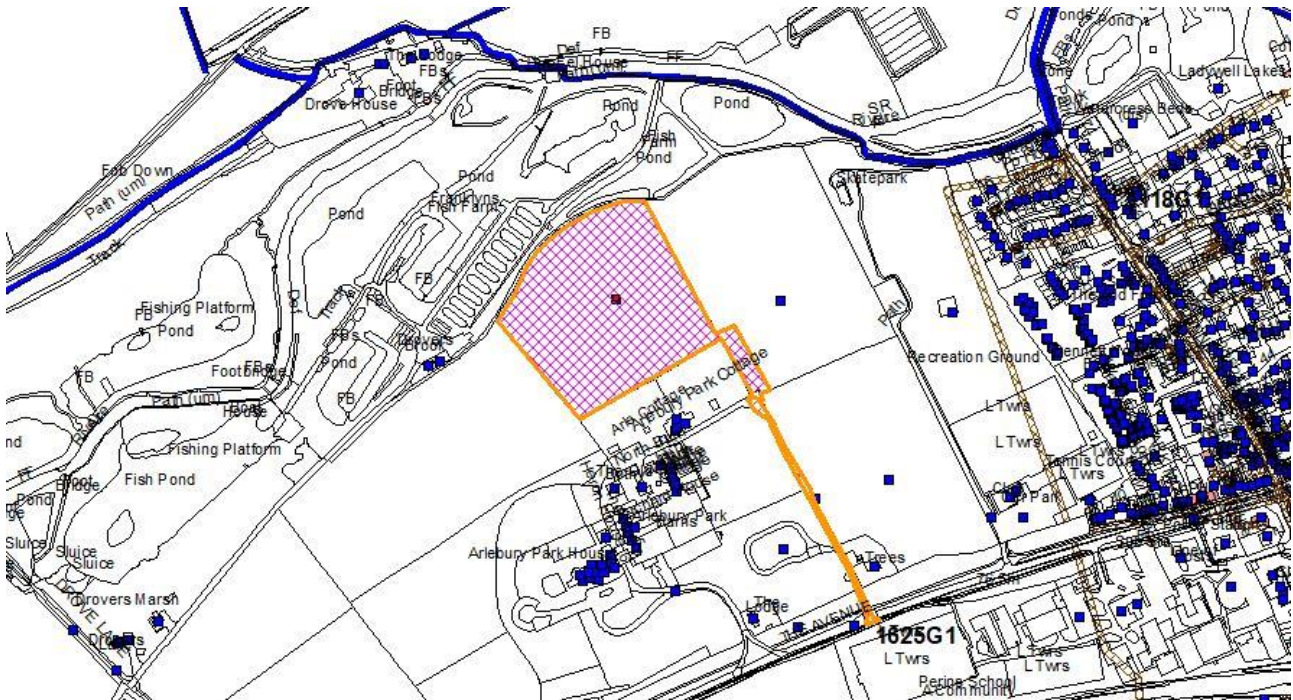


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Case No: 23/02918/FUL
Proposal Description: Change of use of agricultural land to a sui generis use for secure dog walking, together with the instalment of stock fencing to secure the area.
Address: Land North of The Avenue Alresford Hampshire
Parish, or Ward if within Winchester City: New Alresford Town Council
Applicants Name: Mr A Morgan-Giles
Case Officer: Cameron Taylor
Date Valid: 18 December 2023
Recommendation: Permit
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 23/02918/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for permission as it is considered that it is a use that has an operational need for a countryside location, while the proposal will not have an adverse impact upon the character and appearance of the site or upon highway safety or cause a significant adverse impact upon the neighbouring residential amenity in accordance with Policies MTRA4 of the LPP1 and DM13 and DM15-DM18 of the LPP2.

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General Comments

The application is reported to Committee due to the number of Objections received contrary to the Officer's recommendation.

Amendments to Plans Negotiated

Amended location plan has been submitted includes the access drive off the Avenue to the site along with an updated application form for the certificate of ownership.

