



JUDITH DOUGLAS TOWN PLANNING LIMITED

Duke of York Inn, Brow Top, Grindleton BB7 4QR.



Proposed change of use from public house with living accommodation to residential use.

Planning, Design and Access Statement

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STATEMENT IN SUPPORT OF AN APPLICATION FOR A CHANGE OF USE FROM PUBLIC HOUSE WITH LIVING ACCOMMODATION TO RESIDENTIAL USE.

1.0 INTRODUCTION

- 1.1 This statement is in support of a planning application for the change of use of the Duke of York from public house with living accommodation to residential use as one dwelling. The proposal does not include any physical alterations to the building in order to bring the change of use into effect. The Public House which has been closed for 24 months, comprises public areas on the ground floor with cellars beneath and a proprietor's flat at the first floor with attic storage on the second floor. Externally there is a large garden area kept as lawn and a tarmac surfaced car park.
- 1.4 This application should be read in conjunction with the following plans and documents:
- 5977-E01-Existing Site Plan
 - 5977-E02-Existing Floor Plans
 - 5977-E03-Existing Elevations
 - 5977-P01-Proposed Site Plan
 - 5977-P02-Proposed Floor Plans
 - 5977-P03-Proposed Elevations
 - Heritage Assessment February 2020
 - Report and Valuation JPA Surveyors February 2020
 - Report and Valuation M S W Hewetsons Chartered Surveyors February 2020
 - Marketing report Whiteacres Commercial Property Agents

2.0 THE APPLICATION SITE & SURROUNDING AREA

- 2.1 The application site is set within the village boundary of Grindleton. The proposals maps to the adopted Housing and Economic Development, Development Plan Document indicates that the site is within the settlement boundary of Grindleton and within the conservation area. The southern part of the village to the south of Sawley Road is in the area designated as open countryside. The village to the north of Sawley Road is within the Area of Outstanding Natural Beauty.
- 2.2 Immediately to the west of the site is part of the Greendale Woodland and Buck Street leading to Greendale Mill. Adjoining the site to the north is 1-4 Main Street and the garden area of Townley House. The Duke of York and Townley House are listed buildings grade 2. The list description, first listed in 1984 describes the Duke of York as:

“Public house, early C19th century. Squared sandstone with diagonal tooling. Stone Slate roof. Double pile plan with end stacks and chamfered quoins. 2 storeys with attic, 2 bays. Windows sashed with no glazing bars and with plain stone surrounds. To the left of the door is a double window with centre squared mullion. The door, between the bays, has a plain stone surround and moulded open pediment on console brackets. The gables have copings and footstones. To the left is a further bay having a double window on the ground floor and a single window

above, and with quoins having diagonal tooling. Right-hand return wall (facing east) has three windows on the ground floor and 4 on the first floor, similar to those on the main façade. Above is an attic window with plain stone surround and semi-circular head.”

Townley House, first listed 1984 is described as

“House, c1800. Pebbledashed rubble with slate roof. 2 storeys, 2 bays. Windows have plain stone surrounds. Those on the ground floor are tripartite with semi-circular heads and square mullions. On the 1st floor are 2-light windows with square mullions. The door, between the bays, has a plain stone surround with semi-circular head. Above is a re-set datestone ‘1727’GAA. To the left of the left-bay is a second stone inscribed ‘RA 1624’”

- 2.3 There are no public footpaths across the site. There is a walk through the woodlands and a public footpath along Buck Street. Sawley Road and Brow Top pass along the southern edge of the village. This road carries a bus service 3 which connects the village to Clitheroe and school bus services. Main Street Grindleton also carries service 66/67 which connects to Clitheroe and Nelson. Grindleton has a primary school and Bowland High School is situated on Sawley Road 1.2km to the north east. Within the village is the Buck Inn (also closed), St Ambrose C of E Church and Grindleton Pavilion community centre.
- 2.4 The site comprises a public house with living accommodation now closed. The ground floor comprises the public bar areas, dining room, toilets as well as a catering kitchen. There are internal stairs to a cellar. The cellar has an external beer drop from the pavement in main street. Internal stairs lead to a first-floor flat comprising lounge, kitchen, bathroom and three bedrooms on the second floor is a large attic.
- 2.5 On the 3rd September 2019 the land and buildings at The Duke of York, Grindleton was included on the list of assets of community value. The nomination to the list was made by the Grindleton Community Pub Limited. On the 8th January 2019 the land and buildings at The Buck Inn, Grindleton was included on the list of assets of community value. The nomination to the list was made by the Grindleton Parish Council.

