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| 2.6 REFERENCE NO - 16/501090/FULL | | | |
| APPLICATION PROPOSAL | | | |
| Variation of condition 1 of 14/500986 (Removal of condition 1 of approved SW/13/0409 to allow for further use of the meat preparation premises in accordance with condition 7 of approved SW/13/0409.) - to allow for the permanent use of the meat preparation premises. | | | |
| ADDRESS Butcher Of Brogdale, Brogdale Farm Brogdale Road Ospringe Kent ME13 8XZ | | | |
| RECOMMENDATION: Grant Subject to views of the Environmental Health Manager and the Council's Economic Development Officer. | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION | | | |
| After two trial periods the Council is now satisfied that the permanent use of the meat preparation premises in accordance with conditions below would not have a detrimental impact on the surrounding residential amenity. | | | |
| REASON FOR REFERRAL TO COMMITTEE | | | |
| Parish Council concern and neighbour objections. | | | |
| WARD East Downs | PARISH/TOWN COUNCIL Ospringe | APPLICANT Mr L Moore AGENT DHA Planning | |
| DECISION DUE DATE 06/04/16 | PUBLICITY EXPIRY DATE 29/03/16 | | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| SW/11/1560 | Change of use, extension and alterations to part of former cold store building to ground floor class B2 use for meat preparation and first floor class B1 business use | Approved | 3/2/2012 |
| SW/13/0409 | Variation to condition 5 of approved SW/11/1560 to the following: 'The use hereby permitted shall be restricted to the hours of 5am to 6pm Mondays to Fridays including deliveries and dispatches and 7am to 2pm on any other day'. | Temporary permission granted | 22/7/2013 |
| 14/500986/AMRCON | Removal of condition 1 of approved SW/13/0409 to allow for the permanent use of the meat preparation premises in accordance with condition 7 of approved SW/13/0409. | Temporary permission granted | 4/3/2015 |

1.0 DESCRIPTION OF SITE

- 1.01 The site is located south of Faversham and the M2 motorway, within a Special Landscape Area and the countryside. The frontage of Brogdale Farm adjoins residential properties to the north west and south west. Immediately to the north west lies Brogdale Farm House, and to the north east open countryside.
- 1.02 The unit which is the subject of this application forms part of a former cold store building and is located to the rear of the site. The unit is located within the designated employment area under saved policy B26 of the Swale Borough Local Plan 2008.

- 1.03 The most recent and relevant planning history involves the three cases set out in detail above, but the planning history of the site also includes the following proposals: SW/12/1409- Change of use to use as demonstration gardens with incidental buildings and associated parking- (Withdrawn)

SW/10/0036 – change of use, conversion and extension of existing cold store to provide business use (Approved)

SW/08/0271 – change of use of existing cold store to catering use (food preparations) and/or B1 use and minor alterations to the external appearance of the building – (Approved)

SW/08/0194 – change of use and alterations to chemical store to plant display and sale use with ancillary office and store, outdoor plant display area, new canopy, erection of glazed link between existing glasshouses and creation of additional craft/retail unit (Approved)

SW/07/0189 – change of use and alterations to part of existing cold store to form offices and labs (B1) (Approved)

SW/06/0601 – Alterations to 2 barns to form craft/retail units etc. (Approved). This is the planning permission for the units now known as The Market Place or The Courtyard at Brogdale; the opening hours of which are restricted to not before 8.00am.

2.0 PROPOSAL

- 2.01 The proposal is for the removal of condition (1) of temporary permission 14/500986/AMRCON. For clarification that application was approved in March 2015 for one year, to permit a further (second) trial period for the earlier operating hours sought by the applicant in relation to food preparation which allowed a 5am (rather than an 8am) start and pre-8am deliveries on weekdays and Saturdays. Various new conditions regarding vehicle parking and deliveries were imposed for the one year trial period and it is anticipated that these would continue to apply.

- 2.02 The proposal is now to remove the one year restriction as set out by condition (1) of 14/500986/AMRCON making the recent arrangements permanent.

