

Your ref:
Our ref: 1417 1 MB MG

24 April 2024

Planning Policy Team
South Kesteven District Council
Council Offices
The Picture House
St Catherines Road
Grantham
NG31 6TT



Dear Sirs

**MR M J DICKINSON
SOUTH KESTEVEN LOCAL PLAN
REGULATION 18 CONSULTATION 2024
LAND NORTH OF WEST ROAD (PARK FARM), BOURNE**

Thank you for the opportunity to provide representations on the Regulation 18 Draft Local Plan for South Kesteven.

We represent Mr M J Dickinson, the owner of land to the north of West Road (Park Farm), Bourne. Our comments on the plan represent the interests of that site and are focussed on both the site allocation process and other more general policies.

Site Allocation

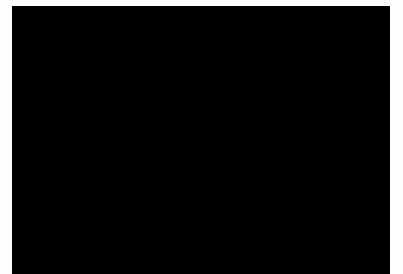
The site is not allocated in the Local Plan, but has been considered favourably in both the Site Allocations exercise and the Sustainability Appraisal (site reference SKPR-59). The conclusion reached by those documents is that there is other "more preferable" sites in the settlement (those being sites at Mill Drove, to the east of Bourne, references SKPR-53 and SKPR-83).

An inspection of the Site Assessment and Sustainability Appraisal of the draft Local Plan, however, does not provide any clarity as to why Site SKPR-59 is less preferable to the sites promoted for allocation.

The key concern raised in the Site Assessment process for SKPR-59 is the proximity to Bourne Woods (a Local Nature Reserve). A Preliminary Ecological Assessment (PEA) was submitted to support the call for sites. This demonstrated that much of the site could be developed without having a negative impact on Bourne Woods. We are disappointed to note the findings of the PEA do not appear to have fed into the site assessment process.

There are other concerns regarding comments made about surface water flood risk and agricultural land value.

The potential for Surface Water Flooding appears to arise because of puddling whilst rain drains off the site. A development scheme would provide a positive drainage system to address existing and proposed issues.



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Site SKPR-59 is shown as Grade 3 Agricultural Land and is not considered to be Best and Most Versatile Land, unlike the sites promoted for allocation that include large proportions of Grade 2 Agricultural Land, which does fall within the "Best and Most Versatile" category. Our client's land is certainly less productive than the allocated sites.

Furthermore, the amount of agricultural land that would be lost to development would be far less than the 20ha that is treated as a trigger for a consultation to Natural England, in the event a speculative application was to be submitted on agricultural Land. As such, the relative low classification and small area of agricultural land would indicate this is not an issue, especially in a District such as South Kesteven which contains a significant amount of Best and Most Versatile Agricultural Land.

There appears to be little or no constraints on the site and its ability to deliver growth in Bourne. Growth, which we conclude must be required due to the inclusion of two new allocations to deliver over 450 dwellings to meet the total housing land supply (SKPR-53 and SKPR-83).

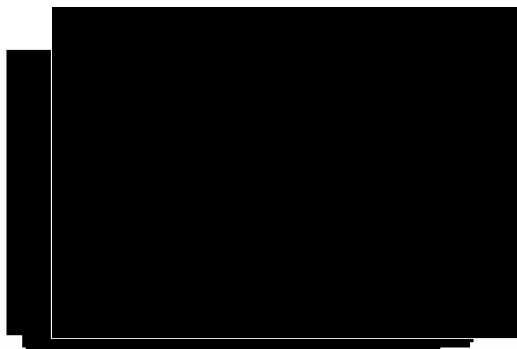
The preferred sites, however, have greater issues regarding Flood Risk, Best and Most Versatile Agricultural Land and Contamination. The Highway Authority has identified significant concerns regarding impact on the Highway network arising from the two preferred sites.

The Site Assessment process does not identify any significant highways concerns for the development of the Park Farm site and we enclose a Highway report indicating the potential access points to this Site, which demonstrates how future development, including, but not relying on the proposed Aldi development, can be achieved.

We also note the Car Dyke (identified as a Scheduled Ancient Monument in the Sustainability Appraisal) is expected to be integrated into the development of the proposed allocation. The Park Farm Site does not impact on any significant Heritage Assets.

It is not clear on what criteria the preference for the proposed allocations over the land at Park Farm is based, other than the fact the Parish Council has apparently supported the proposed allocated sites.

