

Planning

A Guide for Householders



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

What you need to know about
the planning system



Thinking about altering
or improving your home?

Putting up a building in the garden?

Building an extension?



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Introduction

The planning system plays an important role in modern society by helping to protect the environment in our towns and cities and in the countryside. Planning regulations have to cover many different situations and even the provisions which affect the average householder are quite detailed. This booklet gives a simple guide to those aspects of the planning system which you are most likely to encounter. *However, it is not an authoritative interpretation of the law.*

The general planning principles and the procedures for making a planning application described in this booklet apply equally to owners of houses and to freeholders or leaseholders of flats and maisonettes. However, the rules that say when you need to apply for planning permission will differ according to whether you own a house or a flat/maisonette. The different rules are described in Chapter 4.

Parliament has given the main responsibility for planning to local planning authorities. If you have any queries about a particular case, the first thing to do is to ask the planning department of your local council. You may also be able to find out more about planning law in your local library.

If you are concerned about a legal problem involving planning, you may need to get professional advice or ask your local Citizens Advice Bureau.



Why planning controls are needed

The purpose of the planning system is to protect amenity and the environment in the public interest. It is not designed to protect the interests of one person over another. Within the framework of legislation approved by Parliament, councils should try to ensure that development is allowed where it is needed, while ensuring that the character and amenity of the area are not adversely affected by new buildings or changes in the use of existing buildings or land.

Some people think the planning system should be used to prevent any change in their local environment, while others think that planning controls are an unnecessary interference with individual rights. The present position is that major works need planning permission from the council but many minor works do not. The Government thinks this is the right balance. Councils can use planning controls to protect the character and amenity of their area, while individuals have a reasonable degree of freedom to alter their property.

Before you start work

There are many kinds of alterations and additions to houses for which you do not need to apply for planning permission. Chapter 4 of this booklet will help you decide if you need to apply. Whether or not you need to apply, you should think about the following before you start work.

Your neighbours

Let your neighbours know about work you intend to carry out to your property. They are likely to be as concerned about work which might affect them as you would be about changes which might affect your enjoyment of your own property. For example, your building work could take away some of their light or spoil a view from their windows. If the work you carry out seriously overshadows a neighbour's window and that window has been there for 20 years or more, you may be affecting his or her "right to light" and you could be open to legal action. It is best to consult a lawyer if you think you need advice about this.

You may be able to meet some of your neighbour's worries by modifying your proposals. Even if you decide not to change what you want to do, it is usually better to have told your

neighbours what you are proposing before you apply for planning permission or before building work starts.

If you do need to make a planning application for the work you want to carry out, the council will ask your neighbours for their views.

If you or any of the people you are employing to do the work need to go on to a neighbour's property, you will, of course, need to obtain his or her consent before doing so.

Design ▶

Everybody's taste varies and different styles will suit different types of property. Nevertheless, a well-designed building or extension is likely to be much more attractive to you and to your neighbours. It is also likely to add more value to your house when you sell it. It is therefore worth thinking carefully about how your property will look after the work is finished.

Extensions often look better if they use the same materials and are in a similar style to the buildings which are there already – but good design is impossible to define and there may be many ways of producing a good result. In some areas, the council's

planning department issues design guides or other advisory leaflets which may help you.

Crime Prevention ►

You may feel that your home is secure against burglary and you may already have taken some precautions such as installing security locks to windows. However, alterations and additions to your house may make you more vulnerable to crime than you realise. For example, an extension with a flat roof, or a new porch, could give access to upstairs windows which previously did not require a lock. Similarly, a new window next to a drainpipe could give access. Ensure that all windows are secure. Also, your alarm may need to be extended to cover any extra rooms or a new garage. The crime prevention officer at your local police station can provide helpful advice on ways of reducing the risk.

Lighting ►

If you are planning to install external lighting for security or other purposes, you should ensure that the intensity and direction of light does not disturb others. Many people suffer extreme disturbance due to excessive or poorly-designed lighting. Ensure that beams are **NOT** pointed directly at windows of other houses. Security lights fitted with passive

infra-red detectors (PIRs) and/or timing devices should be adjusted so that they minimise nuisance to neighbours and are set so that they are not triggered by traffic or pedestrians passing outside your property.