Site Description

The site is situated to the north of The Avenue down a private access track which serves The Spinney Caravan Park and a number of residential dwellings. The site is served by a rural access gate which lead along narrow corridor to a second access gate which opens to the wider paddock of the proposed site. Within the area is the Alresford Recreation Ground to the east of the site, Franklyns Fish Farm to the north and a number of residential dwellings to the south and southwest of the site. The site itself is a rural paddock which is a maintained lawn and is situated outside of a defined settlement boundary. The boundary to the site contains hedging along the east boundary, while the southern boundary adjoining the neighbouring properties of Arle Cottage and Arlebury Park Cottage contains a mix of low-level planting and trees. The west boundary remains open and the northern boundary consists of mature trees.

Proposal

The proposal seeks the change of use of agricultural land to a sui-generis use to allow for secure dog walking and will include the instalment of fencing around the site and creation of a parking area.

Relevant Planning History

No relevant previous history

Consultations

Service Lead – Sustainability and Natural Environment (Ecology) –

- No objection subject to condition

Service Lead – Public Protection (Environmental Health) –

- No objection subject to conditions

Service Lead- Historic Environment

- No objection subject to conditions

Hampshire County Council (Highway Authority) –

- No objection

Representations:

New Alresford Town Council

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- "NATC agree in principle to the proposal but would like to see a more structured management plan and have concerns over the opening times."

20 Objecting Representations received from different addresses within the Winchester District citing the following material planning reasons:

- Impact on site and area
 - Affect the tranquillity
 - Introduces a new suburban structure
- Neighbour amenity
 - Noise impacts
 - Affect the tranquillity
- Highways
 - Need for hardstanding
 - Impact upon the access for residents
 - Accessing their properties
 - Walking down the private access
 - Safety to surrounding properties
 - Maintenance cost of the access
 - Safety on the private access and emerging onto the Avenue
 - Difficulty to allow cars to pass
- Ecology
 - Block the ecological corridor
- Waste
 - Who will be responsible for emptying poo bins
- Animal welfare
 - No shade or water facilities
 - Hot cars
- Use of the site
 - Concerns regarding future development
- Safety
 - Unsocialised dogs pose a hazard to the surrounding play field and residential properties
- Not material
 - Affect the view from the neighbouring property

3 Supporting Representations received from different addresses from within the Winchester District citing the following material planning reasons:

- Need for this type of facility in the area
- Safety
 - Provides a safe location for dogs to run off leash
- Impact on farming
 - Run loss across food and drink crops
 - Chasing livestock
 -

Relevant Government Planning Policy and Guidance

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National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Planning Obligations

Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

DS1 - Development Strategy and Principles

MTRA4 - Development in the Countryside

CP7 - Open Space, Sport and Recreation

CP11 - Sustainable Low and Zero Carbon Built Development

CP13 - High Quality Design

Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2)

DM1 - Location of New Development

DM13 Leisure and Recreation in the Countryside

DM15 - Local Distinctiveness

DM16 - Site Design Criteria

DM17 - Site Development Principles

DM18 - Access and Parking

DM23 - Rural Character

DM25 – Historic Parks and Gardens

DM27 – Development in Conservation Areas

DM29 – Heritage Assets

Supplementary Planning Document

National Design Guide 2019

Car Parking Standards (2008)

High Quality Places SPD (2015)

Other relevant documents

Winchester District Local Plan 2020-2040: Regulation 19 Consultation

Climate Emergency Declaration; Carbon Neutrality Action Plan 2020 – 2030

Nature Emergency Declaration.

Statement of Community Involvement 2018 and 2020

Planning Considerations

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Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the National Planning Policy Framework (NPPF, 2024) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Regulation 19 Local Plan, as now agreed by Full Council, can be given appropriate and increasing weight in the assessment of development proposals in advance of Examination and Adoption.

The application site is located outside of a defined settlement boundary and as such is on land designated as countryside, therefore relevant countryside policies apply.

Policy MTRA4 allows for development which has an operational need for a countryside location, such as agriculture, horticulture or forestry. The proposal seeks a use for a dog walking site which is considered to be a use that has an operational need for a countryside location due to the space requirements to allow for dog walking.

Policy DM13 allows the use of land for leisure and recreational activities for which a countryside location is necessary provided it does not create unacceptable visual or noise intrusion in the countryside either by itself or cumulatively with other developments and the operation of the site will not cause an unacceptable alteration in the character of the area including by all forms of pollution, or harm biodiversity or tranquillity. The proposed dog walking is considered to be a leisure and recreational activity with a need for a countryside location, it is also considered the use would not cause an unacceptable visual or noise intrusion on the countryside and surrounding area.