We would like to draw attention to the current application for an ALDI supermarket on part of the Park Farm site (application S23/177). The application is currently under consideration and, although the application explores the issues in greater detail, it does not appear to be subject to any fundamental objections to development in this location.



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On any assessment of any information provided in the Local Plan consultation the Park Farm site is preferable to the two sites promoted as allocations in the draft local plan.

We, therefore, **OBJECT** to the process for allocating sites for residential development and the failure to allocate site SKPR-59 Land at Park Farm, Bourne.

A number of other strategic policy aspects of the plan impact on our client's land, specifically in relation to the approach to Biodiversity Opportunity Mapping and that to the development of Best and Most Versatile Agricultural Land. These are addressed below:

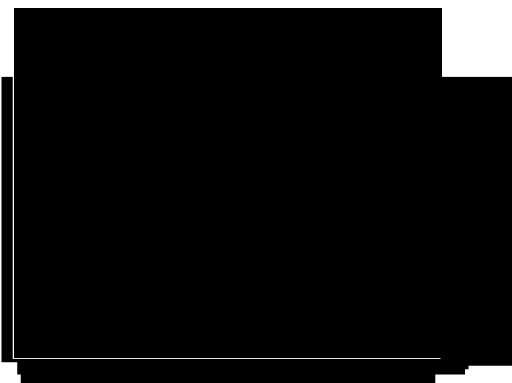
Biodiversity Opportunity Mapping for South Kesteven

A number of draft policies (including Policy 4 Biodiversity Opportunity Mapping and Policy EN3: Green Infrastructure) refer to, and rely on, the Biodiversity Opportunity Mapping (BOM) exercise for South Kesteven. This Mapping exercise was apparently undertaken by the Greater Lincolnshire Local Nature Partnership/Lincolnshire Wildlife Trust and categorises huge swathes of, mostly agricultural, land across the district as either suitable for Biodiversity provision or management.

No information has been provided, however, to justify or explain why different areas of land are subject to specific designations. The process has not been subject to public consultation or involved any contact with the landowners, despite the fact that operation of these policies would have a significant impact on the future use of the land.

The landowners, developers or public, who may be affected by the operation of the policies do not have any information to understand the process, or to comment on the approach used in preparing the maps, or how the future of land will be influenced by policies. The assumption may be made, for instance, that designation on this map will restrict development of any sort on the land, even if it supports current agricultural practice.

Evidence should be provided to support the creation of any such map before it is used for the operation of policies that may restrict or impact on the current and future use of most of the land in the plan area.



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The site at Park Farm for instance is shown as “Ecological Network – Opportunity for management” despite the fact that it is farmland and up until the land is allocated for some other use, the landowner reserves the right to farm their land. We note that different elements of the site, whether open fields or hedgerows are identified separately, indicating a detailed approach to the exercise, but there is no evidence of any analysis to support the apparent status provided as part of the consultation, or anywhere else on the South Kesteven website.

We **OBJECT** to the use of the Biodiversity Opportunity and Green Infrastructure Maps as the basis for operating policies until:

- The assessment used to justify designation of specific land as BOM is published and is subject to consultation with the public, the development industry, and, significantly, the current owners and users of the land.
- Appendix 1 should be reworded to provide an explanation, rather than act as an additional policy.

The Regulation 18 draft plan also includes policies that impact on the future of the site, whether as a future allocation or for promotion via a planning application. The various mapping exercises which are unjustified and/or inaccurate, and as such should not form the basis of a planning policy. These Policies are discussed below:

New Policy 4 Biodiversity Opportunity and Delivering Measurable Net Gains

This policy states:

“Development proposals should create new habitats...to minimise habitat fragmentation...in line with South Kesteven Biodiversity Opportunity and Green Infrastructure Mapping evidence as set out in Appendix 1 and the Policies Maps”

The policy is dependent on the South Kesteven Biodiversity Opportunity and Green Infrastructure Mapping evidence. The Map seems to be used for identifying areas of biodiversity value which may need protecting as part of any development. Much of the land is in agricultural use, a fact which does not appear to be acknowledged, or taken into account, as part of the exercise.

We note that instead of providing evidence on BOM, Appendix 1 sets out how to use the map – it provides no information on how the maps were prepared, or how they can be justified.