3.0 SITE HISTORY

3.1 The planning application history of the site is as follows, it may not be complete:

3/2019/0050	Change of use from public house with living accommodation to one dwelling with business use. Demolition of existing single-storey extensions and construction of new single-storey extension LB	Refused 12/04/2019
3/2019/0049	Change of use from public house with living accommodation to one dwelling with business use. Demolition of existing single-storey extensions and construction of new single-storey extension. Construction of new, two-storey, three-car garage with business storage above. Construction of three new two-storey holiday lets. planning application	Refused 11/04/2019
3/2009/0288	Proposed level standing/seating area (Resubmission).	Approved with conditions 03/06/2009
3/2009/0289	LB "	
3/2008/0447	Retrospective application for decking to front of building.	Refused 23/07/2008
3/2008/0448	LB "	
3/1997/0841	Extension to rear of premises to form link to toilets and store	Approved with conditions 08/01/1998
3/1997/0842	LB	
3/81/0267	Alterations to make toilet and games room extension	Approved 16.4.81
3/76/0849	Proposed fire escape door	Approved 2.9.76
3/74/0902	Signage (has photo of front)	Refused 14.11.74
BO 1165	extend dining room and kitchen and formation of garage *	Approved 27.7.67
BO 937	Details of car park to BO919 (14 spaces	Approved 15.5.64
BO 919	Car park rear of Duke of York	Approved 24.3.64

*Refers to extending car park approved under approval BO 1222

4.0 RELEVANT PLANNING POLICY

4.1 The Development Plan for the purposes of this application comprises the Ribble Valley Core Strategy (adopted 2014) and the National Planning Policy Framework (NPPF) (2018).

Core Strategy (2014)

4.2 The Core Strategy forms the central document of the Local Development Framework (LDF), establishing the vision, underlying objectives and key principles that will guide the development of the area to 2028. The following policies are of relevance to the proposal:

- Key Statement DS1- Settlement Strategy. Grindleton is considered to be a tier 2 settlement which are sustainable settlements but less suitable than tier 1 settlements. In tier 2 villages development will be required to meet a proven local need or deliver regeneration benefits.

- Key Statement DS2-Sustainable development. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.
- Key Statement EN2-Landscape. The Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.
- Key Statement EN5 (Heritage Assets) - There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings.
- Key Statement EC1-Business and Employment Development. Proposals that result in the loss of existing employment sites to other forms of development will need to demonstrate that there will be no adverse impact on the local economy.
- Policy DMG1 General Considerations – sets out various criteria to be considered in assessing planning applications, including a high standard of building design, proposed development being sympathetic to existing land uses, highway safety and not adversely affecting the amenities of the area.
- Policy DMG2 Strategic Considerations. Development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision.
- Policy DMG3 Transport and mobility. In assessing development proposals, the Council will consider the availability and adequacy of public transport the relationship to the primary road network and access to the development on foot or by cycle.
- Policy DME2 Landscape and Townscape Protection. Development proposals will be refused which significantly harm townscape elements such as scale form and materials that contribute to the characteristic townscapes of the area.
- Policy DME4 Protecting Heritage Assets. The Council will make a presumption in favour of the conservation and enhancement of heritage assets and their settings.
- Policy DMB1 Supporting business growth and the local economy. Proposal for alternative uses of employment sites are to be assessed against listed criteria.