- 2.03 The applicant has submitted a supporting Statement to outline why he continues to seek the earlier operating hours on an on-going basis. This includes the suggestion that there have not been any complaints about breaches of any of the conditions during the second trial period, apart from one regarding a bone collection lorry that has now been dealt with. The Statement then outlines the relevant planning history and policy considerations, and then argues for approval of this application on the following summarised grounds;

- The original use was approved under SW/11/1560
- Two temporary periods have since been approved with extended hours
- The use of the site accords with the Council's planning policy for the site
- The key question now is whether or not the extended hours have had a negative impact on residential amenity
- The premises employs 13 people including four trainee butchers
- It delivers to 90 state schools in Swale and adjoining districts

- The schools contracts account for over 30% of turnover, so they are essential to the business
- To fulfil schools contracts it is essential that work starts at 5.00am with deliveries ready to go at 7.30am
- Only four cars normally arrive between 5.00am and 5.30am, with other butchers arriving from 6.00am, and delivery staff from 7.00am. Trainees arrive at 8.00am
- All meat preparation work is carried in inside the building with no noise break-out
- The use has continued without complaints so should now be approved on a permanent basis

3.0 PLANNING CONSTRAINTS

- 3.01 Brogdale Farm house lies to the north west and is Grade II listed. The site lies within the open countryside and falls under saved policy B26 of the Swale Borough Local Plan 2008.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The policies most relevant to this application are saved policies E1 (General Development Criteria), E6 (The Countryside), E9 (relating to Special Landscape Areas), B1 (Supporting and Retaining Existing Employment Land and Businesses), RC1 (Helping to Revitalise the Rural Economy) and B26 (Brogdale National Fruit Centre) of the Swale Borough Local Plan 2008.

Policy B26 states (in relation only to the built up part of the farm) that:

“In order to help safeguard the continuation of the National Fruit Collection at Brogdale National Fruit Centre, the Borough Council will grant planning permission for a range of research, commercial, tourism and educational use. Development proposals will:

1. *be of a scale and character appropriate to the rural setting of the site;*
2. *clearly demonstrate that the proposed uses will both relate to the existing functions of the Brogdale National Fruit Centre, and make a significant contribution to the long term viability of the National Fruit Collection;*
3. *be the subject of a satisfactory transport impact assessment; and*
4. *be limited in extent to the area identified on the proposals map.”*

- 4.02 The National Planning Policy Framework is also a material consideration in determining this application. In terms of “Supporting a prosperous rural economy”, it states at paragraph 28 that:

“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings”*

5.0 LOCAL REPRESENTATIONS

- 5.01 The local Countryside Under Threat (CUT) group who have long campaigned against further development at Brogdale have written to oppose the application on the following summarised grounds:
- Object to the hours being made permanent
 - The butcher has right from the start broken his hours of use conditions on the shop, which is not supposed to open until 8am – the shop is normally open well before 7.30am contrary to planning conditions about access to The Courtyard
 - This is a major intrusion into the amenities of Brogdale Farmhouse and other immediate neighbours
 - The butcher took on the school meat contract before he had the necessary planning permission for early working hours; should he not have checked first, or found alternative premises
 - The major problem is noise from The Courtyard because people can access the site with vehicles before 7.30am, starting at 5.00am or before when the metal gates are opened
 - This leads to early morning access being available to numerous businesses on the wider site, but particularly the noisy bone lorry between 5.00am and 6.00am, and the first fresh meat delivery at 6.30am
 - The fact that the butchers start so early attracts further traffic at early morning times
 - Neighbours have tried to ease the problem by greasing the gate hinges and sleeping at the back of their property instead of complaining
 - The front gates should not be opened until 7.30am, preventing noisy waste vehicles early morning access
 - The early morning activity is far greater than when the site was purely a farm when only the apple harvest caused such disturbance
 - There have been complaints about the butcher's use of the site for many years but nothing has been done; information has not been shared between Council departments
 - There have been complaints within the latest temporary planning permission period
 - It is time to accept that there is a problem not just with the hours but with the attitude of the butcher and the site's landlord who appear to have no respect for the neighbours
- 5.02 CUT have followed up their original letter of objection with a note to Councillor Prescott (copied to me). This records results of their Chairman observing early morning activity at the site on 10 March 2016 from 4.45am. They say that the 5.00am opening of the site gates essentially creates an opportunity for anyone to access the site to make noisy deliveries. It is noted that the butcher continues to make the shop unit in The Courtyard his first point of call which attracts staff there well before 7.30am with loading up to an hour beforehand. They say that planning permission for the meat processing unit was supposed to take noise away from The Courtyard shop area, and that if all meat processing was done where it was proposed to be then all deliveries could be carried out there too. They again suggest that the site gates remain locked until 7.30am, although a narrow gate could allow pedestrian and car access to the site, which would allow early morning work but avoid the noisy commercial (delivery and waste) vehicles entering the site so early.
- 5.03 Finally, CUT has also written direct to me in the same vein, saying that the current activity is contrary to planning policies and represents a blatant breach of conditions against which enforcement action has not been taken. They say that the butcher uses The Courtyard shop as his base from 5.00am with noisy deliveries on trolleys and trucks from that time; and that deliveries start before 7.30am. The clear allegation is