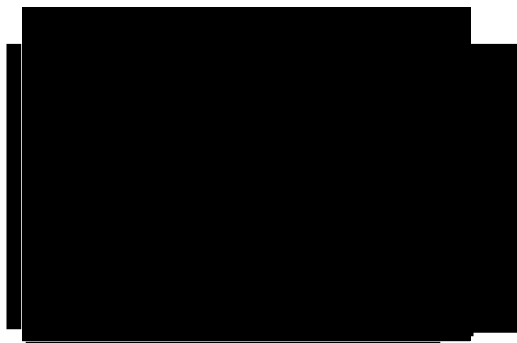
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The appendix in fact reads as though it is considered as a Policy and includes statements such as:

- “1. Proposals should avoid development on Ecological network – opportunity for management areas where possible.
2. Where this is not possible, the development layout should ensure that connectivity of the network is maintained. This can be achieved through quality design, for example by leaving strategically important habitat in place to create wildlife corridors or the use of green/brown roofing to act as stepping stones between larger areas of habitat; or through the effective creation of new habitat as part of a landscaping scheme which allows for the migration and dispersal of species.
3. Proposals should fulfil onsite net gain requirements through creation and sensitive management of habitats, in a way that will enhance the ecological network either by ensuring connectivity or improving conditions.”

The local plan gives priority to creating habitat on identified sites rather than the continued agricultural use of the land or even as potential allocations. The operation of the map under Policy 4 would seemingly restrict agricultural uses on the basis of a designation that is neither explained nor justified. The potential apparent constraint on the use of agricultural land is not appropriate and will potentially undermine national food security. The approach is also at odds with new policy 2: Best and Most Versatile Agricultural Land which seeks to protect agricultural land.

The approach also appears to complicate delivery of BNG by directing developers to first look at the detailed designation in the Biodiversity Opportunity Mapping, rather than any other method, which may not actually be available for such uses. If the policy is retained (with a justified map base) it should be reworded to remove the “absolute” terminology.

We **OBJECT** to the inclusion of Policy 4 unless the mapping exercise that underpins the operation of the policy can be robustly justified through a rigorous public consultation exercise. Clarity should also be provided on the focus for delivery of offsite BNG – will landowners whose land is arbitrarily designated under the BOM exercise be pressured to give up their land for the provision of BNG? Or will development proposals be considered unfavourably if any offsite BNG provision does not include land identified in the BOM exercise?



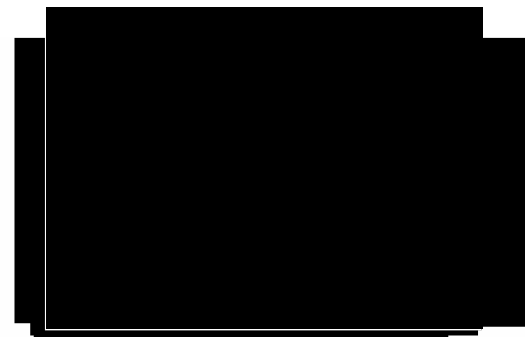
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Policy EN3: Green Infrastructure

This Policy states that the network shown on the unjustified map will be maintained and improved by enhancing, creating and managing Green Space within and around settlements. Again, the policy relies on the Biodiversity Opportunity Map. There is, however, no indication of how this maintenance or enhancement will be delivered; nor how the policy will operate against the continued use of land for agricultural purposes with little or no public access. The policy as currently formulated could provide uncertainty for the continued use of land for agriculture, and limit the potential for investment in food production, despite providing no evidence to justify the approach.

The policy also states:

“Development proposals must demonstrate how regard has been had to the Green Infrastructure Mapping prepared by the Greater Lincolnshire Nature Partnership (in conjunction with Appendix 2) and any relevant national evidence such as Natural England’s Green Infrastructure Framework.”

Weight is being given to a plan that identifies land, without evidence or justification, as “green infrastructure”. This designation may prejudice the continuation of existing use of the land for agriculture or for future allocation for different uses.

Developers will apparently be expected to promote Green Infrastructure schemes on land outside of their control to support development on land that is either allocated for development or is otherwise in accordance with planning policies. This approach will be problematic as development will be dependent on third party landowners providing land for Green Infrastructure use when they will have other aspirations for the land which may not fit in with those to deliver Green Infrastructure. Developers also appear to be denied the opportunity to consider promoting Biodiversity Net Gain or Green Infrastructure on land that is not designated in the Biodiversity Opportunity Mapping for South Kesteven exercise. This approach could potentially prejudice development of allocated sites and restrict delivery of much needed houses and economic development in South Kesteven.

Such an approach is contrary to the duties of a Local Planning Authority when drafting their Development Plan and would fail the tests of soundness.