National Planning Policy and Guidance

- 4.3 The National Planning Policy Framework (NPPF) 2018 clearly states ‘that the purpose of the planning system is to contribute to the achievement of sustainable development’ (para 7). Paragraph 11 sets this out and confirms its purpose at the heart of the NPPF. For decision-taking this means: ‘approving development proposals that accord with an up-to date development plan without delay’.
- 4.4 Section 16 of the NPPF Conserving and enhancing the historic environment states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

5.0 PRE-APPLICATION ADVICE

- 5.1 A pre-application advice request was submitted to the Council on the 31st August 2018 for the proposed conversion of the public house to a dwelling (with ancillary offices); erection of holiday cottages; erection of detached garage and storage. A written response was received on the 5th November 2018 reference RV/2018/ENQ/0079.¹ It was accepted that the proposal would not result in the creation of a new dwelling since a dwelling already exists within the building. It advised that the provision of information which demonstrates that the existing business is not viable indicates would confirm that the loss of the public house is acceptable under policies EC2 and DMB1 of the Core Strategy.
- 5.2 This pre-application advice was followed up by planning and listed building applications which were refused permission. A further request for pre-application advice was submitted on the 30th May 2019 for the proposed change of use from public house with living accommodation to public house with letting bedrooms, holiday cottage and construction of detached manager's accommodation. Demolition of single storey extensions and creation of parking area. Pre-application advice was received in September 2019². The pre-application advice suggests the proposal was an improvement on the earlier scheme and indicates support in principle. However, this support is heavily caveated requiring appropriate justification. There is continuing concern in regard to the proposed physical changes to the listed building and the effect of the development on the setting of the listed building and the character of the conservation area. It also expressed concern in regard to relocating the residential accommodation within the site.

6.0 PLANNING APPRAISAL

- 6.1 The main issues to be considered in this application is whether the development in principle is acceptable, whether the use of the building as a public house is viable, whether the loss of the public house would have a detrimental impact on the social facilities of the village and whether the proposed alternative use is compliant with the relevant current planning policies.
- 6.2 If the proposal is considered acceptable under these principle considerations, then other matters need to be taken into account. These include the effect of the development on the character of the conservation area, the impact on the character appearance and significance of the building, which is a designated heritage asset and whether the proposed development represents the optimal viable use for this designated heritage asset.

Development in principle

- 6.3 The development is in principle acceptable under the policies of the Core Strategy. The property is currently a mixed use of public house and living accommodation. It is rated as public house and premises and the Council Tax band B has been payable for the living accommodation since 1993. The public house accommodation is on the ground floor whilst the residential accommodation is on the first floor. There is a substantial attic space over the main part of the original building. This has only been lightly used for storage.
- 6.4 The proposal is to put all of the building into residential use. The number of residential units on the site will remain at one dwelling. As no new dwellings are created the proposal is not in

¹ Appendix 1 Pre-application advice 2018/ENQ/00079

² Appendix 2 Pre-application advice 2019/ENQ/00067

conflict with Key Statement DS1, DS2, DMG2 or policy DMG3 in this respect. This was confirmed in the Council's pre-application advice dated 5th November 2018 in relation to the conversion of the building to a dwelling with ancillary offices which stated "*The submission also indicates that the site configuration was such that the proprietor's living accommodation was located on site, above the bar area, something that was evident at my site visit. I have discussed this issue with the Council's Policy Team who have confirmed that they would not consider the scheme to represent the net addition of a further dwelling*".

- 6.5 In addition the building is currently vacant and beginning to deteriorate. The re-use of the property will bring the building back into beneficial use. Policy DS1 says that development that has recognised regeneration benefits will be considered in all of the borough's settlements. The application proposal would result in the regeneration of the building. A similar proposal for the conversion of the Eagle and Child at Hurst Green (a tier 2 settlement) to dwellings was approved in 2016. This was a pub with living accommodation. The Council accepted that the building had been unsuccessfully marketed and the continued operation as a public house was not financially viable. As such it was considered that there was a legitimate concern that the building would remain vacant and fall into a state of disrepair. The same circumstances apply in this case.
- 6.6 The site has been in commercial use and was employment generating however the business has been under-performing for some time and the property has been unsuccessfully marketed including as a going concern. The marketing of the property has been extensive and over a lengthy period. It robustly demonstrates that the previous business as a public house is not viable. This satisfies the requirements of Key Statement EC1, EC2 and policy DMB1.
- 6.7 The proposal is also acceptable under policy DMB1 as there are environmental benefits to the community in preventing the site from deteriorating and returning it to a viable use. The Officer's report to application 3/2019/0049 stated "*it is not considered that the loss of the Duke of York would result in significant detriment to community facilities in the village and the loss of the Duke of York as a public house may indeed help to sustain the Buck Inn.*"

Viability of the public house.