The principle of development is therefore acceptable subject to compliance with the development plan as a whole and material planning considerations.

Assessment under 2017 EIA Regulations.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The area is characterised by its rural nature with paddocks within the area along with the Alresford Recreation Ground. There is also a fish farm to the north of the site, with residential dwellings to the south and southwest which includes the Alrebury Park area and Alresbury Park House. The nearest properties to the site are Alre Cottage and Albury Park Cottage which sit to the south of the site.

The site is located down a private access road with restricted views from the public realm. Views from near the site would be those from private properties. There are potential for long views to the north of the site, however these are across the other side of the River Arle.

The proposal will utilise an existing rural access gate leading to a strip of land which runs along the eastern boundary of Arlebury Park Cottage to a second access into the paddock in question. The development will include the formation of fencing which includes timber posts with a metal fence between the posts This will be of a height of around 1.8 metres,

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with a pedestrian access gate to the paddock and a 1.8 metre double gate which serves the parking. To ensure a suitable appearance condition 3 is attached requesting details of the materials and design of the fencing. The formation of the fencing along with associated parking and access gates are considered to not lead to visual intrusion or significant adverse physical harm to the rural character of the area.

The proposal will cause a change of use to the site, however this use retains the rural nature of the site and surrounding area and is not considered to affect the tranquillity of the site or wider area. No other structures or facilities could be erected on the site without planning permission. Condition 10 is attached to ensure any necessary lighting will be strictly controlled. It is not considered therefore that the proposed development will lead to an adverse impact upon the character and appearance of the site and wider area and does not detract from the enjoyment of the countryside from the public realm.

The proposal therefore complies with policy DM13, DM15, DM16 and DM23 of the LPP2.

Development affecting the South Downs National Park

The application site is located over 200m from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2024. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 189 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

Historic Environment

There are no listed buildings within the 300 metres of the site of the proposed dog walking site. Therefore the proposal will not impact upon a statutory Listed Building.

The site of the proposed dog walking park does not fall within a conservation area but a section of the private access off The Avenue is located within the New Alresford Conservation Area. However the site itself is within the Historic Parks & Gardens of Arlebury Park listed within the Hampshire Gardens Trust Register.

Relevant Legislation

The preservation or enhancement of the character or appearance of the conservation area: S.72 P (LBCA) Act 1990; Policy DM27 of the LPP2; Policy CP20 of the LPP1; NPPF (2024) Section 16.

The preservation of a non-designated heritage asset (Historic Park): Policy DM29 of the LPP2; Policy CP20 of the LPP1; NPPF (2024) Section 16.

Guidance

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Where dealing with conservation areas, decision makers are required to pay special attention to the “desirability of preserving or enhancing the character or appearance of that area.” under Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990).

Due regard has been given to these requirements, as set out in the Historic Environment consultation response and assessment within this report. The Alresford Conservation Area runs along The Avenue to the south of the site, given the intervening distance and nature of the development, the proposal will not affect the significance of the conservation area.

The proposed dog walking area and parking falls within the area noted within the Hampshire Inventory of Historic Parks and Gardens. The proposal would include the erection of timber posted with fencing around the dog walking site, which is currently maintained grassland. The addition of these elements for the dog walking area remain in-keeping to the rural character of the area and remain lightweight in overall appearance and do not fundamentally change the character and appearance of the area.

Therefore given the location and nature of the development which itself can be reversed, it is considered to preserve the character and appearance of Arlebury Park and not affect the significance of the conservation area. The proposal therefore complies with policy CP20 of the Local Plan Part 1 and DM25 and DM27 of the Local Plan Part 2.

Residential amenity

The nearest neighbouring residential properties are adjoined to the southern boundary of the site which are Arle Cottage and Arlebury Park Cottage, with more residential properties further to the south of those adjoining the site. The development includes the erection of timber post and fencing to enclose the dog walking area. Despite the erection of the fencing, given the proposed external appearance, it remains in-keeping to the rural character. The boundary to Arle Cottage and Arlebury Park Cottage is open with sporadic low-level planting along the boundary that allows for views to the northwest, however this is at the discretion of the neighbouring property with the right to a view not being a material planning consideration. The neighbouring dwellings are situated over 40 metres from the boundary with a further increase to the location of the dog walking area itself. Therefore, given the distance to the neighbouring properties of Arle Cottage and Arlebury Park Cottage, an adverse overlooking impact that would warrant refusal is not identified. Given the nature of the development an adverse overbearing and overshadowing impact is not identified.

