

**North Yorkshire County Council**  
**Business and Environmental Services**  
**Planning and Regulatory Functions Committee**

**26 February 2019**

**Publication by Local Authorities of Information about the handling of Planning Applications**

**Report of the Corporate Director – Business and Environmental Services**

This report outlines the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 1 (the period 1 October 2018 to 31 December 2018).

Information on Enforcement Cases is attached as an Appendix.

**Recommendation:** That the reported be noted.

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Corporate Director, Business and Environmental Services

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Background Documents to this Report: Application Files

Information on planning applications can be accessed via the County Council's Online Planning Register at the following web address:

<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

(Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

## County Matter' Planning Applications (i.e. Minerals and Waste related applications)

**Table 1:** 'County Matter' planning applications determined during quarter 3 (the period 1 October to 31 December 2018).

<b>Total number of applications determined</b>		6	
<b>Number of delegated/committee decisions</b>		Delegated: 4	Committee: 2
<b>Speed of decisions</b>			
Under 13 weeks	13- 16 weeks (if major, 13 and if EIA 16 weeks)	Over 13/16 weeks within agreed Extension of Time (EoT)*	Over 13/16 weeks without or outside of agreed EoT
2	0	4	0

\*Article 34 of the Town and Country Planning (Development Procedure Order) 2015 provides for authorities to agree with the applicant to determine the planning application beyond the statutory 8/13/16 week period. This is referred to as an agreement for the extension of time (EoT) for the determination of the planning application. In instances where the application is determined within the agreed period the application is counted as satisfying the timeliness requirement.

**Table 1a:** Performance on 'County Matter' planning applications (NYCC Service Plan target - 60%)

<b>2017/18</b>	<b>Quarter 1 (Apr-Jun)</b>	<b>Quarter 2 (Jul-Sept)</b>	<b>Quarter 3 (Oct-Dec)</b>	<b>Quarter 4 (Jan-Mar)</b>
No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	100% (No. 3/3)	85.6% (6/7)	100% (6/6)	
No. of 'County Matter' applications determined within 13/16 weeks discounting Extension of Time agreements (EoT)	0% (No. 0/3)	14.2% (no. 1/7)	33.3% (2/6)	

**Table 1b:** "Special measures" \*\* performance on 'County Matter' planning applications

<b>2017/18</b>	<b>Quarter 1</b>	<b>Quarter 2</b>	<b>Quarter 3</b>	<b>Quarter 4</b>
"Special Measures" stat. No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT) over rolling two year period	01/07/16 – 30/06/18) 88.9% (No. 24/27)	01/10/16 - 30/09/18) 84.8% (No.28/33)	01/01/17 – 31/12/19 91.4% (No.32/35)	

\*\* Under section 62A of the TCPA 1990 LPAs making 50% or fewer of decisions on time are at risk of designation ("Special Measures")

## County Council's own development' Planning Applications

**Table 2:** County Council's own development planning applications determined during quarter 1 (the period 1 October to 31 December 2018)

<b>Total number of applications determined</b>		12		
<b>Minor<sup>1</sup>/Major<sup>2</sup>/EIA<sup>3</sup></b>		Minor: 11	Major: 1	EIA: 0
<b>Number of delegated/committee decisions</b>		Delegated: 12		Committee: 0
<b>Speed of decisions</b>				
Under 8 weeks	8- 13 weeks (if Major)	13- 16 weeks (if EIA)	Over 8/13/16 weeks within agreed Extension of Time (EoT)	Over 8/13/16 weeks without or outside of agreed EoT
6	2	0	4	0

<sup>1</sup>A 'minor' development application is one where the floor space to be built is less than 1,000 square metres or where the site area is less than one hectare.

<sup>2</sup>A 'major' development application is one where the floor space to be built is more than 1,000 square metres or where the site area is more than one hectare. All minerals and waste related applications fall within the definition of major development.

<sup>3</sup>An EIA development application is one considered likely to have significant environmental effects and is accompanied by an Environmental Statement.