- 6.8 The recent commercial history of the Duke of York reflects national trends. The property was offered for sale by Westlake and Co an agent specialising in the licensed trade. A Marketing Report has been prepared by them. ³ They note in the report that in the period 2010 to 2016 there had been a 75% drop in wet sales increasing to a 90% drop in the last four years. In July 2017 the premises were under a 'Tenancy at Will'. Later it transpired that the premises had for the last two years seen six trading agreements in place, four of these being a Tenancy at Will only. It is our understanding from discussions with the agent that Tenancy at Will was regarded by the owners as a holding position where no real income is coming in from the property. In effect the tenant is providing a caretaking role. The licensee in July 2017 admitted to the agent that they were making a nil return despite all efforts.
- 6.9 Westlake marketed the property from 18th October 2017. In January 2018 the price was reduced and the building was bought by the current owner in June 2018. Punch Taverns, the previous owner is understood to have been marketing the property in its own right from early 2017. Westlake have provided details of the extensive marketing exercise that was carried

³ Appendix 3 Westlake Marketing Report 30th May 2018

out. Only six expressions of interest were received and only two accompanied viewings undertaken. Enquiries relating to the continuation of the business decreased over the period of marketing many operators expressing concern about the potential viability of the premises. Latterly enquiries were only from alternative use occupiers.

- 6.10 The current owner has carried out a further period of marketing. The building has been marketed with Whiteacres from April 2019. Whiteacres are a specialist Commercial Agent with vast experiences in the commercial agency market. They have provided a report of the marketing period from April 2019 to February 2020 and the building is still on the market⁴. Whilst there was interest in the building, they report that *“prospective buyers seemed deterred due to the fact the building was Grade 2 listed and there was another empty pub in the village. Prospective buyers were also concerned that the building had been run as a pub/restaurant in the past but had never made a long-term success.”*
- 6.11 Two independent valuation reports have been provided for the property (exempt information)⁵. These demonstrate that the asking price of the property is reasonable. Whilst there has been one expression of interest the price offered was well below the valuation price and has not progressed towards a sale (exempt information)⁶.
- 6.12 The owner has also explored charitable ownership of the property and has approached Heritage Trust Network, Heritage England (Manchester) and Historic England no responses were received⁷. Contact was made with Grindleton Parish Council which resulted in the formation of the Grindleton Pub Company.

Social facilities within the village of Grindleton

- 6.13 Both the Duke of York and the Buck Inn are currently closed. Both are being marketed for sale and have been listed as assets of community value. The Office for National Statistic estimates the population of the parish of Grindleton to be 794 in 2017⁸. The Council's published census data indicates the population of the village in 2001 was 723. In the current climate it is optimistic to consider that a village of this size is able to be sustain two public houses. Many rural public houses have struggled over the last years to stay viable and this has resulted in a number of closures. Ribble Valley has not been immune to this trend. As Whiteacres commented, it is conceivable that as two pubs are for sale at the same time, this may be hampering the sale of both properties. Any purchaser of The Buck has to consider the potential competition which would arise if the Duke of York re-opens and visa versa. The Duke of York is on the market for £325,000 the Buck Inn £265,000 (offers) VAT applicable.
- 6.14 In the event that neither public house is viable the village has other community facilities at the Grindleton Pavilion. Grindleton Pavilion is very active with social functions, clubs and groups. Grindleton Pavilion has a licensed bar and a main hall with a maximum capacity for 80 persons. It has full disabled access and a professional catering kitchen. The loss of the Duke of York as a public house will not seriously harm the social facilities of the village and may help to sustain the Buck Inn by reducing competition. Grindleton Parish Council commenting on the previous

⁴ Appendix 4 Whiteacres Marketing report 18th February 2020

⁵ Appendix 5 Valuation reports from JPA Surveyors and M S W Hewetsons Chartered Surveyor February 2020

⁶ Appendix 6 Expression of interest from Grindleton Pub Company

⁷ Appendix 7 Copies of letters sent to heritage trusts.