The noise impact of the proposals upon residential amenity are discussed below.

Environmental Protection / Noise Impacts

Concerns have been raised within regards to noise as a result of the proposed dog walking use. The site itself has an existing agricultural use which could result in agricultural works that would involve noise disturbance, therefore the proposed use of the site as a dog walking site is not considered to cause a significant noise change over the potential use of the site.

A noise impact assessment has been submitted under the planning application noting control measures to mitigate potential noise, these include restricting the number of dogs per allocated time slot to 4 dogs, opening hours have been agreed with the applicant to be

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reduced to 8am to 6pm Monday to Friday, 8am to 1pm Saturday and no uses on Sundays or bank holidays.

Consultation with the Environment Health Team has been undertaken and notes there are a number of unknowns as a result of the unpredictability of dogs compared to other noise sources. To mitigate potential disturbance conditions 5 and 6 are attached which restrict the number of dogs to 4 per allocated slot and the opening hours as above.

On top of restricting the number of dogs along with the date and time, to ensure a suitable management of the site, a management plan is in place under condition 7 requesting details that includes noise mitigation details, waste management and maintenance of the site. A landscape plan under condition 9 will also secure planting along the sites southern boundary that will help reduce potential noise impacts along with create further privacy.

Therefore given the nature of the site, area, the nature of the proposal and the attached conditions to control the use, it is not considered that the proposal will cause a significant noise impact that would warrant refusal.

The proposal therefore complies with policy DM17 of the LPP2.

Sustainable Transport

The site is served by a private access that comes off The Avenue that also serves The Spinney Caravan Park and residential properties. There is then an existing agricultural gate and access which leads to the site that will have an enclosed parking area that can accommodate more than 2 spaces. The site therefore has ample parking as it is limited to a solo dog walker. The site can be accessed without the need for further hardstanding through the use of the existing accesses, although a small area of hardstanding will be provided for the parking.

The site can have 2 sessions per hour which would generate 4 two-way movements per hour. The Highway Authority have not raised any concerns about this level of traffic generation.

The site is down a private access which has good visibility which leads to the junction with The Avenue that has a 30mph posted speed limit with good visibility to the west and east, along with space when entering to allow 2 cars to pass side by side. It is therefore considered to not lead to highways safety concerns. It is noted that the site is accessed down a private drive, however this is not a material planning matter. The site itself can be accessed from the wider area through pedestrian footpaths as there are footpaths along the Avenue which lead to residential areas of Alresford, with the walk to the centre of Alresford being around 10 minutes.

There are therefore no highway objections to the proposal and it is considered to comply with policy DM18 of the LPP2.

Ecology and Biodiversity

The River Itchen SSSI and SAC is located over 160m to the north of the site. The development includes the formation of a section of hardstanding for the parking with the dog walking site retains grassland within the paddock with the site itself classed as a managed grass field. The proposed development will include the erection of some fencing on top of the hardstanding proposed, but the proposal does not block routes between

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sensitive areas. In the interest of biodiversity enhancement condition 8 is attached which seeks a Biodiversity Enhancement Plan.

Given the nature of the proposed development and presence of a buffer to the north, along with the addition of condition 8, it is considered the proposal will not lead to a significant adverse impact upon the protected sites nor the biodiversity of the site.

The application was submitted and validated prior to the introduction of Biodiversity Net Gain (BNG). The application therefore is not required to provide a BNG of 10% but will in any case make improvements through the conditioned Biodiversity Enhancement Plan.

Therefore, the proposal complies with policy CP16 of the LPP1

Sustainability

The development does not include development that requires an energy performance certificate. The proposal is therefore not liable to CP11.

Sustainable Drainage

The site is situated within a Flood Zone 1 area and the proposal is considered to not impact upon surface water drainage, because it only includes the formation of a small section of hardstanding for parking which will be filled with compacted scalping's and the remainder of the site being retained as grassland. The proposal is therefore considered to not lead to an adverse drainage impact. The proposal therefore complies with policy DM17.

