
Order Decisions

Inquiry opened on 16 January 2018

by Barney Grimshaw BA DPA MRTPI (Rtd)

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 21 February 2018

Order Ref: ROW/3175170 referred to as Order A

- This Order is made under Section 26 of the Highways Act 1980 (the 1980 Act) and is known as the Kent County Council (Public Footpath ZF43 (Parts) Faversham Public Path Creation Order 2016.
- The Order is dated 13 May 2016 and proposes to create 2 lengths of public footpath alongside Faversham Creek as shown on the Order Map and described in the Order Schedule.
- There were more than 30 objections outstanding at the commencement of the inquiry.

Summary of Decision: The Order is confirmed subject to modifications that do not require advertising.

Order Ref: ROW/3175171 referred to as Order B

- This Order is made under Section 118 of the Highways Act 1980 (the 1980 Act) and is known as the Kent County Council (Public Footpath ZF5 (Parts) Public Path Extinguishment Order 2016.
- The Order is dated 13 May 2016 and proposes to extinguish 2 lengths of public footpath at Faversham Reach as shown on the Order Map and described in the Order Schedule.
- There were 2 objections outstanding at the commencement of the inquiry.

Summary of Decision: The Order is confirmed.

Procedural Matters

1. I held a public inquiry into these Orders on Tuesday 16 to Thursday 18 January 2018 at the Alexander Centre, Faversham. I made an unaccompanied inspection of the area on Monday 15 January and a further inspection after the inquiry closed when I was accompanied by parties who appeared at the inquiry. On both visits I was able to walk most of the Order routes and view the remaining sections.
 2. In writing this decision I have found it convenient to refer to points on the Order routes as shown on the Order Maps. I therefore attach copies of these maps.
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The Main Issues

Order A

3. The requirements of Section 26 of the 1980 Act are that, before confirming this Order, I must be satisfied that there is a need for a footpath along the lines indicated on the Order Map and that it is expedient to create it having regard to:
 - (a) the extent to which the way would add to the convenience or enjoyment of a substantial section of the public or to the convenience of local residents, and
 - (b) the effect the creation of the way would have on the rights of persons with an interest in the land, taking into account the provisions for compensation.
4. I should also have regard to any material provision of a Rights of Way Improvement Plan prepared by any local authority whose area includes land over which the proposed path would be created.

Order B

5. The requirements of Section 118 of the 1980 Act are that, before confirming this Order, I must be satisfied that it is expedient that the footpath should be stopped up having regard to:
 - the extent that it appears that the path would, apart from the Order, be likely to be used by the public, and
 - the effect, which the extinguishment of the right of way would have, as respects land served by the path, account being taken of the provisions as to compensation.
6. In addition, in cases such as this, where an Order to stop up a path is concurrent with an Order to create a new path or way, I may also have regard to the extent to which the Public Path Creation Order would provide an alternative path, when considering the extent to which the path would be likely to be used.
7. Temporary circumstances, which prevent or diminish the use of the path by the public, must be disregarded.
8. I should also have regard to any material provision of a Rights of Way Improvement Plan prepared by any local authority whose area includes land over which the Order would extinguish a public right of way.

Reasons

Order A

9. The effect of this Order would be to establish a link with existing paths to complete a continuous route along the bank of Faversham Creek. The creation of the footpath would require the construction of a ramp between Points B and C to link the path to the existing promenade at the rear of properties Nos. 13-15 Faversham Reach. The path would follow the promenade (Points C-D-E) to join a section of existing Footpath ZF5 alongside the marina (Points E-F) but then follow the promenade to the rear of Nos. 1-3 Faversham Reach (Points F-G-H). At the end of the promenade it is proposed that a cantilevered reinforced

concrete slab would be constructed between Points H and I to link the path to the head of the existing slipway (Points I-J). From Point J the path would follow the existing promenade at the rear of properties in Waterside Close (Points J-K-L). From Point L a further ramp would be constructed to link the path to existing Footpath ZF32 at Point M.