Covenants ▶

Covenants or other restrictions in the title to your property or conditions in the lease may require you to get someone else's agreement before carrying out some kinds of work to your property. This may be the case even if you do not need to apply for planning permission. You can check this yourself or consult a lawyer.

Other consents ▶

Whether or not you need to apply for planning permission, there are other consents or approvals you may need to obtain before you can start work. They are described in Chapter 6.



Do you need to apply for planning permission?

This chapter gives general guidance about the kinds of work for which you need to apply for planning permission and those for which you do not. If you are in any doubt about whether you need to apply, you should consult the planning department of your council. They will usually give you advice but, if you want to obtain a formal ruling you (or your adviser) can apply, on payment of a fee, for a "lawful development certificate" by writing to the council with details of the work you want to carry out.

Take Care! If you build something which needs planning permission without obtaining permission first, you may be forced to put things right later, which could prove troublesome and costly. You might even have to remove an unauthorised building.

**When you will
need to apply
for planning
permission**

- ▶ The following are common examples of when you will need to apply for planning permission.
- You want to make additions or extensions to a flat or maisonette (including those converted from houses). (But you do not need planning permission to carry out internal alterations or work which does not affect the external appearance of the building.)
 - You want to divide off part of your house for use as a separate home (for example, a self-contained flat or bed-sit) or use a caravan in your garden as a home for someone else. (But you do not need planning permission to let one or two of your rooms to lodgers.)
 - You want to divide off part of your home for business or commercial use (for example, a workshop) or you want to build a parking place for a commercial vehicle. (The Department's free booklet, *Planning Permission: A Guide for Business*, available from your council, gives advice about working from home and whether planning permission is likely to be required.)

- You want to build something which goes against the terms of the original planning permission for your house – for example, your house may have been built with a restriction to stop people putting up fences in front gardens because it is on an "open plan" estate. Your council has a record of all planning permissions in its area.
- The work you want to do might obstruct the view of road users.
- The work would involve a new or wider access to a trunk or classified road.

The rest of this chapter gives further advice on when you will need to apply for planning permission. If this booklet does not cover what you wish to do, you should discuss your proposals with the planning department of your council.

**Permitted
development
rights** ▶

You can make certain types of minor changes to your home without needing to apply for planning permission. These are called "permitted development rights" and are described in this chapter.

In some areas of the country permitted development rights are more restricted. If you live in a **Conservation Area, a National Park, or an Area of Outstanding Natural Beauty**, you will need to apply for planning permission for certain types of work which do not need an application in other areas. There are also different requirements if your house is a listed building. These are described in the relevant sections of this chapter.

Your council's powers to withdraw permitted development rights



You should also note that the council may have removed some of your permitted development rights by issuing an **Article 4 direction**. This will mean that you have to submit a planning application for work which normally does not need one. Article 4 directions are made when the character of an area of acknowledged importance would be threatened. They are most common in conservation areas. You will probably know if your property is affected by such a direction, but you can check with the council if you are not sure.

The sections below explain when you need to apply for planning permission.

- Section A** House extensions and additions including conservatories, sun lounges, enclosing existing balconies or verandahs, loft conversions, dormer windows and roof additions (pages 18-21)
- Section B** Buildings and other structures on the land around your house, for example, garages, garden sheds, greenhouses and swimming pools (pages 22-23)
- Section C** Adding a porch to your house (page 24)
- Section D** Putting up fences, walls, and gates (page 25)
- Section E** Patios, hard standings, paths and driveways (page 26)
- Section F** Satellite dishes, and television and radio aerials (page 27)
- Section G** Decoration, repair and maintenance (pages 28-29)
- Section H** Demolition of buildings (pages 30-31)
- Section I** Flats and maisonettes (page 32)



▲
Section

- A** Loft conversions, dormer windows, roof extensions
- F** Aerials, satellite antennas
- G** Re-roofing, roof lights



▲
Section

- A** Extensions, conservatories, bay windows
- C** Porches
- G** Repairs, painting, pointing, cladding, pebble-dashing, shutters, security grilles



▲
Section

- B** Garages, carports
- D** Gates, fences, walls, hedges
- E** Access, driveways, entrances, hard-standings, parking



▲
Section

- B** Greenhouses, sheds, garden buildings, fuel tanks, accommodation for pets, ponds, swimming pools
- D,E** Tennis courts
- E** Patios

And also Advertising, Business activity, Bed-sits/flats/lodgers, Demolition, Internal alterations.

