



Appeal Decision

Site visit made on 23 January 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2024

Appeal Ref: APP/L5810/D/23/3332069

8 Isabel Hill Close, Hampton, Richmond Upon Thames, TW12 2FE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sam Brooks against the decision of the London Borough of Richmond Upon Thames Council.
 - The application Ref. 23/1048/HOT, dated 19 April 2023, was refused by notice dated 14 August 2023.
 - The development proposed is extension and alterations to existing dwelling to include a new subterranean extension to the side, two storey extension to the rear, single storey extension to the side and associated site works and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for extension and alterations to existing dwelling to include a new subterranean extension to the side, two storey extension to the rear, single storey extension to the side and associated site works and landscaping at 8 Isabel Hill Close, Hampton, Richmond Upon Thames, TW12 2FE in accordance with the terms of the application, Ref. 23/1048/HOT, dated 19 April 2023 and the plans submitted with it, and subject to the conditions listed in the Annex to this decision.

Application for Costs

2. An application for costs was made by the Appellant against the London Borough of Richmond Upon Thames. This application is the subject of a separate decision.

Preliminary Matters

3. Since the appeal was lodged a revised version of the National Planning Policy Framework (Framework) was published in December 2023. However, the relevant design and heritage policies of the Framework remain unchanged, albeit some of the paragraph numbering is different.
4. An application to construct two new houses within the grounds of the appeal site was dismissed on appeal on 25 June 2021 (ref. APP/L5810/W/20/3265851) (2021 Appeal). I have had regard to that decision, where relevant, in determining this appeal.
5. The Council's Planning Report also refers to the Publication Version of the Richmond Local Plan (June 2023) and provides a list of relevant policies from this. However, whilst these emerging policies are a material consideration and

can be accorded some weight, my attention has not been drawn to any new policies that differ materially from those referred to in its reasons for refusal.

Main Issues

6. The main issues are: (a) the effect of the proposed development on the character and appearance of the host property and surrounding area, with particular regard as to whether the property is a Building of Townscape Merit and otherwise having regard to the appeal site's location within a designated Conservation Area; (b) whether sufficient information has been provided to protect the health and longevity of nearby trees; and (c) whether the proposal would affect bats or any other protected species.

Reasons

Character and appearance

7. The appeal site lies within the Hampton Village Conservation Area (HVCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the Framework and in policies LP1 and LP3 of the Richmond Local Plan (July 2018) (RLP).
8. The Council also contend that the host property is a designated Building of Townscape Merit (BTM) to which policy LP4 applies, as a non-designated heritage asset. Reference has also been made to policy LP11 that deals with basements as well as the Council's House Extensions & External Alterations Supplementary Planning Document (May 2015) (Extensions SPD).
9. Turning firstly to the HVCA, the designation document states that the area originally covered the heart of the old village of Hampton in view of its specific architectural and historical importance and was subsequently extended to include The Waterworks. It continues by stating that The Waterworks stand at the entrance to Hampton Village both by the river and on Sunbury Road and is a local landmark comprising mid Victorian gault brick pumping houses situated within spacious grounds behind iron railings and perimeter planting. A number of the buildings within The Waterworks are stated as being listed.
10. A more detailed assessment is provided in the Hampton Village Conservation Area Study (CAS) which appears to date from January 1991. This states that the area comprises four distinctive parts, namely the old village, Station Road, the riverside and The Waterworks. In relation to the latter, it largely reiterates the commentary in the area designation in confirming that the pumping houses act as a landmark in announcing Hampton Village from the river and Lower and Upper Sunbury Road when approaching from the west, and that they make a large contribution to the character of Hampton. It also notes that a number of the buildings within The Waterworks are listed and have long since ceased their original use. Under the 'Proposals' reference is made to site 'OS3' comprising the filter beds to the north of Upper Sunbury Road and to north of the appeal site, which it says is likely to become surplus to Thames Water's requirements and would be suitable for development including open space.
11. The CAS continues by referring to local plan policies seeking to preserve and enhance BTM's, views and vistas, including a schedule of BTM's to be added and a 'Proposals' Map that identifies key local plan and other designations.