that the permitted hours are regularly breached, and that the early morning opening of the site leads to wider use of the site during early hours to the detriment of neighbours' amenities. They close by saying that the butcher should have considered the conditions on the premises before taking on school and other meat contracts, and that Brogdale Farm is a fruit farm in a rural setting in a village and any further industrialisation should not be granted.

5.04 I have also received three letters of objection to this application from three separate addresses close to the Brogdale site, opposing the application on the following summarised grounds:

- Contrary to the applicant's claims there have been objections within the latest one year trial period about early morning use of the shop in The Courtyard area and breaching of conditions
- The applicant tries to suggest that the early morning noise issues relate to the shop unit rather than to the meat preparation premises
- The applicant has had over two years to transfer his meat preparation business for sales off-site from the shop to the dedicated meat preparation premises, before which he was using the shop for meat preparation. However, he is still using the shop for preparing meat products which are delivered off site on a daily basis
- The applicant should have considered the permitted hours of use before taking on school and other contracts
- He transfers meat between the shop and the meat preparation unit before 7.30am in breach of conditions
- The shop is used as a base from 5.00am to which noisy deliveries are made
- The temporary hours are ignored on a regular basis
- The applicant has little regard for regulation and even less for his neighbours
- Enforcement action is long overdue
- We appreciate the economic benefit of jobs in rural areas but they must comply with planning conditions
- The current arrangements are hurting the amenity of the rural setting and badly affecting neighbours
- Opening the main gates at 5am gives access for everybody, not just the butcher resulting in further early morning deliveries
- The current conditions should not be made permanent as they have never been complied with
- If the Council is to approve this application it must retain all the current conditions and any other conditions which will respect the close proximity of the shop to a private dwelling
- The main gate should stay locked until 7.30am in order to stop unacceptable early traffic and delivery noise. The gate itself is noisy and awakens those living opposite – it would be lessened if the gate was opened later
- A separate pedestrian/car gate would allow staff access to the site
- Planning policy exists to prevent such intrusion but have not been used

5.05 Arising from the correspondence on this application I have reviewed correspondence between neighbours and both Planning Enforcement and Environmental Protection Officers during the latest (second) one year trial period temporary planning permission. These complaints initially refer to the period before the renewal of permission but when the planning conditions were substantially the same. They span the period of 26 February (four days after the latest temporary planning permission was granted) to 07 July 2015 and relate to:

- early morning vehicle movements – from as early as 4.43am
- commercial vehicles being parked close to garden boundaries with engines running
- commercial vehicles parking in The Courtyard at Brogdale (which is immediately adjacent to Brogdale Farmhouse) for early morning deliveries to the butcher's shop premises
- incidents of a bone lorry arriving at around 5.00am and parking close to The Courtyard
- the use of CCTV on behalf of our Environmental Protection team from June 2015 – following which activities noticeably changed for the duration of the CCTV installation
- logging of nuisance events by neighbours
- an improvement in matters shortly after the granting of the most recent planning permission
- the overall site owner's use of CCTV to help investigations into early morning activities
- a meeting held between Planning Officers and the overall site owner in early April 2015 to try to ensure that the conditions were adhered to
- very early morning (circa 5.00am) deliveries to, and movement of meat products from, the butcher's shop premises in The Courtyard including movements between the shop unit and the meat preparation unit before 7.30am
- preparation of meat within the shop unit for off-site sales, negating the benefit of having the new meat preparation unit
- staff working in the shop rather than in the meat preparation unit at early morning times
- an incident of another shop owner on The Courtyard taking a delivery at 5.42am on one date in June 2015
- confirmation for the Council's Environmental Protection team that recordings did not support statutory noise nuisance action

5.06 I gather that some of the neighbours' original complaints are now resolved – including the noisy gate opening, lorries reversing and un-loading at The Courtyard – but they still say that the early morning use of the shop unit in The Courtyard for despatching meat products by the butcher remains a source of early morning nuisance and that planning conditions are regularly broken.

5.07 I have also received separately as part of my own investigations into the situation, logs from neighbours covering the periods of February to March 2015, June 2015 and February to March 2016. These show numerous incidents of very early morning activity on the overall site, not all of which appears to relate to the butcher's business but which indicates that once within the site it is hard to control who goes where. The principal concern is that the shop unit (approved for retail or B1 purposes and with open to the public hours of 08.00am to 18.00pm) appears to be opened very early in the morning to receive deliveries from external locations, and/or to act as a despatch point before 7.30am, and often shortly after 5am. This is creating early morning noise nuisance close to Brogdale Farmhouse which the conditions of approval were intended to minimise.

5.08 In the light of these representations and allegations of breach of condition, I have delayed reporting this application to Members in an attempt to get to the bottom of the issues involved. I have spoken at length both with neighbours and the applicant to establish what might be at stake. Having done so, it appears to me that the applicant's use of his retail outlet at The Courtyard is the main source of disturbance as this lies

directly behind Brogdale Farmhouse. Condition (10) of the latest temporary permission 14/500986/AMRCON reads as follows (with my underlining for emphasis);

- (10) *No deliveries (other than as provided for by condition 6 above) or despatches to or from the premises, including deliveries or despatches to or from this premises and any unit within the Market Place at Brogdale, shall take place before 7.30am or after 6pm on any day.*

Reasons: In the interests of residential amenity.

I have discussed the meaning of this condition with the applicant, and his agent has now confirmed that no transfers of any products to and from the premises to the Butchers shop will take place before 7.30am and that the applicant fully appreciates the terms of the conditions and that he will henceforth completely abide by it by not moving goods between the two buildings before 7.30am. I think this may mark the start of a new understanding of each other's' position here, but that it can be reinforced by re-wording the condition and splitting it up as set out below in recommended conditions (10) and (11) below.

6.0 CONSULTATIONS

- 6.01 Ospringe Parish Council has written to say that despite the applicant stating that there has only been one complaint neighbours have been monitoring the situation and have identified various breaches of conditions including movements between the shop and cold store outside the permitted hours; but that these complaints have not been investigated or acknowledged. They ask that conditions are rigorously enforced which does not appear to have happened to date.
- 6.02 I am awaiting final comments from the Environmental Health Manager and the Council's Economic Development Officer and will update Members at the meeting.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Planning application form and Planning Statement dated February 2016.