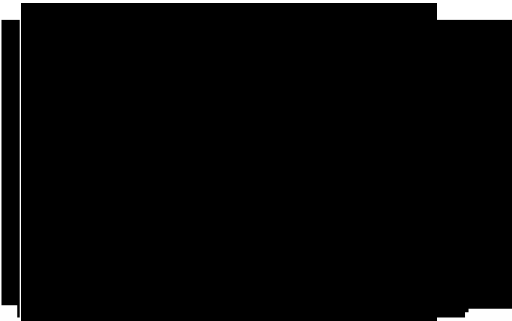
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New Policy 2: Best and Most Versatile Land raises a number of concerns. The key focus of the policy is the introduction of a new requirement to provide an Agricultural Land Classification report to support any application for development of over one Hectare of Best and Most Versatile Agricultural Land. This requirement is far more onerous than the requirements set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015. The national requirement requires production of a report and consultation with Natural England on planning applications that would lead to the loss of 20ha of Best and Most Versatile Agricultural Land. Providing such reports on all developments leading to the loss of 1ha of agricultural land creates additional and unnecessary costs to the promotion of development.

The Agricultural Land Classification Maps do not delineate between Grade 3a agricultural land (Best and Most Versatile) and Grade 3b and, as such, applications for any development over 1ha in size in South Kesteven would need to be supported by a special report. This approach will impose undue costs on planning applications without adding much in the way of any benefit.

The Sustainability Appraisal, when considering the policy, considers the imposition of the 1ha trigger be a "good thing" (para 7.42) but there is no justification or discussion to explain why that conclusion is reached. Nor is there any indication why South Kesteven, a district with a large proportion of Best and Most Versatile Agricultural Land and a spread of relatively small settlements, needs a different approach to that set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.

South Kesteven is a district where the vast majority of the land is Grade 3 or above and Best and Most Versatile Land is not in short supply locally. No justification is provided to explain why this more stringent requirement regarding development of agricultural land should be applied in South Kesteven.

The policy also appears to apply to land allocated for development. Such matters of principle should be addressed through the allocation process, in the same way that the flood risk "Sequential Test" is met by a site being allocated in a Development Plan. As the principle of development is established by the allocation of the site, no further information should be required as part of a planning application.



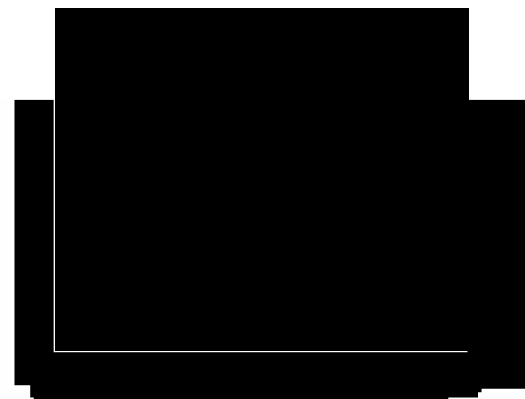
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The policy also introduces a requirement for land to be returned to agricultural use once the approved development ceases. This approach may reasonably be applied to some forms of development that have a fixed lifetime, such as quarrying and renewable energy, where a return to agricultural use can realistically be delivered. It is not reasonable to impose this requirement for other permanent forms of development, whether for agricultural buildings, housing or industrial development: returning land to agricultural use is technically more problematic and, given the likely timeframes of decades, or even centuries, impossible to enforce.

The approach is also contrary to the National Planning Policy emphasis on reuse of Previously Developed Land (Paragraph 89) and the duty under the Town and Country Planning (Brownfield Land Registers) Regulations 2017, which would encourage the reuse of under which the ability to grant of planning permission in principle for residential development is encouraged.

We **OBJECT** to the inclusion of New Policy 2 unless:

- The introduction of a lower trigger point for the production of Agricultural Land Classification reports can be justified.
- The policy is reworded to remove the requirement for sites allocated through the Local Plan process.
- The requirement to return land to agricultural use upon the cessation of development is removed.

We have already highlighted the inconsistency between New Policy 2 and New Policy 4 Biodiversity Opportunity Mapping and Policy EN2 – Green Infrastructure as New Policy 4 and Policy EN2 will potentially limit the agricultural use of Best and Most Versatile Agricultural Land.

In summary we **OBJECT** to:

- The failure to allocate site SKPR-59 in favour of two less favourable sites in Bourne.
- The designation of land as Green Infrastructure or Biodiversity Opportunity areas without any justification or consultation.
- Policy 4, which will potentially restrict the operation of farming land based on a map, the derivation of which is unknown.