Section A – Extending your house

You need to apply for planning permission to extend or add to your house in the following circumstances.

- You want to build an addition which would be nearer to any highway than the nearest part of the "original house", unless there would be at least 20 metres between your house (as extended) and the highway. The term "highway" includes all public roads, footpaths, bridleways and byways. (There are special rules for porches, see Section C.)
- More than half the area of land around the "original house" would be covered by additions or other buildings.

The term "original house" means the house as it was first built or as it stood on 1 July 1948 (if it was built before that date). Although you may not have built an extension to the house, a previous owner may have done so.

You will also need to apply for planning permission if the extension or addition exceeds the following limits on **height** and **volume**.

▶ Height limits for extensions

You will need to apply for planning permission before building an extension to your house if:

- the extension is higher than the highest part of the roof of the "original house"; or any part of the extension is more than 4 metres high and is within 2 metres of the boundary of your

property. (Loft conversions and dormers have separate rules – see page 21.)

You should measure the height of the proposed extension from the ground level immediately next to it. If the ground is uneven, you should measure from the highest part of the surface, unless you are calculating volume.

▶ **Volume limits for extensions**

You will need to apply for planning permission before building an extension if:

- for a terraced house (including an end of terrace house) or *any* house in a **Conservation Area, National Park, or an Area of Outstanding Natural Beauty** – the volume of the "original house" would be increased by more

than 10% or 50 cubic metres (whichever is the greater);

- for any other kind of house outside those areas, the volume of the "original house" would be increased by more than 15% or 70 cubic metres (whichever is the greater); and
- *in any case*, the volume of the "original house" would be increased by more than 115 cubic metres.

Volume is calculated from external measurements.

In the following circumstances, the volume of other buildings which belong to your house (such as a garage or shed) will count against the volume allowances. In some cases, this can include building which were built at the same time as the house or existed on 1 July 1948.

- If an extension to your house comes within 5 metres of another building belonging to your house, the volume of that building counts against the allowance for additions and extensions.
- Any building which has been added to your property and which is more than 10 cubic metres in volume and which is within 5 metres of your house is treated as an extension of the house and so reduces the allowance for

further extensions without planning permission.

- If you live in a **Conservation Area, a National Park, or an Area of Outstanding Natural Beauty**, all additional buildings which are more than 10 cubic metres in volume, wherever they are in relation to the house, are treated as extensions of the house and reduce the allowance for further extensions.

If any of these cases apply, the volume of the building concerned will be deducted from your volume limit for extensions and additions to your house. For example, if your volume limit is 50 cubic metres and a building of 15 cubic metres in volume is treated as an extension to the house, then your volume limit for extensions would be reduced to 35 cubic metres.

► **Special limits for roof extensions, loft conversions and dormer windows**

There are some special rules which apply to these kinds of extension to your house.

You do not normally need to apply for planning permission to re-roof your house (see Section G) nor for the insertion of roof lights or skylights.

You will need to apply for planning permission if you live in a **Conservation Area, a National Park, or an Area of Outstanding Natural Beauty** and you want to build an extension to the roof of your house or any kind of addition which would materially alter the shape of the roof.

Outside those areas, you need to apply for planning permission if any of the following circumstances apply.

- You want to build an addition or extension to any roof slope which faces a highway.
- The roof extension would add more than 40 cubic metres to the volume of a terraced house or more than 50 cubic metres to any other kind of house.(Note. The volume limits for extensions described on pages 18-20 are the total allowed for a house. Any additional volume created by a roof extension will count against the total volume limit for your house.)
- The work would increase the height of the roof.

Section B – Buildings and other structures on the land around your house

Many kinds of buildings and structures can be built in your garden or on the land around your house without the need to apply for planning permission. These can include sheds, garages, greenhouses, accommodation for pets and domestic animals, summer houses, swimming pools, ponds, sauna cabins, enclosures (including tennis courts) and many other kinds of structure.

You will need to apply for planning permission if any of the following cases apply.

- You want to put up a building or structure which would be nearer to any highway than the nearest part of the "original house", unless there would be at least 20 metres between the new building and any highway. The term

"highway" includes public roads, footpaths, bridleways and byways.