**Table 2a:** Performance on County Council's own development minor planning applications (NYCC Service Plan target - 65%)

<b>2018/19</b>	<b>Quarter 1 (Apr-Jun)</b>	<b>Quarter 2 (Jul-Sept)</b>	<b>Quarter 3 (Oct-Dec)</b>	<b>Quarter 4 (Jan-Mar)</b>
No. of County Council's own development minor applications determined within 8 weeks or within agreed Extension of Time (EoT)	100% (No. 17/17)	100% (No. 10/10)	100% (No. 11/11)	
No. of County Council's own development minor applications determined within 8 weeks discounting Extension of Time agreements (EoT)	52.9% (9/17)	50% (5/10)	77.7% (8/11)	

**Table 3: List of all ‘County Matter’ planning applications in hand for more than 13 weeks and awaiting decision as at the end of Q1 i.e. 30 October 2018**

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Blubberhouses Quarry, Kex Gill  NY/2011/0465/73	Variation of condition 2 of planning permission reference C6/105/6A/PA to allow extraction of silica sand and erection of processing plant at the site until 2036	6.12.11	Committee	Consultation responses being reviewed and it is not in a position to proceed to determination. Discussions ongoing with the Highway Authority with regard to the proposed works on the A59.	No – but to be requested
Darrington Quarry, Darrington Leys, Knottingley  NY/2012/0020/73 (C8/40/8AH/PA)	Application to vary condition no's 1, 2, 29, 30, 31 and 32 of Planning Permission C8/40/8AF/PA for a new restoration scheme, retain the existing plant and to extend the time period in which to implement the restoration scheme	20.01.12	Committee	In the absence of requested information, consideration being given to <i>'finally disposing'</i> of the application.	No
Ripon Quarry, North Stainley, Ripon, North Yorkshire, HG3 3HT  NY/2015/0306/ENV (C6/500/277/CMA)	Planning Application accompanied by an Environmental Statement for the variation of condition No's 10 (duration of development), 11 (definition of development), 43 (maintenance) & 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B & C2/99/045/0011 for the continuation of sand & gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme	11.11.15	Committee	To be presented at the 26 February 2019 committee.	No - to be requested
Forcett Quarry, East Layton, Richmond, North Yorkshire  NY/2016/0042/ENV (C1/16/00174/CM)	Variation of condition no's 1 & 15 of planning permission ref. C1/29/15P/CM dated 7 September 2011 to allow the continuation of limestone extraction for a further 10 year period until 31 August 2026	03.03.16	Committee	The application was reported to Committee on 25 <sup>th</sup> October 2016 Members resolved to grant planning permission subject to prior completion of	No - further extension to be requested once S106 signed

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
				Legal Agreement. Awaiting completion of Legal Agreement. Engrossments circulated for signature.	
Womersley Quarry, off Stubbs Lane, Womersley, DN6 9BB  NY/2016/0073/ENV (C8/41/107A/PA)	Variation of condition No's 1, 2, 3, 5, 6, 14, 18 & 20 of Planning Permission ref. C8/2012/0035/CP dated 4 September 2012 for the continuation of tipping of colliery waste from Kellingley Colliery and soil materials from other locations for a further two years until 13th May 2018, revised tipping materials and revisions to the vehicle route, revised restoration scheme and landscaping	12.05.16	Committee	On 19 December 2017 Planning Committee resolved to grant planning permission subject to the prior completion of a Section 106 agreement.	No - further extension to be requested. S106 signed 14.12.18.
Brotherton Quarry, Byram Park, York Road, Knottingley, Brotherton  NY/2016/0087/73A (C8/50/0220/PA)	Variation of condition No. 6 of Planning Permission Ref. C8/2013/1064/CPO to refer to an updated Dust Monitoring Scheme which removes the requirement to actively monitor for fugitive dust	29.06.16	Delegated	Awaiting completion of a legal agreement.	No – further extension to be requested once S106 signed
Middleton Lodge, Kneeton Lane, Middleton Tyas  NY/2016/0220/73	Variation of condition No's. 1, 6, 7, 10, 12, 14, 20, 24, 26, 27, 29, 30 & 33 of Planning Permission Ref. No. C1/14/00747/CM which relates to phasing and restoration	18.11.16	Committee	Further information awaited from the Agent in respect of bat surveys and is also going to submit revised plans.	EoT agreed until 30.4.19
Former Stillingfleet Mine Site, Escrick Road, Stillingfleet  NY/2016/0251/FUL (C8/999/16U/PA)	Change of use of part of the former coal mine site to create a waste transfer for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces	1.2.17	Committee	Objection received from Sam Smiths Old Brewery. Objection from Selby District Council, Legal advice required and requested. Ecological Survey information requested.	EoT agreed until 08.03.19.