8.0 APPRAISAL

- 8.01 Members should note that planning permission has already been granted for the current use of the premises and that this application is simply for the deletion of condition 1 of 14/500986/AMRCON which gave another one year temporary permission for the extension of the hours of operation in relation to the meat preparation premises, following the original one year temporary permission of SW/13/0409. All that can be considered in determining this application is the impacts above and beyond the originally approved hours of operation (8am to 6pm on any day) but bearing in mind the additional conditions regarding parking etc that are now recommended. The Council cannot seek to control or remove the existing permission through this application.
- 8.02 Therefore, the main considerations in the determination of this application remain the potential increase in vehicular movements, particularly early in the mornings, and whether the proposed increased in operational hours would have a significantly detrimental impact on the amenity of neighbouring residents. These factors should be considered against the potential benefits of the proposal to the local economy in continuing to support this local business and ensuring its future viability. The previous applications under SW/13/0409 and 14/500986/AMRCON assessed the

impact of the increased hours and at that time Members voted to approve, both on a temporary one year basis.

- 8.03 The temporary nature of the previous approvals has given officers the chance to fully assess the impact on the residential amenity of the surrounding neighbouring properties. It is worth noting that officers have received survey data from neighbours outlining some potential breaches to the planning conditions, specifically providing dates and times of the alleged breaches. Subsequently I have had a number of discussions with the agent, the applicant and the landowner. The agent has confirmed that there is no restriction in respect of the use of the shop by staff to prepare meat for the shop counter, prior to opening and that no dispatches from these premises take place before 7.30am. Furthermore, the applicant has put a number of measures in place to limit any noise nuisance such as the collection of bones now takes place on a Wednesday afternoon; car sharing; and he has purchased trolleys for moving the meat during the day which have soft wheels and limit noise from any trolley movements. Furthermore, the applicant has made it clear that he now fully understands the situation regarding transfers to the shop unit, and will ensure that he makes no such transfers outside of the permitted hours from the premises to any unit within in The Courtyard at Brogdale Farm. It is important to note that no deliveries to the meat preparation unit are permitted before 6.30am (condition 6 below); the applicant has confirmed that the company have 5 suppliers of meat and only one of which delivers between 6.30am and 7.30am.
- 8.04 Neighbouring residents are particularly concerned about amenity issues in respect of vehicular movements at the entrance of the site before usual business hours and movements from the meat preparation unit to the Butchers shop. Whilst I fully consider and sympathise with the argument put forward by local residents that there is residential development in this rural area I am of the view that the premises is reasonably small, detached from neighbours, and does not have a large workforce, which reduces the impact on the wider residential amenity. Conditions (10) and (11) below specifically restrict any transportation of products to or from the premises to any unit within Market Place/Courtyard; I am confident that these conditions are clear and stringent enough to ensure that there is no detrimental impact on the residential amenity of the area and adequately restrict the movements to and from the site and also within the site (from the meat preparation unit to the shop) to reduce any impact on the residential amenity of the surrounding area.
- 8.05 Having taken into consideration the impact on residential amenity I am on the view that any alleged past incidences of early morning product transportation from the premises to the butchers shop in the Market Place should not warrant a further time restricted temporary permission. The stringent nature of the conditions (as outlined above) which can now been amended in the light of the experience of the trial periods ensures a great reduction in the potential impact on the most immediate residential properties, especially Brogdale Farm House and its owners. I am awaiting comments from the Council's Environmental Health Manager and will update Members at the meeting. I am aware that the Environmental Health Manager has been separately monitoring the situation.
- 8.07 In addition, the stringent conditions recommended in this report restrict the parking of staff vehicles to the rear of the site; deliveries of fresh meat shall not take place before 6.30am Monday to Saturday with no deliveries on Sundays or Bank Holidays; and no vehicles associated with the food preparation business within the premises shall be parked, loaded or unloaded in the main or overflow car park at any time.