- More than half the area of land around the "original house" would be covered by additions or other buildings.
- The building or structure is not to be used for domestic purposes and is to be used instead, for example, for parking a commercial vehicle, running a business or for storing goods in connection with a business.
- You want to put up a building or structure which is more than 3 metres high, or more than 4 metres high if it has a ridged roof. (Measure from the highest ground next to it.)

- If your house is a **listed building**, or you live in a **Conservation Area, a National Park, or an Area of Outstanding Natural Beauty**, and you want to put up a building or structure with a volume of more than 10 cubic metres.

The meaning of "original house" is explained on page 18.

Note: If your new building would have a volume over 10 cubic metres, and come within 5 metres of the house, it would be treated as an extension and would count against your overall volume entitlement.

▶ **Fuel storage tanks**

You will need to apply for planning permission in the following circumstances.

- You want to install a storage tank for domestic heating oil with a capacity of more than 3,500 litres or a height of more than 3 metres above ground level.
- You want to install a storage tank which would be nearer to any highway than the nearest part of the "original house", unless there would be at least 20 metres between the new storage tank and any highway. The term "highway" includes public roads, footpaths, bridleways and byways.
- You want to install a tank to store liquefied petroleum gas (LPG) or any liquid fuel other than oil.

Section C – Adding a porch to your house

You will need to apply for planning permission if the porch:

- would have a ground area (measured externally) of more than 3 square metres;
- would be higher than 3 metres above ground level (advice on measuring height is given on page 19); or
- would be less than 2 metres away from the boundary of a dwellinghouse with a highway (which includes all public roads, footpaths, bridleways and byways).

Section D – Putting up fences, walls and gates

You will need to apply for planning permission if:

- your house is a listed building or in the curtilage of a listed building; or
- the fence, wall or gate would be over 1 metre high and next to a highway used for vehicles; or over 2 metres high elsewhere.

You do not need planning permission for hedges or trees. However, if there is a condition attached to the planning permission for your property which restricts the planting of hedges or trees (for example, on an "open plan" estate or where a sight line might be blocked), you will need to obtain the council's consent to relax or remove the condition before planting a hedge or tree screen. If you are unsure about this, you can check with the planning department of your council.

Section E – Patios, hard standings, paths and driveways

There are no restrictions on the area of land around your house which you can cover with hard surfaces.

However, in some circumstances, significant works of embanking or terracing to support a hard surface might need a planning application. Ask your local planning authority if in doubt.

You will also need to apply for planning permission if the hard surface is not to be used for domestic purposes and is to be used instead, for example, for parking a commercial vehicle or for storing goods in connection with a business.

You must obtain the separate approval of the highways department of your council if a new driveway would cross a pavement or verge. You will also need to apply for planning permission if you want to make a new or wider access for your driveway on to a trunk or other classified road. The highways department of your council can tell you if the road falls into this category.

Section F – Satellite dishes, and television and radio aerials

Normal domestic TV and radio aerials do not need planning permission.

In certain circumstances, you will need to apply for planning permission to install a satellite dish on your house.

This is explained in the Department's separate free booklet, *A Householder's Planning Guide for the Installation of Satellite Television Dishes*, which can be obtained from your council.

If your house is a listed building, you may need listed building consent to install a satellite dish on your house (see Chapter 6, page 39).

Section G – Decoration, repair and maintenance

You do not need to apply for planning permission:

- for repairs or maintenance;
- for minor improvements, such as painting your house or replacing windows;
- for internal alterations;
- for the insertion of windows, skylights or roof lights (but, if you want to create a new bay window it will be treated as an extension of the house – see Section A);
- for the installation of solar panels which do not project significantly beyond the roof slope; and

- to re-roof your house (but additions to the roof are treated as extensions to the house, see Section A, page 21).

Occasionally, you may need to apply for planning permission for some of these works because your council has made an Article 4 Direction withdrawing permitted development rights (see Chapter 4, page 14).

If you live in a **listed building**, you will need listed building consent for any significant works whether internal or external (see Chapter 6, page 39). You also may need planning permission to alter, repair or maintain a gate, fence, wall or other means of enclosure.