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
High Rails Farm, Ripley, Harrogate, HG3 3DL  NY/2016/ 0255/73A - (C6/17/00322/CMA)	Application to vary condition No. 1 of Planning Permission Ref. No. C6/6/93/592/A/CMA for the extension of time for the purpose of crushing and screening for recycling purposes of builder's waste/road sweeper waste for a further 6 years until 17 April 2023	13.1.17	Committee	Further Information received and out for consultation.	No – to be requested upon confirmation of being placed on committee agenda
Land off Weeland Road, Kellingley, WF11 8DN  NY/2017/0219/FUL	Drilling a borehole, testing of borehole including flaring, erect containerised units, associated plant and equipment, extract mine gas, generate electricity and ancillary operations	18/08/2017	Committee	County Planning Authority notified of change of Applicant company in August and held in abeyance 'til further notice.	EoT requested until 29.1.19
Crossgates Quarry, Brimham Moor Road, Fellbeck,  NY/2017/0231/FUL (C6/17/04649/CMA)	Part retrospective planning application for proposed deposit of 66,000 tonnes of inert materials to achieve restoration of a former quarry by 30 November 2018	18/10/2017	Delegated	Awaiting further ecological and landscape information from the Applicant following consultation response requests.	No – to be requested nearer to the time of determination
land to the west of Raincliffe Grange Farm, Main Street, Seamer  NY/2017/0267/ENV (C4/17/02418/CC)	Extraction and processing of sand and gravel from new quarry (11.9 hectares) including the construction of a site access road, internal haul road, mobile processing plant, site office, soil storage bunds, lagoons, stockpile area and restoration to agriculture and lake	25/10/2017	Committee	Committee Report in preparation. Applicant commissioning additional archaeological studies delayed until September 2018 to address Historic England concerns.	Further ETA to be requested when extra information received.
Newthorpe Quarry, Newthorpe, Sherburn in Elmet  NY/2017/0267/ENV (C8/2017/1232/CPO)	Variation of condition No. 9 of Planning Permission Ref C8/59/11C/IDO to increase production levels up to 250,000 tonnes per annum	31/10/2017	Delegated	Updating draft report following receipt of Counsel opinion	No - to be requested

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Newthorpe Quarry, Newthorpe, Sherburn in Elmet  NY/2017/0268/ENV (C8/2017/1230/CPO)	4 hectare northern extension to the existing limestone quarry, erection of site offices/amenity block (74.3 sq. metres), weighbridge, weighbridge	02/11/2017	Delegated	Updating draft report following receipt of Counsel opinion	No - to be requested
Pallett Hill Quarry, Catterick Village, Nr Richmond  NY/2017/0326/ENV (C1/18/00013/CM)	Variation of condition No's 2, 5 & 8 of Planning Permission Ref. C1/15/250/PA/F dated 7th November 1994 to facilitate an extension to the permitted area of extraction, an amendment to the restoration design and to alter the period for completion of all mineral operations from 31st December 2017 to 31st December 2022 and the restoration of the site from 31st December 2018 to 31st December 2023	20/12/2017	Committee	Further Environmental Statement - ecology information required	No – to be requested upon confirmation of being placed on committee agenda
Alne Materials Recycling Facility, Forest Lane, Alne,  NY/2017/0324/73A (C2/18/00147/CCC)	Variation of condition No. 9 of Planning Permission Ref. C2/03/006/0187D for the permanent retention of the site access, existing weighbridge, existing building and hardstanding areas and for use of these as an in-vessel composting facility	16/01/2017	Delegated	Still under consideration.	No – to be requested.
Alne Materials Recycling Facility, Forest Lane, Alne  NY/2017/0322/73A (C2/18/00146/CCC)	Variation of condition No. 2 of Planning Permission Ref. C2/11/02058/CCC for the permanent retention of the existing office building and parking area for use associated with the proposed in-vessel composting facility	16/01/2017	Delegated	Landscaping issues currently being discussed.	No – to be requested.
Old London Road Quarry, Stutton, Tadcaster  NY/2018/0009/FUL	Extraction of 30,000 tonnes of limestone and importation of 600,000 tonnes of construction waste to complete restoration and export of 300,000 tonnes of secondary aggregate	09/02/2018	Committee	Information still under consideration.	No – to be requested.