The need for the footpath

10. Footpath ZF5 through the Faversham Reach estate is currently obstructed by 5 houses and 2 walls and has been since the estate was built in around 1989. Before then the land was occupied by a shipyard and the walls were in place from around 1938. It was said by some witnesses that there was a door in the wall that was occasionally not locked (possibly in the 1970s) and that it was possible to clamber round the end of the wall but this was disputed by others. It would thus appear that the path has effectively been obstructed and unavailable to the public ever since it was added to the Definitive Map as a result of a review commenced in 1970 (relevant date of map, 1987).
11. An Order to extinguish Footpath ZF5 was made in 2014 (Planning Inspectorate ref: FPS/W2275/3/12) but was not confirmed as the inspector who considered it concluded that if the route were made available to the public it would be likely to be extensively used. However, she also accepted that action to remove the houses that obstruct the path was unlikely and that, if an alternative route through the estate could be found that avoided the houses but retained views of the Creek, the future use of such a route would be extensive. The route proposed to be created is such a route.
12. The Faversham Creek Streetscape Strategy (2012) was commissioned by Faversham Enterprise Partnership on behalf of Faversham Town Council to develop a strategy for the improvement of the footpaths, streetscape and the public realm of Faversham Creekside. It was developed in consultation with landowners, businesses and the public and has been endorsed by Faversham Town Council, Swale Borough Council (BC) and Kent County Council (KCC) as guidance for future improvements. The strategy describes the existing inland route around Faversham Reach, Waterside Close and the neighbouring industrial area as unsatisfactory in various ways and includes an objective to explore the possibility of making the Faversham Reach and Waterside Close quayside path available for public use.
13. Faversham Creek Neighbourhood Plan (2017) includes as a Site Specific Project the connection of the existing footpaths as specified in the Streetscape Strategy so as to create a continuous Creekside walkway from the town to Ham Marshes. The Neighbourhood Plan was adopted after a local referendum had been held in which 88% of those who voted supported its adoption. It is however fair to say that the plan contains a range of policies of which the creation of a continuous Creekside footpath was not necessarily the top priority of many voters.
14. The planning application for the Waterside Close development included provision for a public footpath along the bank of the creek and a Planning Agreement under Section 106 of the Town and Country Planning Act 1990 (the S106 Agreement) to secure the creation of this path was duly signed on behalf of the landowner, Larchline Ltd, and Swale BC. The Agreement was dated 30 July 1997 and accordingly was in place before work on the construction of properties in Waterside Close commenced. S106 Agreements are used in

respect of matters which are considered necessary to make a development acceptable in planning terms.

15. The S106 Agreement (Para. 5.1.7) required Swale BC to deliver an Acknowledgement that it wished to enter into a Footpath Creation Agreement and to accept the dedication of a riverside walkway as a footpath maintainable at public expense. The required Acknowledgement was sent to the developer on 22 March 2001 and a draft Public Path Creation Agreement was subsequently drawn up. For various reasons this Creation Agreement has not been signed or enforced. However, it would appear that the S106 Agreement was properly entered into and, as such agreements normally run with the land irrespective of changes of ownership and are not time limited, it is still relevant and capable of enforcement.
16. The planning permission and the S106 Agreement indicate that it was intended that when Waterside Close was developed a riverside public footpath would be provided. A suitable path was constructed running between Points J-K-L but has not yet been dedicated as a public right of way and such dedication is still needed in order to fulfil the requirements of the planning permission and S106 Agreement.
17. A number of objectors argued that the word 'need' as used in the 1980 Act should be interpreted in a narrow literal manner to relate to something that is essential in the sense of being required for survival or sustenance. Such an interpretation would mean that the test to be applied under Section 26 of the Act would be very hard to satisfy and might make it difficult if not impossible for almost any new right of way to be created. I do not believe that this was the intention of the Act.
18. It therefore seems more appropriate to consider a wider interpretation of the concept of need. In this case, I consider that the evidence indicates that a riverside footpath as proposed is needed for a number of reasons. It is needed in order that the intention of the planning authority and developer of the Waterside Close estate as expressed through the planning permission and associated S106 Agreement can be met. It is needed as a means of resolving the long standing problem of Footpath ZF5 being obstructed by properties at Faversham Reach and it is needed in order to meet objectives set out in the approved Neighbourhood Plan and Streetscape Strategy.