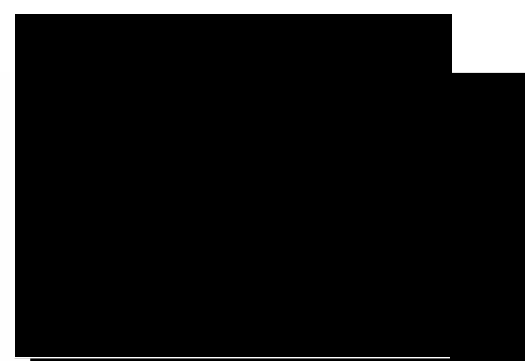
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- Policy EN2 which restricts the operation of farming land based on the above map.
- New Policy 2 – which goes beyond the national requirements for applications for development on Best and Most Versatile Agricultural Land, together with a requirement in principle for land to be returned to agricultural use, without justifying the additional requirement.

The draft Local Plan is unsound as it is not:

- Positively Prepared – Key policies appear to restrict development and fail to add clarity to aid delivery of Sustainable Development.
- Justified – key evidence such as the basis for the Biodiversity Opportunity Mapping process is not provided. Nor is there evidence to justify the New Policy 2 regarding the limits on development of agricultural land, even for sites that are allocated for development.
- Consistent with National Policy - New Policy 4 is inconsistent with the Biodiversity Net Gain regulations created pursuant to the Environment Act and New Policy 2 is contrary to the national approach to the development of Best and Most Versatile Agricultural Land.

We trust you will receive these comments constructively and should you have any queries, please do not hesitate to contact us.

Yours faithfully



Michael Braithwaite MRTPI

Enclosure: Highway report



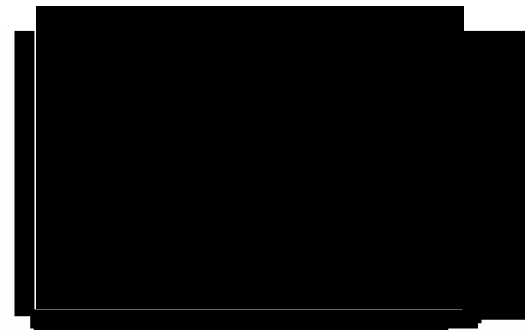
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WEST ROAD, BOURNE INITIAL HIGHWAYS APPRIASAL 9 AUGUST 2020

Introduction

1. On behalf of the landowner, Mr M J Dickinson, Robert Doughty Consultancy requested this initial high level appraisal of a site north of West Road in Bourne. A plan showing the extent of the land ownership has not been supplied, but from descriptions is assumed to be as shown in **Figure 1**. A buffer is required from Bourne Woods (a local wildlife site) leaving around 9ha capable of accommodating 270 to 300 dwellings. South Kesteven District Council are the local planning authority and Lincolnshire County Council (LCC) are the local highway authority.