- 8.08 With regards to the potential highway implications, I am of the view that the vehicular movements will not be significantly greater than under the approved hours of operation. In addition, the site has good access and a good surrounding road network.
- 8.09 The site lies within the land zoned by saved policy B26 of the Local Plan, which seeks to offer flexibility for novel development at Brogdale to support the National Fruit Collection (see policy wording above) over and above normal rural development saved policies such as E1, E6 and RC1 relating to commercial uses of rural buildings. These were the policies relied on in approving the current commercial use in the first place, and I consider that these are the ones that should be focussed on now. I also consider that the proposed change of hours is in principle capable of meeting the objectives of saved policy RC1 of the Local Plan which looks to provide rural jobs provided the proposal is in scale with its locality with no detriment to landscape character, biodiversity or countryside conservation; and providing it does not lead to a significant increase in traffic or unsustainable travel patterns. However, it is the issue of the impact on the amenities of the nearest dwellings (saved policy E1) that remains at the heart of the issue now and was the case under the previous application, I am firmly of the view that I have addressed these concerns above and that the impact on the neighbouring properties is limited.

9.0 CONCLUSION

- 9.01 I am of the view that the recommended conditions relating to parking and access arrangements and the hours of use address the potential impact on the residential amenity and that any limited impact is not sufficient to warrant a refusal of this application.
- 9.02 The additional one year temporary permission has enabled officers to fully assess the impact on residential amenity and, except for allegations of transfers of products to The Courtyard shop, I am not aware of any complaints about breaches of these conditions. As such I see no reason to refuse this application or to suggest a further temporary permission. I am of the view that the stringent conditions can ensure that there is a limited impact on the residential amenity of the surrounding area. A number of discussions have taken place with the neighbours, land owner and the application and I am firmly of the opinion that any concerns raised have now been addressed in a satisfactory manner and that permanent planning permission should now be granted.
- 9.03 Therefore after careful consideration I consider this proposal acceptable, subject to conditions and outstanding comments from the Council's Economic Development Officer and the Environmental Health Manager.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The use hereby be permitted shall be restricted to the preparation of food or for any uses within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) only.

Reasons: In order to prevent the development having an adverse impact on the amenities of the area.

- (3) No cooking of food shall take place within the area hereby approved for food preparation until details of a ventilation system have been submitted to and approved by the Local Planning Authority and upon approval the system shall be installed prior to any cooking of food, and thereafter maintained and operated in a manner which prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reasons: In the interests of residential amenity.

- (4) No external refrigeration or air conditioning unit shall be installed other than in accordance with details which shall be submitted to and approved by the Local Planning Authority and upon approval the unit shall be installed, maintained and operated in a manner which prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reasons: In the interests of residential amenity.

- (5) The parking of vehicles used by staff associated with the use of this premises shall be restricted to land to the east of the Market Place at Brogdale between the hours of 6pm on any day and 7.30am on the following day.

Reasons: In the interests of residential amenity.

- (6) Deliveries of fresh meat to the premises shall not take place before 6.30am on Monday to Saturdays with no deliveries on Sundays and Bank Holidays and no delivery vehicles shall park or unload in the main car park or overflow car park at Brogdale at any time.

Reasons: In the interests of residential amenity.

- (7) The uses hereby permitted shall be restricted to the hours of 8am to 6pm on any day except only for that part of the ground floor of the premises used for the preparation of food in which case that use shall be restricted to the hours of 5am to 6pm on any weekdays and Saturdays, and to 8am to 6pm on any Sunday or Bank Holiday

Reasons: In the interests of residential amenity.

- (8) No vehicles associated with the food preparation business carried on within the premises shall be parked, loaded or unloaded in the main or overflow car park at any time.

Reasons: In the interests of residential amenity.

- (9) The use of the site hereby approved for food preparation will cease if refrigerated lorries and/or vans, used in connection with the business, park or wait in the established main or overspill vehicle parking areas at Brogdale Farm. All such waiting vehicles shall park beside the unit.

Reasons: In the interests of residential amenity.

- (10) No deliveries (other than as provided for by condition 6 above) and despatches to or from the premises shall take place before 7.30am or after 6pm on any day.

Reasons: In the interests of residential amenity.

- (11) No products may be transported to or from these premises to any unit in the Market Place at Brogdale before 7.30am or after 6pm on any day.

Reasons: In the interests of residential amenity.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.