Whilst the appeal site is shown as forming part of the HVCA, from my reading of the Map it is not shown as a BTM or forming part of any views or vistas.

12. All of the above factors contribute to the character and appearance of the HVCA as a whole.
13. The parties disagree on whether the appeal building is designated a BTM. Dealing firstly with the 2021 Appeal, my understanding from this is that the proposal related to the construction of two new houses within the grounds of the appeal site and that no works were proposed to the host property. As such, other than the Inspector referring to it as a BTM, there is no discussion of that designation, whether it was challenged or where it emanated from. In view of this, the decision is not of any great assistance in reaching a finding on this issue.
14. The Appellants Grounds of Appeal (GOA) and accompanying Appendices do provide substantive evidence on this issue. Having compared this with the evidence contained in the Council's Planning Report, I am more persuaded by the Appellant's evidence and that, on balance, this points to the host property not being a designated BTM. There is in fact very little documentation or other written evidence before me that would lead me to find that the host property was a BTM.
15. In relation to the conservation area documents, the CAS does not, on my reading, show the host property as a BTM. There is no written description or direct reference to the host property as a BTM in any of these documents and similarly the Council's list of BTM's does not refer to the host property, even though this list does identify individual properties by their name or street numbering or other description. The reference to South Lodge must be the property to the south west as it has a different post code and appears to be annotated as such on the 'Proposals' Map to the CAS. The Hampton Water Treatment Works are included on the list, but these buildings lie well to the south of the appeal site and on the opposite side of Upper Sunbury Road, and were I understand constructed at a much earlier date than the host property.
16. Reference has also been made to the Depot building but I understand this was demolished to facilitate the construction of the terrace of seven house to the east of the appeal site. The Council Reports for that development and the new housing estate on the filter beds to the north (ref. 96/3295/FUL & 96/3294/FUL respectively), reproduced in the Appellant's Appendices, state that only one of the buildings, the Depot, was a BTM and that this was demolished to make way for the new terrace of houses. The host property is referred to as Hill House, which I understand is a reference that comes from another house in the area that has since been demolished, but, even so, it is clear that permission was granted to convert the host property into a 2 bed house and that neither of the Reports refer to it as a BTM.
17. Based on the evidence before me, I am not convinced, therefore, that this shows with any certainty that the host property is, as the Council assert, a BTM. Even so, the appeal site lies within the HVCA where the statutory duty requires special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. I have proceeded to determine the appeal on that basis.