▶ Cladding

If you live in a **Conservation Area, a National Park, or an Area of Outstanding Natural Beauty**, you *will* need to apply for

planning permission before **cladding** the outside of your house with stone, tiles, artificial stone, plastic or timber.

Section H – Demolition of buildings

If you decide to demolish a building, even one which has suffered fire or storm damage, it does not automatically follow that you will get planning permission to build a replacement.

▶ **Listed buildings and buildings in conservation areas**

You do not need to make a planning application to demolish a listed building or to demolish a building in a conservation area. However, you may need listed building or conservation area consent. (See Chapter 6, pages 39 and 40.)

▶ **Elsewhere**

You will not need to apply for planning permission:

- to demolish a building such as a garage or shed of less than 50 cubic metres; or
- if the demolition is urgently necessary for health and safety reasons; or
- if the demolition is required under other legislation; or
- where the demolition is on land which has been given planning permission for redevelopment; or
- to demolish a gate, fence, wall or other means of enclosure.

In all other cases, such as demolishing a house or block of flats, the council may wish to agree the details of how you intend to carry out the demolition and how you propose to restore the site afterwards.

You will need to apply for a formal decision on whether the council wishes to approve these details. This is called a "prior approval application" and your council will be able to explain what it involves.

Section I – Flats and maisonettes

▶ Alterations, outbuildings, walls, fences and patios etc

You will need to apply for planning permission to build an extension, an outbuilding such as a garage, shed or greenhouse, as well as for any other work which would materially alter the appearance of the building. You will also need to apply for planning permission to create a hard surface such as a patio.

You will not need to apply for planning permission to paint your flat or maisonette but, if you are a leaseholder, you may first need to get permission from your landlord or management company.

▶ Satellite dishes

In certain circumstances, you will need to apply for planning permission to install a satellite dish on your flat or maisonette. This is explained in the Department's free booklet *A Householder's Planning Guide for the Installation of Satellite Television Dishes*, which can be obtained from your council. Remember, if you are a leaseholder, you may need to obtain permission from the landlord.



5

How to apply for planning permission

Your first steps



If you think you might need to apply for planning permission:

- Step 1** Contact the planning department of your council. Tell the planning staff what you want to do and ask for their advice.
- Step 2** If they think you need to apply for planning permission, ask them for an application form. They will tell you how many copies of the form you will need to send back and how much the application fee will be. Ask if they foresee any difficulties which could be overcome by amending your proposal. It can save time or trouble later if the proposals you want to carry out also reflect what the council would like to see.
- Step 3** Decide what type of application you need to make. In most cases this will be a full application but there are a few circumstances when you may want to make an **outline application** – for example, if you want to see what the council thinks of the building work you intend to carry out before you go to the trouble of

making detailed drawings (but you will need to submit details at a later stage).

Step 4 Send the completed application forms to your council, together with the correct fee. Each form must be accompanied by a plan of the site and a copy of the drawings showing the work you propose to carry out. (The council will advise you on what drawings are needed.)

What the council will do



Planning staff at the council should acknowledge your application within a few days. They will place it on the Planning Register at the council offices so that it can be inspected by any interested member of the public. They will also either notify your neighbours or put up a notice on or near the site. In certain cases, applications are also advertised in a local newspaper. The council may also consult other organisations, such as the highway authority or the community council.

The planning department may prepare a report for the planning committee, which is made up of elected councillors. Or the council may give a senior officer in the planning department the responsibility for deciding your application on its behalf.

You are generally entitled to see and have a copy of any report submitted to a local government committee. You are also entitled to see certain background papers used in the preparation of reports. The background papers will generally include the comments of consultees, objectors and supporters which are relevant to the determination of your application. Such material should normally be made available at least three working days before the committee meeting.

Planning considerations



The councillors or council officers who decide your application must consider whether there are any good planning reasons for refusing planning permission or for granting permission subject to conditions. The council cannot reject a proposal simply because many people oppose it. It will look at whether your proposal is consistent with the development plan for the area. The kind of planning issues it can also consider include potential traffic problems, the effect on amenity and the impact the proposal may have on the appearance of the surrounding area.

How long will the council take?



Moral issues, the personal circumstances of the applicant or the effect the development might have on nearby property prices are not relevant to planning and will not normally be taken into account by the council.