The benefits to the public and local residents

19. The proposed creation of this footpath has attracted a considerable amount of public support. Over 120 people submitted representations in support of the confirmation of the Order. It is also supported by a range of bodies representing local people and the wider public including KCC, Swale BC, Faversham Town Council, local charities and the Ramblers Association.
20. The main reason given by supporters is that the proposed path would link existing paths to complete a continuous route along the north-west bank of Faversham Creek from the town to Ham Marshes. Currently the route necessitates a significant diversion away from the Creek around the housing estates and an industrial estate, a route considered unsatisfactory in a number of ways. The advantages of being able to continue alongside the Creek were seen as relating to the enjoyment of ever-changing views of the Creek, boats, wildlife and the town's historic heritage.

21. Objectors argued that the benefits of the proposed path, which were recognised to some extent, were more than out-weighed by the likely cost of the scheme, the difficulty of constructing the path and disadvantages to residents of the two estates.
22. The creation of the footpath would require works to be carried out to construct a ramp between Points B and C to link with the existing Faversham Reach walkway at C, the construction of a cantilevered section between points H and I and a further ramp between Points L and M to link the existing walkway to Footpath ZF32. KCC commissioned a Feasibility/Options Report from consultants, Amey, which stated that the necessary works are feasible and could be dealt with in various ways. The preferred option of KCC for a ramped concrete platform between B and C, a cantilevered concrete slab between H and I and a solid ramp between L and M was estimated to cost around £92,000 (Nov. 2015). Swale BC, The Bensted Charity, Faversham Municipal Charities and Faversham Town Council have set aside £111,500 between them to fund the project and KCC holds a contingency reserve of £30,000 which could be used should costs increase.
23. Accordingly, the evidence suggests that it is possible to create the proposed footpath and to fund the likely cost. It is difficult to put a value on the enjoyment that people might derive from use of the path but, in the light of the popular support for its creation and the willingness of organisations to contribute to its cost, it would appear that the project is widely regarded as offering good value.
24. Objectors also argue that the estimates prepared by Amey may well rise and point to other schemes for which initial estimates have increased significantly. KCC acknowledges that the figures are preliminary estimates as detailed design work has not yet been carried out. However, no alternative estimates have been put forward and I have no reason to believe that the estimates are not realistic.
25. On the other hand, tourism is important to the local economy and KCC and Swale BC consider that investment in the rights of way network such as the creation of a continuous Creekside path will have significant positive economic impact.
26. Several objectors referred to the implications for public safety of allowing public access to the Creekside walkways and suggested that additional fencing would be necessary which would add to costs. However, KCC pointed out that the communal areas of both estates were designed to be accessible and to be safe. The Waterside Close walkway was designed to accommodate public access and is already fenced; elsewhere edges of the route are defined by a substantial capping beam. The section E-F is already part of a public footpath (ZF5). Additional fencing is proposed along ramps and the cantilevered section of path (H-I) but it is not considered that further fencing will be necessary elsewhere.
27. Authorities have a duty to seek to conserve biodiversity when carrying out works. Accordingly KCC commissioned an Ecological Appraisal of the area which identifies potential adverse impacts of the construction works required to create the footpath. These are limited and mitigation measures will be put in place prior to and during construction.