18. Within the above context, I agree with the Appellant that the rear elevation of the host property is not of great quality having been altered and extended in the past. Moreover, views of the rear elevation and its contribution to the area are compromised by the high retaining wall on the northern boundary of the appeal site. I understand that the latter was constructed as part of the 1990's housing development on the former filter beds to the north. The land to rear is thus at a much higher level and is used as parking to serve the cul-de-sac of properties within Hill House Drive, part of the 1990's development. The new two storey rear extension would infill the gap between the rear elevation of the host and this retaining wall. Whilst I accept that this would result in the loss of some of the original features, the rear gable and pitched roof would remain as existing. Even so, the rear is largely only visible to those residents within the cul-de-sac and thus any impact on public views and the wider area would be limited.
19. I am also satisfied that the contemporary and innovative design of the rear extension would complement the host property and would not be harmful to it. Through an appropriate pallet of materials it would not compete with the host and the loss of some original features would be modest and must be viewed in the context of the changes that have taken place to the rear elevation and more so on the land to the north and east, where a significant amount of new housing development has come forward. The proposed rear extension would be subordinate to the host and would sit well below the ridge to the main roof, in line with the guidance in the Extensions SPD. Whilst the latter advises against full width extensions, anything less than proposed would appear contrived and unsympathetic to the form and footprint of the host. As such, any conflict with Extensions SPD would be minor and as guidance it should be applied flexibly having regard the individual circumstances of the case.
20. In relation to the proposed single storey side extension, its flat roofed design would enable the original upper part of this elevation and gable ended roof to be retained. It would represent a modest extension, with a contemporary and innovative design securing a clear distinction between old and new. This new extension would also be subordinate, it would not project beyond the front wall to the host or infill an important gap between properties, again in line with the guidance in the Extensions SPD.
21. As I observed on my site visit, public views of the host property from Upper Sunbury Road are well screened by a combination of railings, trees, adjoining development and the fact that the host building itself is set well back from the road and separated from it by a high bank with a mature band of trees (which are outside the appeal site and I understand the subject of a Tree Preservation Order (TPO)). I accept that glimpsed views would be possible from the road, but these would largely be of the front and western elevations to the host building, which would retain their original or characteristic features.
22. I am also satisfied that the proposed subterranean side extension would not result in an unsympathetic or dominant addition to the host property. Given that the new extension would be mostly sited behind the existing retained garage, there would be limited, if any, impact on the views of the host from the east or from the shared parking area with the terrace of properties in Isabel Hill Close. As I observed on site, those views are, in fact, dominated by the retaining wall, fencing and two storey gable end to 20 Hill House Drive, to the north, which towers over this part of the appeal site.

23. With its subterranean design, the overall impact of this element of the appeal on the host would, in my view, be limited, and it would largely be hidden from public views. As such, its design and scale would be largely concealed in line with the guidance within the Extensions SPD, which advises that the external features of 'basements' (which appears to be the most relevant guidance) should be sensitively designed and sited so as to minimise their impact.
24. The proposed subterranean side extension would be further screened by the proposals to redesign and landscape the existing grounds, as shown on the submitted Landscape Plan. These grounds, as with the host property, are in a poor condition. The Landscape Plan shows the ability to bring forward a high quality hard and soft landscaping scheme, with large areas of new tree planting, hedging, other shrub planting and lawns. I see no reason as to why the proposed landscaping scheme would not, in conjunction with the existing band of TPO trees, positively enhance views of the site that are possible from Upper Sunbury Road and in turn enhance the character and appearance of this part of the HVCA.
25. As to the scale of the proposed subterranean extension, I accept that it is large, but as the evidence submitted by the Appellant indicates it would take up well under 50% of the existing garden area and would not harm or involve the removal of any of the host property's original or characteristic features.
26. Further support for my findings in relation to all the proposed extensions and alterations is provided by paragraphs 135 and 139 b) of the Framework which state that being sympathetic to local character should not prevent or discourage appropriate innovation or change, provided the proposal fits in with the overall form and layout of their surroundings. Paragraph 44 of the National Design Guide (NDG) (January 2021) also states that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today, and to incorporate new sustainable systems or features. As I confirmed above, the appeal proposal would secure high quality contemporary and innovative additions to the host property and at the same time enable the retention of the majority of the hosts original or characteristic features.
27. Although I found earlier that the evidence before me does not point to the designation of the host property as a BTM, even if that finding was not correct and the host was a BTM, this would not affect my overall findings on this issue. Policy LP4 of the RLP states that the Council will seek to preserve and where possible enhance the significance, character and setting of non-designated heritage assets, including BTM's. Any alterations or extensions to BTM's are to be considered against relevant local guidance. Paragraph 4.1 of the Building of Townscape Merit Supplementary Planning Document (May 2015) (BTM SPD) further states that the sympathetic maintenance and adaptation of a BTM can preserve and increase the attractiveness of an area, particularly where, as in this case, original or characteristic features are retained and preserved.
28. The above approach is consistent with that in paragraph 209 of the Framework, which states that when considering the effect of an application on the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As I have found earlier, the appeal proposal would result in sympathetic and proportional additions to the host property that would not

have any harmful impact on the character or appearance of the host or the wider area. On the contrary, the proposal would secure the retention of the majority of the original or characteristic features of the host property, as well as enhancements to its landscape setting. At the same time, it would improve the poor condition of the grounds and the property itself, and enable it to be adapted to meet modern living requirements and standards. The high quality of the overall design and the successful use of contemporary and innovative extensions is further demonstrated on the 3D images submitted by the Appellant. I accept that such images should be treated with caution, but they do provide, in this instance, further support for my findings.