⁸ Ons.gov.uk

planning application states that The Pavilion (village hall) has a private bar for pre-booked/ticketed events and follows a policy not to compete with the village pubs in recognition of their valuable and differing service to the village. They state that the Parish Council placed the Buck Inn on the community asset register to try and salvage something for the village, but they acknowledged that this does not guarantee success.

- 6.15 In the current climate it seems near impossible that the village can sustain two pubs and The Pavilion either through the endeavours of commercial operators or through charities. If the Duke of York permanently ceases to be a public house the prospect of the Buck Inn re-opening increases. Indeed, the nomination of the Duke of York as an asset of community value may have reduced the likelihood of The Buck re-opening by increasing the uncertainty around competition. There is also the possibility even one public house is not viable. In these circumstances The Pavilion remains and could open a public bar. Focussing community efforts towards The Pavilion might be the more sustainable option for preserving community facilities in the long run.
- 6.16 The Core Strategy seeks to protect community facilities Key Statement EC2, policies DMB1 and DMR3 and this is echoed in paragraphs 83 and 92 of the Framework. These policies require robust evidence that facilities are no longer viable before considering other forms of use. The site has been marketed at price which has been confirmed as reflecting the current market value for a considerable period of time and has been listed as an asset of community value. No reasonable offer to purchase the property has been put forward. It has been established that the property is no longer viable as a public house.

Alternative Use.

- 6.17 The proposed wholly residential use of the property will bring the building back into a viable and active use. The properties close by are in residential use and the change of use from public house with living accommodation to residential use will have no adverse impact on the residential amenities of nearby properties. This use provide the optimal viable alternative use which is sensitive to buildings' historic structure and layout. It will result in an improvement to the residential amenities of the neighbouring residential due to cessation of the former public house use and associated noise and activity. The proposal is compliant with policy DMG1. DMG2.
- 6.18 As the proposal is an application for change of use only, with no proposed alterations to the building there is no impact on the visual qualities of the landscape of the Area of Outstanding Natural Beauty or townscape. The proposal is compliant with Key Statement EN2 and policy DME2.

Assessment of the effect of the development on the listed building and the conservation area.

- 6.19 The Duke of York is a listed building. It is likely to have originally been built as a private house C1800 and was an Inn by the mid1850's.
- 6.20 The Heritage Assessment confirms that significance of the building is in the features of the building that date from that period. As the interior of the building has be extensively altered the significance of the building is primarily in its external qualities and street scene presence. The principle historic elements of the interior are those few which survive from this original phase ie two wide king post roof trusses and vaulted cellar rooms. The public access to the interior of the building as a public house is confined to the public areas on the ground floor. These

areas are largely interiors from the 20th century of lower importance and do not possess the core early 19th century character that is the basis of the building special interest. The loss of access to these public areas will not result in serious harm to the heritage significance of the building. The harm, if any, is “less than substantial” as defined in paragraph 196 of the Framework.