The effect on persons with an interest in the land

28. The land crossed by the proposed new path is mainly owned by the residents of the two housing estates who oppose the confirmation of the Order on a number of grounds.
29. Residents of properties adjacent to the proposed footpath are concerned that the creation of a public right of way will reduce the privacy and security of their properties. The properties are separated from the existing walkways which the path would follow by substantial walls and fences and the walkways are already available for communal access by estate residents. At two points, adjacent to numbers 1 and 15 Faversham Reach, the proposed new path would be at a higher level than the existing walkways in order for users to cross over capping beams which might result in walkers being able to see over the wall more easily. However, it was suggested that the effect of this on the privacy of the properties could be mitigated by the installation of short sections of additional fencing on the top of the walls.
30. The proposed route passes close to the front door of No.2 Waterside Close. The route here is the same as set out in the planning application for the development and was intended to become a public path under the provisions of the associated S106 Agreement. It is not unusual for public footpaths to pass close to private dwellings, however, KCC state that if any issues arise a short length of fence could mitigate the effects.
31. With regard to the security of properties, there is no substantive evidence to suggest that the creation of the footpath will have an adverse effect. Properties would be separated from the proposed path by substantial walls and it was argued by some that the potential increased presence of walkers would enhance security.
32. Between Points I and J the proposed path would cross the head of a slipway used by residents and others to launch boats. It was suggested that the parking and manoeuvring of vehicles and trailers in this area might obstruct or endanger users of a public footpath. However, this is a very short section of the path (approximately 6m) and, whilst it will be necessary for vehicles and trailers to cross or obstruct it from time to time when boats are being launched or landed, such occasions are likely to be relatively infrequent and walkers should be able to by-pass any temporary obstruction.
33. The cantilevered section of the proposed path (Points H to I) will overhang the slipway to some extent (600mm). However, the size of vessels that can use the slipway is constrained by the width at its head which will not be affected by the proposal. Nevertheless, KCC has requested that the Order be modified so as to reduce the width of the path between Points H-I-J from 1.4m to 1.2m to minimise any possible impact of the creation of the path on the use of the slipway. The path should not therefore interfere with use of the slipway.
34. Specific concerns were raised by Mr Pollock, owner and occupier of No.15 Faversham Reach and owner and operator of the Thames Sailing Barge 'Repertor' berthed alongside Nos. 14 and 15. He is particularly concerned that opening up the walkway alongside the berth to the public will facilitate unauthorised access to the barge. Further concerns related to possible conflict between walkers and activities such as the mustering of passengers and the loading and unloading of luggage and stores, the dressing and drying of sails

- and the casting on and off of the vessel. However, it emerged that for many years the barge had been berthed at Standard Quay on the opposite side of the Creek which is open to public access and that at some times the barge is berthed in other ports where there is also public access. KCC commented that it is not unusual for quayside areas to be open to public access and that there is a substantial communal area beside the Faversham Reach marina that could accommodate activities such as sail drying and mustering.
35. The construction of ramps between Points B-C and L-M will affect land in the ownership of parties who to my knowledge have made no representations regarding the proposals. This being the case, I have no reason to believe that they will raise any objection to the carrying out of the construction works. It was also suggested that consents for construction works might be required from other bodies but again I have seen no evidence to suggest that any necessary consents would not be given.
36. The retaining wall at the eastern end of Waterside Close is in a poor condition and appears to have settled and rotated since the construction of the estate. The construction of the proposed solid ramp alongside this section (Points L-M) will allow the incorporation of improvements in the longevity and appearance of this section of retaining wall which will benefit residents of the estate.
37. The 1981 Act requires that, when considering the effect of creating a new right of way on persons with an interest in the land, account should be taken of the provisions for compensation. In this case residents of both Faversham Reach and Waterside Close have argued that the creation of the proposed path would have a serious effect on their properties which would entitle them to substantial sums in compensation and outweigh any benefit to the public of creating the path.
38. This argument is not accepted by KCC or Swale BC. KCC states that having seen a report prepared by the District Valuer it considers that any compensation required is likely to be minimal.
39. It is not for me to determine questions relating to compensation and I should assume that, if compensation is payable, it will provide an appropriate level of protection for those with interests in property affected. However, on the basis of the information available to me and in the light of factors such as the S106 Agreement for Waterside Close and the effect of the existing Footpath ZF5 at Faversham Reach, I do not conclude that the implications for compensation will be such as to significantly affect the overall expediency of the creation of the proposed path.

Conclusions with regard to Order A

40. The creation of the proposed footpath is needed in order to meet policy objectives set out in approved plans and to satisfy the requirements of the agreement associated with the planning permission for the development of the Waterside Close estate. It would also facilitate the resolution of the long standing problem of Footpath ZF5 being obstructed by buildings and walls at Faversham Reach.
41. The path also has considerable perceived benefits for local residents and the wider public by providing an attractive waterside path which would complete a

continuous route along the whole length of Faversham Creek from the town to Ham Marshes. It might also have a positive impact on the local economy.

42. The creation of the path will require substantial expenditure but a range of bodies have expressed willingness to contribute the necessary funds.
43. Resident of the two estates to be crossed by the proposed path have significant concerns but, in the case of Waterside Close it has always been intended that a similar path would be created and at Faversham Reach the creation of a new path will facilitate the extinguishment of an existing path through some of the dwellings themselves. Other concerns should also be relatively easily mitigated.
44. On balance it is my view that the benefits of the creation of the proposed footpath outweigh the disadvantages.