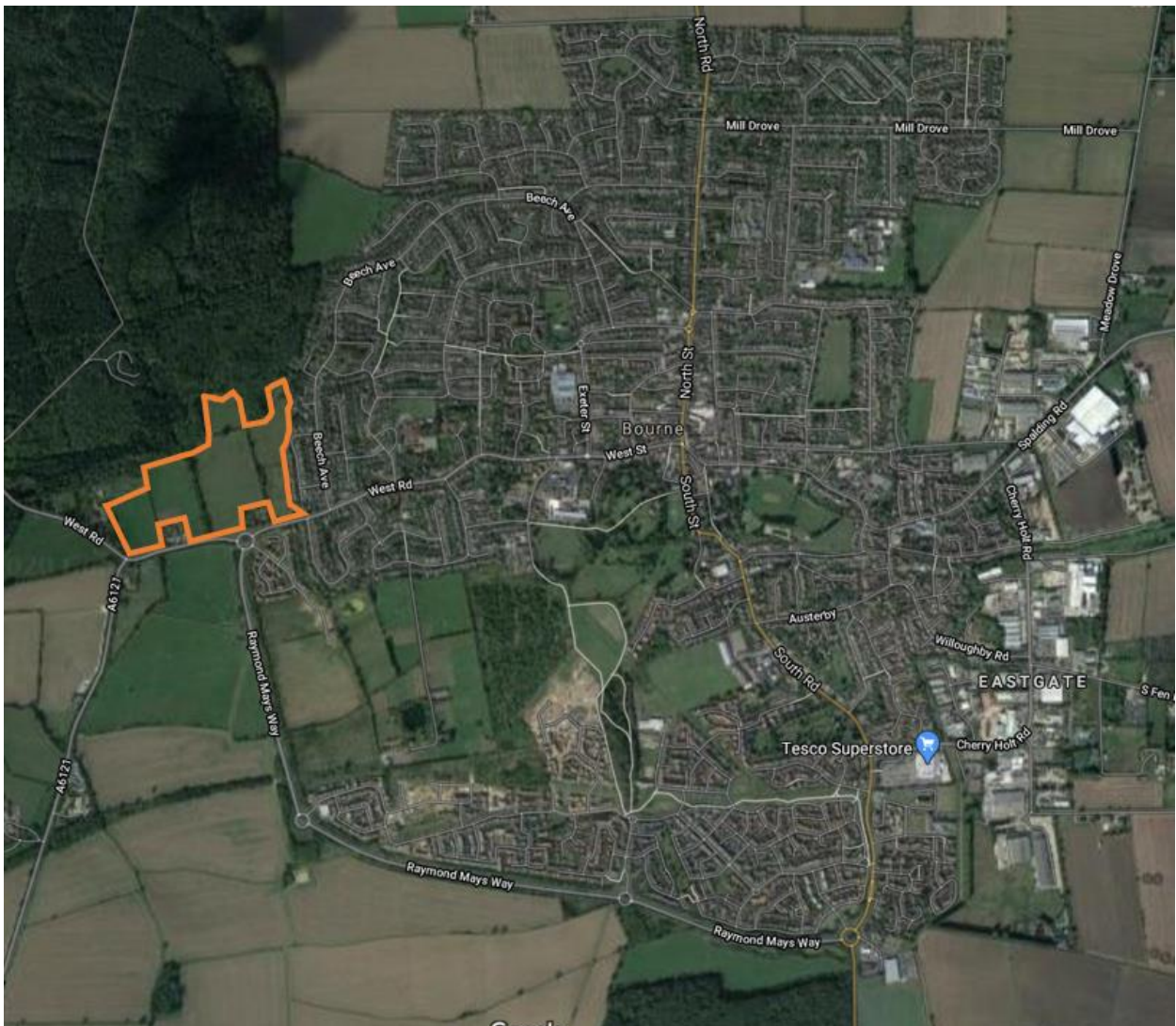


Figure 1: site location

Flood risk and dry access

2. The development site is wholly within Flood Zone 1 and therefore at very low risk of flooding from rivers or the sea (**Figure 2**). There are some areas of the site that have a risk of flooding from surface water, although they are a relatively small part of the site and the flooding is likely to be due to topographical low points (**Figure 3**). The usual mitigation process would need to be followed to resolve the flood risk and ensure it is not made worse by the development. Overall, there is no reason to prevent development on flood risk grounds and, importantly, there would be no problem with achieving dry access to the development.