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
The Sand Quarry, West Heslerton Carr, West Heslerton  NY/201/0230/FUL (C3/18/00182/CPO)	Variation of condition No. 1 of Planning Permission Ref. C3/10/00303/CPO for an extension of time to enable the extraction of the remaining reserves of sand and gravel for a further 10 years until 19 February 2030 with restoration by 31 December 2030	13/02/2018	Delegated	Further information from the applicant out for re-consultation with Landscape	No – to be requested once further information received.
The Sand Quarry, West Heslerton Carr, West Heslerton, Malton,  NY/2017/0229/FUL (C3/18/00321/CPO)	0.3 hectare extension of the current working area to the west under land occupied by disused bungalow to extract 39,000 tonnes of building sand and gravel and low level restoration	23/03/2018	Delegated	Further information from the applicant out for re-consultation with Landscape	No – to be requested once further information received.
Marishes Wellsite, Wath Hall, Low Marishes, Malton, YO17 6RF  NY/2018/0118/73A	Variation of Condition No. 2 of Planning Permission C3/06/00625/CPO/E for an Extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Delegated	One of nine concurrent applications to be processed along with four other 'sibling' applications once they become valid or otherwise upon receipt of legal advice.	Extension of time to be agreed upon the validation or otherwise of the remaining four 'sibling' applications
Kirby Misperton 1/3 Wellsite, Alma Farm, Kirby Misperton,  NY/2018/0108/73A	Variation of condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/C for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years to 31 December 2035	17/05/2018	Delegated	One of nine concurrent applications to be processed along with four other 'sibling' applications once they become valid or otherwise upon receipt of legal advice.	Extension of time to be agreed upon the validation or otherwise of the remaining four 'sibling' applications
Kirby Misperton 2 Wellsite, Alma Farm, Habton Road, Kirby Misperton  NY/2018/0112/73A	Variation of condition No. 3 of Planning Permission Ref. C3/10/00924/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Delegated	One of nine concurrent applications to be processed along with four other 'sibling' applications once they become valid or otherwise upon receipt of legal advice.	Extension of time to be agreed upon the validation or otherwise of the remaining four 'sibling' applications



Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Malton A Wellsite, Habton Lane, Great Habton, Malton  NY/2018/0114/73A	Variation of Condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/A for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Delegated	One of nine concurrent applications to be processed along with four other 'sibling' applications once they become valid or otherwise upon receipt of legal advice.	Extension of time to be agreed upon the validation or otherwise of the remaining four 'sibling' applications
Malton B Wellsite, Kirby Misperton Lane, Great Habton, Malton,  NY/2018/0116/73A	Variation of Condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/B for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Delegated	One of nine concurrent applications to be processed along with four other 'sibling' applications once they become valid or otherwise upon receipt of legal advice.	Extension of time to be agreed upon the validation or otherwise of the remaining four 'sibling' applications
Sowerton Farm Yard, Sykes Lane, Tollerton, YO61 1RE  NY/2018/0104/FUL (C2/18/01876/CCC)	Erection of an anaerobic digester plant including reception building, offices, including mess and toilet facilities and a control room, all extending to 818 sq. metres, a 22,000 cu m lagoon for the storage of digestate, a 1,500 cu m lagoon for the storage of water, gas to grid compound, testing facilities, erection of 7 No. 2.4 m high 30 watt led lighting posts, weighbridge, car parking facilities, a bio filter box (50 sq. metres) and the creation of 3,182 sq. metres of hardstanding and soft landscaping works	1/11/18	Committee	Committee report in preparation. Complex case with many issues.	EoT Agreed until 1.3.19
Whitewall Quarry, Welham Road, Norton on Derwent, North Yorkshire, YO17 9EH  NY/2018/0167/FUL (C3/18/00967/CPO)	Retrospective application for a 2.4 hectare extension to an inert and demolition recycling area.	1/11/18	Committee	Further information on Traffic requested and now under consideration.	EoT agreed until 12.04.19

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Black Quarry, Leyburn, North Yorkshire NY/2018/0156/FUL - (C1/18/00840/CM)	New access and haul road, erection of a single storey workshop and lubrication store (238 external sq. metres), double stacked site office (48 external sq. metres), 2 single storey welfare units (total 72 external sq. metres), weighbridge and weighbridge office (36 external sq. metres), 2 fuel tanks, bicycle rack, car parking area and hardstanding	17/09/18	Delegated	Further information required, meeting arranged to discuss the scheme.	Yes - Extension of time agreed until 28 February 2019

\* The Development Management Procedure Order 2015 (Part 9, Article 40, Paragraph 13) allows for Local Authorities to “*finally dispose*” of applications for which the statutory period for determination has elapsed and the subsequent period for appealing against non-determination has passed.