Trees

The site contains a number of trees within the red outline and wider area, with additional tree planting proposed. Due to the nature of the proposed development, it is not considered that there will be an adverse impact on the trees during construction or the long term use of the development.

The proposal will therefore comply with policy DM24.

Waste

There are concerns raised with regards to ensuring the appropriate disposal of waste from those using the site, condition 7 is attached which required the submission of a management plan which includes addressing waste issues. This is to be submitted prior to the commencement of any works on site. The proposal therefore complies with policy DM17.

Public Right of Way

The New Alresford 9 public right of way is located over 130 metres to the north of the dog walking site on the opposite side of the ponds to Franklyns Fish Farm with mature vegetation along the site's north boundary. Therefore given the location of the public right of way and nature of the proposal, it is considered to not have an impact upon the right of way.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other

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factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

The principle of the development within the countryside is acceptable and the development would not have a significant adverse impact upon the character and appearance of the site and wider area, while it will preserve the significance of the Arlebury Park. With conditions in place to control the hours of opening and use of the site, as well as a management plan, the proposal will not lead to an adverse impact upon the amenities of the neighbouring properties.

In conclusion and based on the upon the above assessment, the proposal is acceptable and complies with policies DS1, MTRA4, CP16, CP20 of the LPP1, DM1, DM13, DM15, DM16, DM17, DM18, DM25, and DM27 of the LPP2.

Recommendation

Permit subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be constructed in accordance with the following plans:

- Location & Block Plan- Dwg No. 100 Rev E- Received 30.04.2024
- Proposed Site Layout- Dwg No. 101 Rev C- Received 18.12.2023
- Detailed Plan- Dwg No. 102 Rev D- Received 29.04.2024

Reason: In the interests of proper planning and for the avoidance of doubt.

3. Prior to the commencement of works, details showing the materials, design and appearance of the fencing to be used for the dog walking site shall be submitted to and approved in writing by the local planning authority. Works shall be undertaken in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

4. The area shown on the approved plans shall only be used for the dog walking use hereby permitted under this application and at no other time shall be used for any other purpose.

Reason: To comply with the permission hereby granted.

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5. The dog walking business shall only be used between the hours of 08:00 to 18:00 Monday to Friday; 08:00 to 13:00 Saturdays and at no time on Sundays and Bank Holidays. At no time should an audible whistle be used on site.

Reason: To protect the amenities of the occupiers of nearby properties.

6. Only four dogs shall be allowed on the site with a single dog walker during each allotted time slot, with a 5 minute cross over period imposed for each time slot.

Reason: To protect the amenities of the occupiers of nearby properties.

7. Prior to the commencement of works a waste, maintenance, noise mitigation management plan shall be submitted to and approved in writing by the local planning authority. Details shall include the frequency of maintenance and process of review in regards to the management plan. Details of the noise mitigation management plan shall also include: code of conduct for users including the limiting of any noise making devices i.e whistles; direct means of communication for local residents; complaints procedure and enforcement rules.

The site shall be operated and maintained in accordance with the approved details at all times.

Reason: To protect the amenity of the occupiers of nearby properties.

8. A Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The details must include the use of boundary treatment gaps, swift boxes and other enhancement measures. The use hereby permitted shall not commence until the approved details have been implemented. Development must then continue in accordance with the approved details.

Reason: To accord with the Policy CP16 of the Winchester District Local Plan Part.

9. No development shall take place until details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the following, as relevant:

- planting plans
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- retained areas of grassland cover, scrub, hedgerow, trees and woodland
- implementation programme

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape.

10. Prior to the installation of any external lighting on the site, full details of any lighting, including positioning on the building, level of luminance, direction of lighting and details of any motion sensors or timers shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that bats and other nocturnal species are not adversely impacted by the lighting.

Informatives:

1. In accordance with paragraph 39 of the NPPF (December 2024), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 - Joint Core Strategy: DS1, CP7, CP13, CP16, CP20, MTRA4

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM13, DM15, DM16, DM17, DM18, DM25, DM27

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

6. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or

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private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practise

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

7. Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)

8. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements (as set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024) are considered to apply as follows:

- The application for planning permission was made before 12 February 2024.