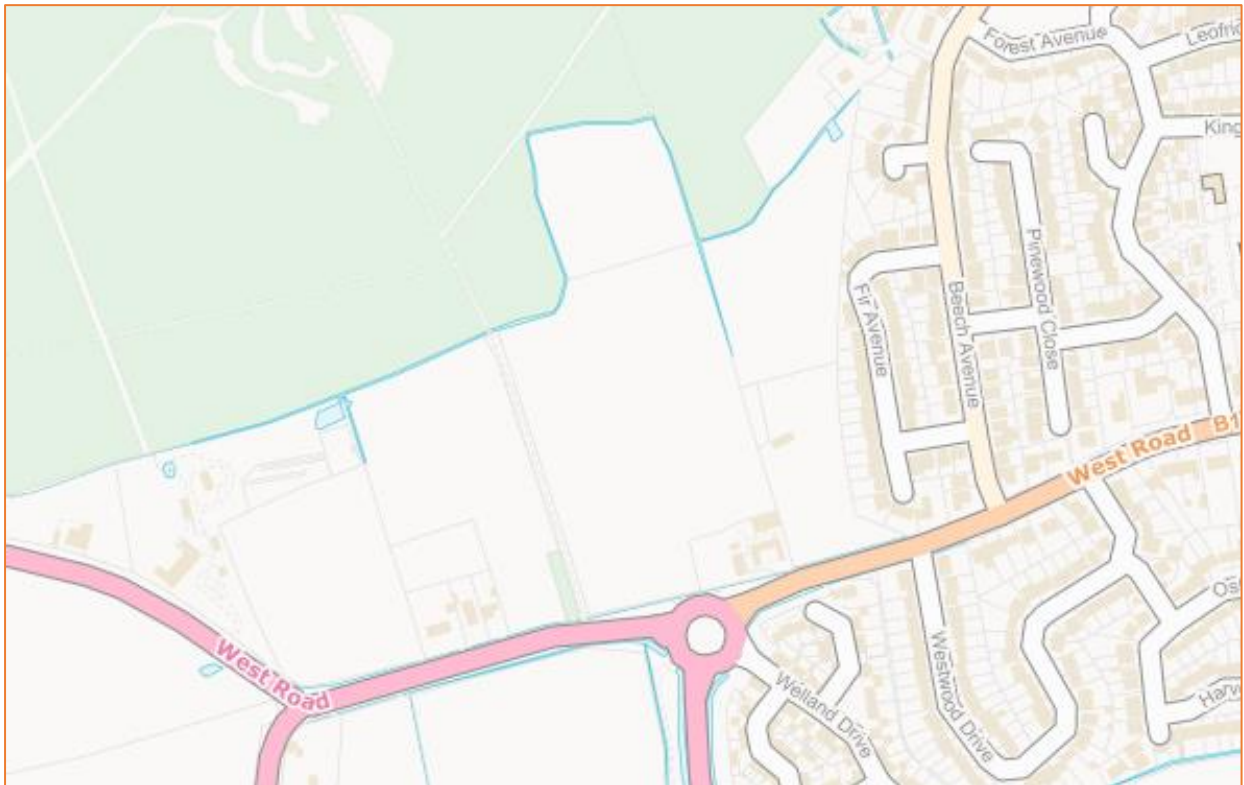


Figure 2: flood risk from rivers or the sea (from EA's flood risk mapping)

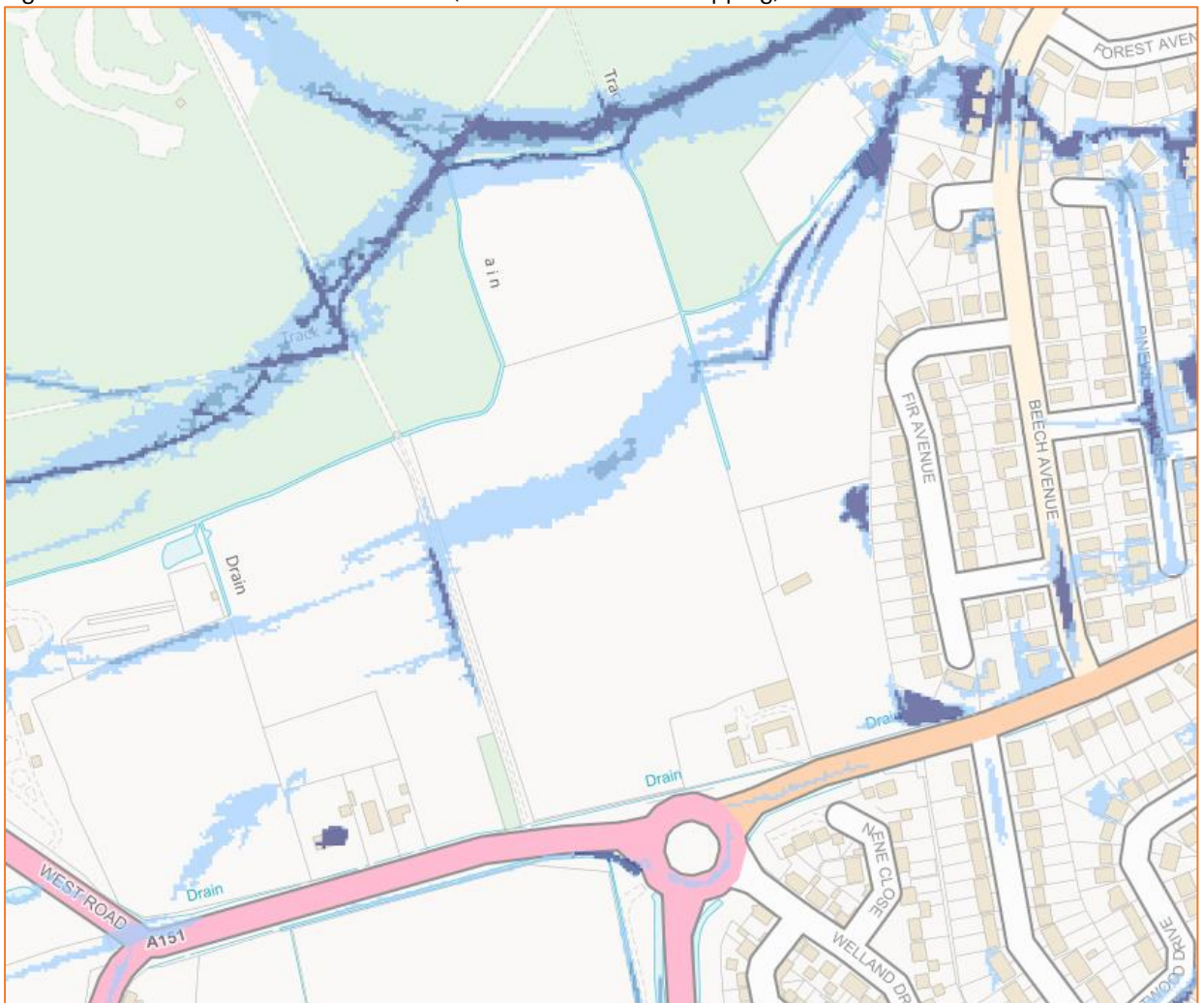


Figure 3: flood risk from surface water (from EA's flood risk mapping)