**Monitoring & Compliance Statistics Report – Quarter 1 (the period 1 October 2018 to 30 December 2018) 2018/2019**

**Table 1 – Complaints/alleged breaches of planning control received this quarter**

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
<b>County Matters</b>						
Murray Brown & Son waste transfer/recycling operation, Flixton	Scarborough		Noise and early morning disturbance and poor site management.	18/10/18	Contact made with Scarborough BC to chase up whether confirmation from the complainant to passing on the details of the complaint, plus anything which may be relevant from the Environmental Health Officer. Chased up in November 2018 as no contact from complainant or SBC.	Contact made with SBC 31/1/2019 and confirmation that EA are involved.
OS Field 1950, South Kilvington	Hambleton		Unauthorised land raising in the flood plain.	28/09/18 (officer received 16/10/18)	Have contacted Hambleton District Council Enforcement Officer (who passed it on) and the Environment Agency (EA) for more details in relation to the case. It is believed that those responsible for the breach wish to move/have moved the soil to other land in their control at the request of the EA. Awaiting response from EA before contacting those responsible to ask whether they have applied for planning permission.	Resolved.

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Council Development						
Friarage School	Scarborough	1	Alleged unauthorised play equipment installed on site	13/06/18	Equipment found not to have planning permission, school advised to submit retrospective planning application.	Partially
Tofts Road Waste Transfer Station, Kirby Misperton	Ryedale District Council		Development not being carried out in accordance with conditions (permission NY/2017/0251/FUL), specifically 24 and 15 relating to hours of operation.	16/10/18	Research on conditions and applications history. Discussion with Waste Services Manager and agent, reminding them of the importance of complying with the conditions and contact made with complainant to explain this. Ongoing discussions between agent, site manager and complainant.	Partially

**Table 2 – Updates on ‘live’ complaints/alleged breaches of planning control received prior to this quarter**

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
<b>County Matters</b>						
Whitewall Quarry	Ryedale	7 (2 complainants)	Noise, speed of vehicles and dust on highway  Further engineering operations outside of planning permission boundary.	Dates between 06/07/17 & April 2018.	Speed of vehicles on public highway not a planning matter, referred to Police. Operator reminded to keep public highway leading from site access in a clean condition. Investigations ongoing with regard to noise complaints. Investigation ongoing into engineering operation outside of planning permission boundary.	Partially
Former Greens Of Skipton Ltd, Ings Lane, Skipton	Craven	1	Alleged unauthorised processing of waste wood	02/08/17	No further action to be taken by NYCC, Craven DC handling complaint.	Yes
Green Lane	Hambleton	1	Tractor disposing of ice cream waste/by-product. She said there are tractors taking the waste down a rubble/gravel path into a field,	11/3/18	Investigation ongoing	No
Eggborough Sand Pit	Selby	1	Alleged out of hours operations and mud on the road	1/06/18	Reiterated to operator opening hours who has confirmed issue and has since rectified this. Awaiting highways response regarding mud on road query	No
<b>County Council Development</b>						
None.						

**Table 3 – Number of complaints/alleged breaches of planning control received by quarter**

2018/19	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of complaints/alleged breaches of planning control received	10	Cumulative total no.	Cumulative total no.	Cumulative total no.

**Table 4 – Number of complaints/alleged breaches of planning control resolved by quarter**

2018/19	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of complaints of the total number of 'live' complaints resolved	10% (no. 1/10)	% (no. /)	% (no. /)	% (no. /)
		Cumulative total % (no. /)	Cumulative total % (no. /)	Cumulative total % (no. /)

**Table 5 – Number of complaints/alleged breaches of planning control resolved by quarter**

2018/19	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of resolved complaints resolved within 20 days of receipt	10% (no. 1/10)	% (no. /)	% (no./)	% (no./)
		Cumulative total % (no. /)	Cumulative total % (no. /)	Cumulative total % (no. /)

**Existing Enforcement Issues****Formal Enforcement notices served by the County Council**

No notices were served during this period.

**Table 6- Monitoring and Compliance Visits undertaken in Quarter 2 (Minerals and Waste Sites only)**

Site	District	Date Visited
None.		