29. Accordingly, I find that the proposed side, rear and subterranean extensions are acceptable and that they would preserve the character and appearance of the host property and the HVCA, as a whole, in that they would leave it unharmed. The proposed extensions would also represent sympathetic, appropriate and high quality additions to the host property. The appeal proposal would thus be in accord with policies LP1, LP3, LP4 and LP11 of the RLP, the guidance within the Extensions and BTM SPD's and the corresponding policies of the Framework.

Existing trees

30. Policy LP1 of the RLP seeks, amongst other requirements, for new development to be compatible with local character including its relationship to landscaping. Policy LP16 requires existing trees to be protected and the provision of new trees and planting.
31. The Planning Report states that the Council's Tree Officer was asked to advise on the appeal proposal and the Appellant's Arboricultural Method Statement, Impact Assessment & Tree Protection Plan (Arboricultural Report) (prepared by SouthOak Arboricultural Consultancy). The Tree Officer advised that the incursion of 3% into the RPA of T3 and T4, the TPO trees located outside the appeal site to the south, was acceptable and that the method statement for works in this area was also acceptable. The Tree Officer was also satisfied with the trees shown to be removed, as these were not of any value (some of which I understand the Council have since given consent for them to be removed). The Tree Officer went on to state that there was, however, limited space for new tree planting and landscaping. It's unclear from these comments whether the Tree Officer was provided with a copy of the submitted Landscape Plan.
32. As I confirmed earlier, this Landscape Plan shows considerable scope for new trees, hedging, other planting and areas of lawn. The extent of landscaping shown would, in my view, be extensive and would include large sunken planters and new tree planting that would exceed those lost. As such, I see no reason as to why the proposed layout could not secure a high quality hard and soft landscaping scheme that would enhance the setting of the host property and the contribution it makes to the character and appearance of the HVCA.
33. Accordingly, I find that the health and longevity of the nearby trees would be secured and protected through the method statement, recommendations and Tree Protection Plan measures included within the Arboricultural Report and that this can be controlled by an appropriate condition. A condition that requires the submission and approval of a detailed hard and soft landscaping scheme would also secure a high quality scheme in line with the requirements

of policies LP1 and LP16 of the RLP, and the corresponding policies of the Framework.

Protected species

34. Policy LP16 of the RLP principally relates to trees, woodland and landscape, but insofar as it seeks to protect habitats and improve biodiversity, it is generally relevant to this issue. However, policy G6 of The London Plan (March 2021) (TLP) specifically seeks to protect and enhance wildlife habitats.
35. In response to the concerns raised by the Council, the Appellant submitted an Ecological Appraisal Review/Bat Scoping and Emergence Report (prepared by Ken Mackenzie and dated 28 September 2023) in conjunction with the appeal. Whilst I understand that this has not been reviewed by the Council's Ecology Officer, the report is an update and review of the original report submitted to the Council and is based on survey work carried out at the appeal site. The updated report is, in my view, robust and clear in its findings that there is no evidence of the presence of bats or roosting, and similarly that no other species or ecological issues are evident on site. For these reasons, I have had regard to the updated report in reaching my findings on this issue.
36. The updated report recommends that a lighting plan be prepared and agreed with the Council, given the potential for foraging bats, particularly from the TPO trees to the south, and that the proposed layout include bat bricks and boxes to encourage bats to the appeal site. The lighting plan and other recommendations can be secured by appropriate conditions.
37. Given the above, I find that the appeal proposal would be compliant with policy LP16 of the RLP, policy G6 of TLP, and the corresponding policies of the Framework.

