during the works. This means that although the works should not impact on the known contents of the site, there is still the potential for unregistered

archaeological finds to be unearthed and as such there needs to be careful monitoring.

4.3 Faculty permission will be required for the wall reinstatement which may necessitate design changes based on the findings during the dismantlement works.

4.4 The wall falls within the curtilage of St Chad’s Churchyard which is grade II listed. Permissions for works to listings can be more stringent which can result in increased costs.

5. Key issues and proposals

5.1 Quotations for the boundary wall works have been sought. A supplier has been selected to undertake the project at a cost of £42,910 (including contingencies and professional fees). To cover any additional requirements a further provisional sum of £20,000 is approved. Use of the provisional sum is only with the approval of the Corporate Director Environment.

6. Delegated functions

6.1 The matters referred to in this report are considered under the following executive function delegated to the Resources Portfolio Holder (as set out in Part 3 of the council’s constitution): “To consider the management, repair, maintenance and use of the Council’s land and buildings.”

Financial and legal implications	
Finance	The cost of the boundary wall works totalling £42,910 (including contingency and professional fees) plus a provisional sum of £20,000 will be funded from the Capital Investment Reserve and added to the 2020/21 Capital Programme accordingly.
Legal	Quotations were sought outside of ‘The Chest’. The quotation process is compliant with the Council’s Contract Financial Procedure Rules. A contract will be entered into with the successful contractor.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x

risks/implications	✓ / x
asset management	✓

equality and diversity	x
sustainability	x
health and safety	✓

climate change	x
ICT	x
data protection	x

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report author	telephone no.	email	date
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List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

None

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