Order B

The likely use of the path

45. It was concluded with regard to a previous order and a public inquiry that, if this Order route was available to the public, it would be likely to be extensively used. I have seen no evidence to cause me to disagree with this conclusion. It is also the case that temporary obstructions to a right of way should generally be disregarded when considering the case for extinguishing it and it is also arguable that even substantial residential properties such as those at Faversham Reach could be considered to be temporary obstructions. However, section 118(5) of the 1980 Act provides for an extinguishment order to be considered concurrently with an order to create an alternative path.
46. In this case the confirmation of Order A to create a public footpath running immediately alongside the Creek would in my view provide a more attractive route for walkers than the existing sections of Footpath ZF5 running through residential properties even if they could be made available. Accordingly, if a new footpath is created as proposed in Order A, it is unlikely that the existing path would be used to any significant extent even if it was unobstructed.
47. Accordingly, if the Creekside path is created, it would be expedient for sections of the existing path to be extinguished.

The effect on land served by the path

48. I have seen no evidence to suggest that there would be any adverse effect on land served by the sections of the existing path to be extinguished and residents of properties at Faversham Reach support the extinguishment of these parts of Footpath ZF5. Although some objections appeared initially to relate to both Orders, it was made clear by people who appeared at the inquiry that most, if not all, of these related only to Order A.

Conclusions with regard to Order B

49. If Order A is confirmed and a new footpath created along the Creekside it is expedient that sections of Footpath ZF5 should be extinguished and Order B therefore confirmed also.

The Rights of Way Improvement Plan (ROWIP)

50. KCC's Countryside & Coast Access Improvement Plan 2007-2017 is the relevant ROWIP. This does not contain specific policies affecting the consideration of these Orders but KCC has stated that they are consistent with the aims of the ROWIP.

Other Matters

51. An application has recently been submitted under Section 53(5) of the Wildlife and Countryside Act 1981 (December 2017) for an order to be made to delete Footpath ZF5 through Faversham Reach from the definitive map on the grounds that it was recorded in error. Objectors suggested that the current Orders should not be determined until the outcome of this application is known as, if the application is successful and an order is made and confirmed to delete this section of path, Order B would be unnecessary and consideration of Order A could be affected.
52. This application has not yet been determined and is unlikely to be for some time. It is not for me to seek to anticipate the outcome of the application although I note that KCC takes the view that it is highly likely to be rejected. In the meantime, Footpath ZF5 is shown on the definitive map and, unless and until this is modified, this is conclusive evidence of the path's existence and location and is the basis on which I must consider the current Orders.
53. Reference has been made by a number of parties to Natural England's (NE) proposals for the establishment of the England Coast Path (ECP) in this area. This is subject to a separate process which has not yet been completed and accordingly should have little impact on the consideration of the current Orders, although it does raise some matters of interest. NE's published report proposes that the ECP should deviate away from the Creek in this area and follow Footpaths ZF5, ZF1 and ZF32 but it also refers to current proposals and states that, if a public footpath is established along the Creekside, a variation report will be submitted to realign the ECP along it. Accordingly, it appears that, if Order A is confirmed the footpath created may well become part of the ECP.
54. A further possible implication of the ECP proposals is that, if Order A is not confirmed and the ECP is established on the route currently proposed, land other than 'excepted land' between the route and the Creek would become available for public access as coastal margin or 'spreading room'. It is arguable that the communal areas within the Faversham Reach and Waterside Close estates including the walkways alongside the Creek would not qualify as 'excepted land'. If this is the case, the creation of the footpath would be beneficial to residents of the estates as public access would be restricted to the footpath and not available to other communal areas
55. As already referred to, the OMA has requested that Order A be modified to reduce the width of the proposed footpath between Points H-I-J from 1.4m to 1.2m to reduce the impact of the path on the use of the slipway. I agree that it is desirable to minimise any adverse effect of the creation of the path on use of the slipway and consider the proposed width of 1.2m adequate for the relatively short section of path concerned. I therefore propose to make the modification requested.

56. The OMA has also requested a modification of Order A to state that the new path shall come into being 28 days after the confirmation of the Order rather than 365 days after. This is to reflect the intention of the County Council to rely on permitted development rights under the General Permitted Development Order 2015 and powers of improvement in Part V of the 1980 Act. As this means that public access will not be available on confirmation the council will introduce a temporary traffic regulation order prohibiting access until the new route is constructed. This would appear to me to be an acceptable approach and I propose to make the modification requested.
57. Land to the east of Point M is grazed by cattle and therefore a gate would need to be installed. KCC propose that this will be authorised under Section 147 of the 1980 Act rather than being recorded as a limitation in the Order. This will facilitate securing the removal of the gate should use of the land change in the future.