- 6.21 The return of the building to use as a single dwelling is supported by the Heritage Assessment. There are no proposed alterations to the exterior or interior of the building. The proposal will have no effect on the historic fabric of the building or the setting of the listed building or the neighbouring listed building Townley House. If it is considered that the loss of public access to the building results in less than substantial harm, then this is outweighed by the public benefits of bring the building back into use by securing its optimal viable use. The proposal is compliant with Key Statement EN5 and policy DME4
- 6.22 The Officer Report to 3/2019/0049 considered that the loss of the public house use which had been in place for over 150 years and forms part of its significance would be harmed. The report notes that the change in the use of the building would result in subtle changes including the removal of signs and result in a more domestic appearance. If it is considered that the loss of public access to the building results in less than substantial harm, then this is outweighed by the public benefits of bring the building back into use by securing its optimal viable use.
- 6.23 The previous application 3/2019/0049 included alterations to the listed building and development within the curtilage. The Officer concluded that this would lead to substantial harm to the to the special architectural interest and setting of the listed building and less than substantial harm (but approaching substantial harm) to the character and appearance of Grindleton Conservation Area. This triggered the requirement of paragraph 195 of the Framework to refuse permission unless substantial public benefits capable of outweighing any harm could be demonstrated or the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.”*
- 6.24 We are of the view that the proposal is now less harmful than the previous proposal and the level of harm is ‘less than substantial’ which is outweighed by the public benefit of bringing the building back into and optimal viable use. However, if the Council disagrees and considered that the proposal would lead to substantial harm the four ‘tests’ listed above are met in this case.
- 6.25 The Westlake report shows that the business had been struggling for a considerable period until it was bought by the applicant. The business was in competition with the other public house in the village. Social gatherings also take place in The Pavilion which whilst the Parish Council says it does not intend to compete with the village pub must inevitably have taken some focus of village life away from the village pubs. The property has been marketed for a further period and has since the last application been listed as an asset of community value none of which has result in a reasonable offer to purchase the property. The village of Grindleton is a small catchment to support a village pub. Previously it traded as a destination-

style pub and there are other similar establishments nearby providing strong competition including the Spread Eagle at Sawley, the Brown Cow, Chatburn, The Waddington Arms, The Higher Buck and the Lower Buck in Waddington. These pubs are closer to larger centres of population and major road networks than the Duke of York. It has been demonstrated that the nature of the asset in terms of its location prevents all reasonable use as a public house thus satisfying the first test.

- 6.26 Since the last application the property has been market for a further 11 plus months and is ongoing. Two independent valuations have been carried out on the property. The Commercial Estate Agent has carried out targeted advertising sending details to pub, restaurant and leisure operators running similar businesses in the North West and funeral directors, micro-breweries, hoteliers, offices and rural retailers. Despite this no reasonable offer to purchase the property has been received. The property has been advertised by commercial estate agents and has been publicised on Rightmove a national website. The lack of interest has been ascribed to its listed status and there being another empty pub in the village. No viable use has been found through this appropriate marketing and as such the second test is satisfied.
- 6.27 The moratorium period created by the listing as an asset of community value has not resulted in an acceptable bid from a community group. The applicant has also approached local building preservation trusts which has been unsuccessful in finding a new owner. The third test is thus satisfied.
- 6.28 The building is not in use and has been mothballed. Lack of use will inevitably mean that the building will deteriorate, and the investment required to bring it back into use will increase making the change of the return to a commercial use less likely. The investment needed to refurbish the building and bring it back into a commercial use is substantial and it likely to be off putting to potential commercial investors. The vacant building also has a negative impact on the character and appearance of the Conservation Area. It has been demonstrated that there is no prospect of the use as a public house being re-activated. The harm is outweighed by the benefit of bringing the site back into use. In addition, the permanent closure of the Duke of York will improve the viability of the Buck Inn, the other pub in the village by removing perceived competition. The fourth test is satisfied.

7.0 SUMMARY AND CONCLUSION

- 7.1 The proposed re-use of the pub and manager's accommodation as a single dwelling, is the optimal viable use for this designated heritage asset. The proposal has regeneration benefits and will prevent further decline. There is an alternative public house which whilst is it closed is for sale and no proposals for alternative uses have been put forward for that building. The permanent closure of the Duke of York will increase the viability of the Buck Inn by reducing perceived competition and the village also benefits from The Pavilion so that the community is not disadvantaged.
- 7.2 The proposal fully complies with the policies of the Core Strategy and the NPPF.

Appendices

Appendix 1 Pre-application advice 2018/ENQ/00079

Appendix 2 Pre-application advice 2019/ENQ/00067

Appendix 3 *Westlake Marketing Report 30th May 2018**

Appendix 4 *Whiteacres Marketing report 18th February 2020**

Appendix 5 *Valuation reports from JPA Surveyors and M S W Hewetsons Chartered Surveyor February 2020**

Appendix 6 *Expression of interest from Grindleton Pub Company**

Appendix 7 Copies of letters sent to heritage trusts.

* Exempt information not to be made public