Other Matters

38. Concerns have been raised regarding road safety/parking, pressure on local infrastructure, noise and pollution, loss of privacy, structural stability and subsidence. There is no detailed evidence before me to suggest that any of these concerns would result in material harm and I note that they are not matters that the Council have raised in their reason for refusal. Whilst I understand the concerns in relation to the risk of subsidence, the Council have not raised this as an issue or concern. Moreover, my attention has not been drawn to any policy or evidence suggesting that the area suffers from any land stability issues or is affected by land slope or slope stability or that there are other structural issues that could not properly be controlled, where required or relevant, under the appropriate Building Regulations and Party Wall legislation.

Conditions

39. The Council has suggested various conditions which I have considered against the advice in the Framework and the Planning Practice Guidance (PPG) chapter on the use of planning conditions.
40. In a number of cases, I have amended or replaced the suggested wording or simplified the conditions to reflect more standard formats, as well as to reflect the nature of the proposal and the details included in the application.

41. Conditions requiring compliance with the approved plans, for the submission and approval of details of materials/hard surfacing areas and for the proposal to be carried out in accordance with the Fire Safety Statement, are reasonable and necessary in the interests of securing a high quality development, to preserve the character and appearance of the area, reflect the details included in the application and in the interests of fire safety.
42. The PPG advises that permitted development rights should only be taken away in exceptional circumstances, and I am not convinced that those circumstance exist here. However, I have replaced the suggested condition, in relation to the construction of a new balcony/terrace, with a restriction on using the approved flat roofed areas for this purpose, in order to protect the living conditions of neighbouring occupiers. A condition seeking the submission and approval of a hard and soft landscaping scheme is also necessary and reasonable to ensure that the development is of a high quality, that is preserves the character and appearance of the area and enhances nature conservation interests.
43. Conditions requiring the submission and approval of an Arboricultural Method Statement, Construction Environmental Management Plan and Construction Management Plan are also necessary and reasonable in order to safeguard the longevity of existing trees, prevent any harm to wildlife and biodiversity, in the interests of highway safety and to protect the living conditions of neighbouring occupiers. I have deleted the condition requiring the submission and approval of an ecological/bat report and replaced it with one that requires the proposal to be implemented in accord with the findings and recommendations of the Ecological Appraisal Review/Bat Scoping and Emergence Report. I am also satisfied that conditions requiring the submission and approval of external lighting details and SUDS, to protect and enhance existing biodiversity, wildlife and ecology, the living conditions of neighbouring occupiers and to ensure that the site has a sustainable drainage system, are also reasonable.

Conclusion

44. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR

Annex - Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PD002 (Site Location); PD004 (Proposed Plans); PD005 (Proposed Elevations & Sections); PD002 (Landscape Plan) .
- 3) The external surfaces of the development hereby permitted (including fenestration) and, where applicable, all areas of hard surfacing shall not be constructed other than in materials, details and samples of which shall be

submitted to and approved in writing by the Local Planning Authority. This should include a brick panel to be made up to show the brick bond, pointing, profile and colour to ensure it is a good match with the existing building.

- 4) The development hereby permitted shall be carried out in accordance with the provisions of the Fire Safety Statement prepared by 2020 Architects and received on 9th June 2022 unless otherwise agreed in writing by the Local Planning Authority.
- 5) No part of the flat roofs to the single storey side and two storey rear extensions hereby permitted shall at any time be altered or adapted to form a balcony, terrace, seating area or similar amenity area.
- 6) No part of the development hereby permitted shall be first occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - All external hard surfacing materials and lighting;
 - Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and new trees, noting species, sizes, proposed numbers and densities, where appropriate;
 - Details including specification of the green/brown roof (vegetated roof system);
 - An implementation and management/maintenance programme;