The council should decide your application within eight weeks. If it cannot do so, it should obtain your written consent to extend the period. If it has not done so, you can appeal to the National Assembly for Wales (see below). But appeals can take several months to decide and it may be quicker to reach an agreement with the council.

▶ **What can I do if planning permission is refused or conditions are imposed on the permission or if the council do not issue a decision?**

If the council refuses permission or imposes conditions, it must give reasons.

If you are unhappy or unclear about the reasons for refusal or the conditions imposed, talk to the planning department.

Ask them if changing your plans might make a difference. If your application has been refused, you may be able to submit another application with modified plans free of charge within 12 months of the decision on your first application.

Alternatively, you may wish to consider appealing to the National Assembly for Wales.

Appeals ▶ If you think the council's decision is unreasonable, you can appeal to the National Assembly for Wales. Appeals must be made within six months of the date of the council's notice of decision. You can also appeal if the council does not issue a decision within eight weeks.

A free booklet *Making Your Planning Appeal* is available from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff CF10 3NQ.

Appeals are intended as a last resort and they take several months to decide. It is often quicker to discuss with the council whether changes to your proposal would make it more acceptable.

Other kinds of approval

Whether or not you need to apply for planning permission for your work, there are some other kinds of approval you may need. Most are given by the council, which will be able to let you have further information.

Listed building consent

You will need to apply for listed building consent if either of the following cases apply.

- You want to demolish a listed building.
- You want to alter or extend a listed building in a manner which would affect its character as a building of special architectural or historic interest.

You may also need listed building consent for any works to separate buildings within the grounds of a listed building. Check the position carefully with the council – it is a criminal offence to carry out work which needs listed building consent without obtaining it beforehand.

Conservation area consent



If you live in a **conservation area**, you will need conservation area consent to do the following.

- Demolish a building with a volume of more than 115 cubic metres. There are a few exceptions – you can get further information from your council.
- To demolish a gate, fence, wall or railing over 1 metre high where next to a highway (including a public footpath or bridleway) or public open space; or over 2 metres high elsewhere.

Trees



Many trees are protected by **tree preservation orders** which means that, in general, you need the council's consent to prune or fell them. In addition, there are controls over many other trees in conservation areas. Ask the council for a copy of the Department's free leaflet *Protected Trees: a guide to tree preservation procedures*.

Building regulations



New building work will often need to comply with the **Building Regulations**. These prescribe minimum standards for health and safety. The Regulations also apply to certain changes of use of existing buildings. You also need approval from the council if the work you want to do involves building over a sewer or a drain. The Building Control Department of your council will be able to tell you whether you need Building Regulations approval and how to apply.

A free explanatory booklet, *Building Regulations*, a leaflet on the safety of garden walls and other guidance should be available from your council.

Rights of way



If your proposed development would obstruct a public path which crosses your property, you should discuss the proposals with the council at an early stage. The granting of planning permission will not give you the right to interfere with, obstruct or move the path. A path cannot be legally diverted or closed unless the council has made an order to divert or close it to allow the development to go ahead.

The order must be advertised and anyone may object. You must not obstruct the path until any objections have been considered and the order has been confirmed. You should bear in mind that confirmation is not automatic; for example, an alternative line for the path may be proposed.

Advertising ►

You may need to apply for **advertisement consent** to display an advertisement bigger than 0.3 square metres on the front of, or outside, your property. This includes your house name or number or even a sign saying 'Beware of the dog'. Temporary notices up to 0.6 square metres relating to local events, such as fêtes and concerts, may be displayed for a short period. There are different rules for estate agents' boards, but, in general, these should not be bigger than 0.5 square metres on each side. You can get advice from the planning department of your council; ask it for a copy of the Department's free booklet, *Outdoor advertisements and signs*.

Wildlife ►

Some houses may hold roosts of **bats** or provide a refuge for other protected species. The Wildlife and Countryside Act 1981 gives special protection to bats because of their roosting requirements. The Countryside Council for Wales (CCW) must

be notified of any proposed action (eg remedial timber treatment, renovation, demolition and extensions) which is likely to disturb bats or their roosts. CCW must then be allowed time to advise on how best to prevent inconvenience to both bats and householders. Information on bats and the law is included in booklets which can be obtained free of charge from CCW local offices.

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