Conclusions

58. Having regard to these and all other matters raised, I conclude that both Orders should be confirmed subject to the modifications to Order A previously mentioned.

Formal Decisions

59. Order A is confirmed subject to the following modifications:

In Paragraph 1 of the Order, delete '365 days' and replace with '28 days', and

In Part 1 of the Schedule to the Order delete '*between the points H-I-J the width will be 1.4 metres*' and replace with '*between the points H-I-J the width will be 1.2 metres*'.

Order B is confirmed.

Barney Grimshaw

Inspector

APPEARANCES

For the OMA

Ned Westaway

Counsel, representing Kent County Council (KCC)

Who called:

Graham Rusling

Public Rights of Way and Access Manager, KCC

Supporters

Tom Gates

Former County and Town Councillor

Mike Cosgrove

Local resident and councillor (Swale BC)

John Blackford

Local resident

David Simmons

Town and Borough Councillor

Tom Harding

Local resident

Brian Cafferey

Faversham Footpaths Group

Andrew Osborne

Bensted's Charity

John Coulter

Faversham Municipal Charities

Graham Thomas

Planning Officer, Swale BC

Mark Gardner

Local resident

Ian Wild

Ramblers Association

Objectors

Andrew Dunlop

Representing Faversham Reach Residents Association and Waterside Residents Association

Who called:

Mike Woods

Waterside Residents Association

Mike Henderson

Ward Councillor (Swale BC)

Colin Frake

Local resident

Sue Akhurst

Local resident

John Wellard

Faversham Reach resident

Peter Flower

Former Faversham Reach resident

Mike Palmer

Faversham Reach Residents Association

David Pollock

Faversham Reach resident

Paul Channon

Waterside Residents Association

Joan Channon

Waterside Close resident

Anna Bales

Waterside Close resident

DOCUMENTS

1. Opening Statement on behalf of KCC.
2. Proof of Evidence of Graham Rusling, KCC.
3. Statement of Case and supporting documents, KCC.
4. Extract from the Definitive Map.
5. 4 Aerial photos (1990 and 2015).
6. Final versions of 2 reports by Amey.
7. Statement of Swale BC.
8. Statement and Proof of Evidence of Mike Cosgrove.
9. Proof of Evidence, David Simmons, Faversham Town Council.
10. Statement of Case of Bensteds Charity.
11. Proof of Evidence and additional documents, Andrew Osborne, Bensteds Charity.
12. Statement of Case of Faversham Municipal Charities (FMC).
13. Proof of Evidence of John Coulter, FMC.
14. Statement of Case of Faversham Footpaths Group (FFG).
15. Proof of Evidence of Brian Cafferey, FFG.
16. Proof of Evidence of Ian Wild, Ramblers Association.
17. Statement of Paul Channon, Waterside Residents Association (WRA).
18. Proof of Evidence and Presentation, Paul Channon, WRA.
19. Statement, proof of Evidence and Presentation, Joan Channon, WRA.
20. Proof of Evidence of Mike Woods, WRA.
21. Statement, Proof of Evidence and additional documents of Anna and Michael Bales, WRA.
22. Statement of Case of Faversham Reach Residents Association (FRRA).
23. Proof of Evidence of Mike Palmer, FRRA.
24. Statement of Case and Proof of Evidence of David & Elaine Pollock.
25. Statement of Case and associated documents, John Wellard.
26. Statement of Sue Akhurst.
27. Copy of Appendix 2 to Streetscape Strategy.
28. Statement of Colin Frake.
29. Letter from Mark Gardner (6/11/17).
30. Letter from Peter Flower (21/11/17).
31. Extracts from Building Regulations 2010/2214.
32. Closing statement on behalf of objectors.
33. Closing statement on behalf of FFG.
34. Closing Statement on behalf of KCC.

(A large number of other representations were submitted before the inquiry by parties that did not appear. These were not specifically referred to at the inquiry and are not separately listed but all have been taken into account)