The landscaping works shall be carried out in accordance with the approved details before any part of the development hereby permitted is first occupied in accordance with an agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance

- 7) Prior to the commencement of the development hereby permitted, an Arboricultural Method Statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority. The AMS must:
 - a) Be written in accordance with and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations;
 - b) Be written in conjunction with the schemes Construction Management Plan and Construction Ecological Management Plan;
 - c) Outline any tree constraints and explain any impacts for both above and below ground;
 - d) Detail all servicing runs (existing and proposed)
 - e) Detail all tree protection (including plans);
 - f) Detail any special engineering for construction within the Root Protection Areas
 - g) Detail any facilitation pruning that may be required. The specification for tying back and/or pruning must be measurable and prepared by a suitably qualified Arboriculturist or Arboricultural Contractor. All tree work must be undertaken in accordance with BS3998:2010 Tree work. Recommendations. unless approved by the Councils Arboricultural Officer;

h) Confirmation of the appointment of an Arboricultural Consultant for the duration of the development; a schedule of inspections to ensure an auditable monitoring and supervision programme; and a timetable for submission to the Local Planning Authority.

The development shall not be implemented other than in accordance with the approved AMS.

- 8) Prior to the commencement of development, a Construction Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with these approved details. To include the recommendations as per the Wychwood Environmental Ecological Appraisal Report (dated February 2022) and Bat Emergent Survey Report (dated August 2022)
- 9) Full details and plans of all external lighting shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with those approved details. These details shall include:
 - Locations, technical specifications;
 - Ground level horizontal lux plan;
 - 4m height horizontal lux plan;
 - No upward lighting or lighting onto the open sky, buildings, trees and vegetation or potential roost features;
 - Accordance with CIBSE guide LG6 and ILP/BCT Bat guidance note 8.
- 10) No development shall take place, including any works of demolition, until a Construction Management Plan (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period and shall provide for:
 1. The size, number, routing, manoeuvring and tracking of construction vehicles to and from the site, and holding areas for these on/off site;
 2. Site layout plan showing manoeuvring tracks for vehicles accessing the site to allow these to turn and exit in forward gear;
 3. Details and location of parking for site operatives and visitor vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 4. Details and location where plant and materials will be loaded and unloaded;
 5. Details and location where plant and materials used in constructing the development will be stored, and the location of skips on the highway if required;
 6. Details of any necessary suspension of pavement, roadspace, bus stops and/or parking bays;
 7. Details where security hoardings (including decorative displays and facilities for public viewing) will be installed, and the maintenance of such;
 8. Details of any wheel washing facilities;
 9. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);

10. Details of measures that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites;
 11. Details of any highway licenses and traffic orders that may be required (such as for licences for any structures/materials on the highway or pavement; or suspensions to allow the routing of construction vehicles to the site);
 12. Details of the phasing, programming and timing of works;
 13. Where applicable, the Construction Management Plan should be written in conjunction with the Arboricultural Method Statement, and in accordance with British Standard BS5837:2012 'Trees in relation to design, demolition and construction - recommendations', in particular sections 5.5, 6.1, 6.2, 6.3 and 7;
 14. A construction programme including a 24 hour emergency contact number;
 15. See also TfL guidance on Construction Logistics Plans.
- 11) The development hereby permitted shall be carried out in accordance with the findings and recommendations of the Ecological Appraisal Review/ Bat Scoping and Emergence Report prepared by Ken Mackenzie and dated 28 September 2023.
- 12) All recommendations as per the Water Environment Limited (22167-FRA-RP-01 P01) (dated 24 March 2023) shall be implemented in full.
- 13) Prior to the commencement of development (excluding demolition), details of the proposed Sustainable Drainage System to be incorporated in the development hereby permitted, along with details for their long term management and maintenance which demonstrates green run off rates are achieved, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, the approved scheme shall be fully implemented and not operated other than in accordance with the approved scheme.

End of Annex.