Vehicle access to a residential development

3. LCC's design guidance¹ provides indicative design parameters. A major access road should have a carriageway width of 5.5m or 6.75m. It would be limited to serving 400 dwellings as a loop road or up to 200 as a cul-de-sac.
4. The site appears to abut the public highway on West Road, and nowhere else. The extent of highway should be obtained and checked against the title to ensure there is no third party land between the two. However, it would appear that when the West Road/Raymond Mays Way roundabout was built it was offset to the south of the existing West Road highway. Thus, the wide verges on the northern side of the roundabout are likely to be public highway.
5. The obvious location for an access is therefore as a fifth arm to the roundabout (**Figure 4**). The roundabout has a 60m diameter and is large enough to accommodate a fifth arm in geometric terms.

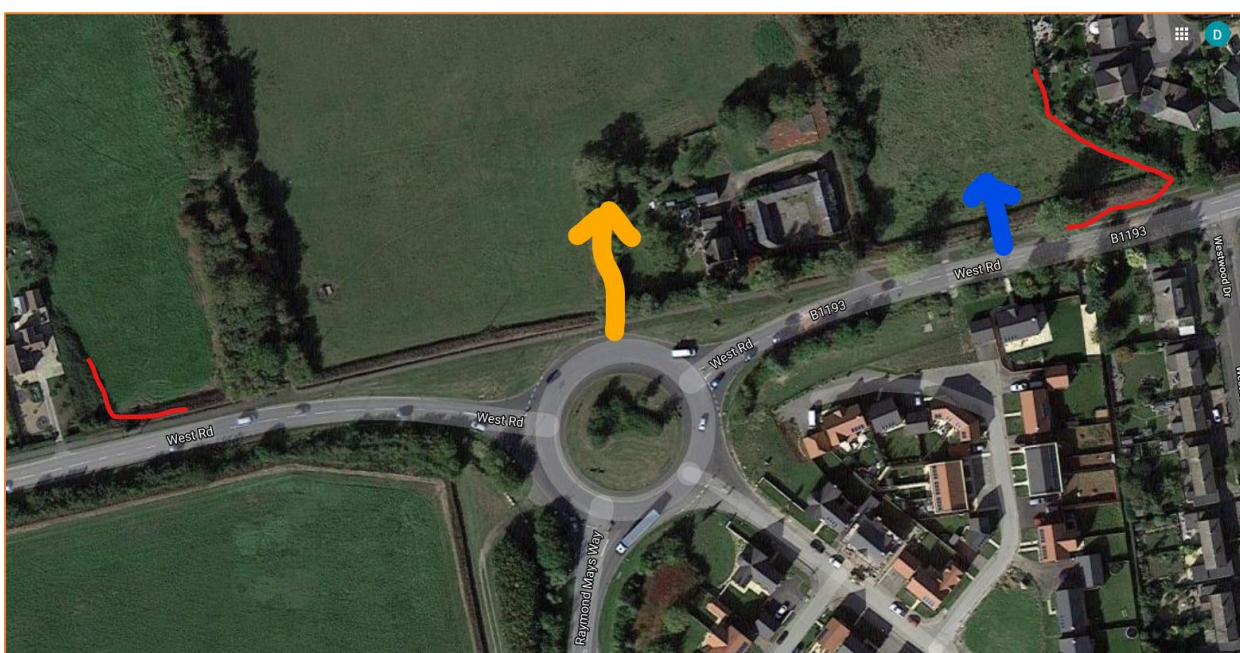


Figure 4: access proposal (orange arrow)

6. Typical traffic conditions (pre-COVID) suggest that there is little congestion and therefore spare capacity within the roundabout (**Figure 5**). However, the continuing development nearby will eat into that spare capacity, and therefore the roundabout will need to be tested to ensure it has sufficient capacity to accommodate the additional traffic attracted by a development of the site. In advance of that, it is likely that the roundabout will have sufficient capacity and, if not, improvements would be possible.

¹ Lincolnshire Development Roads and Sustainable Drainage Design Approach, November 2017 Edition

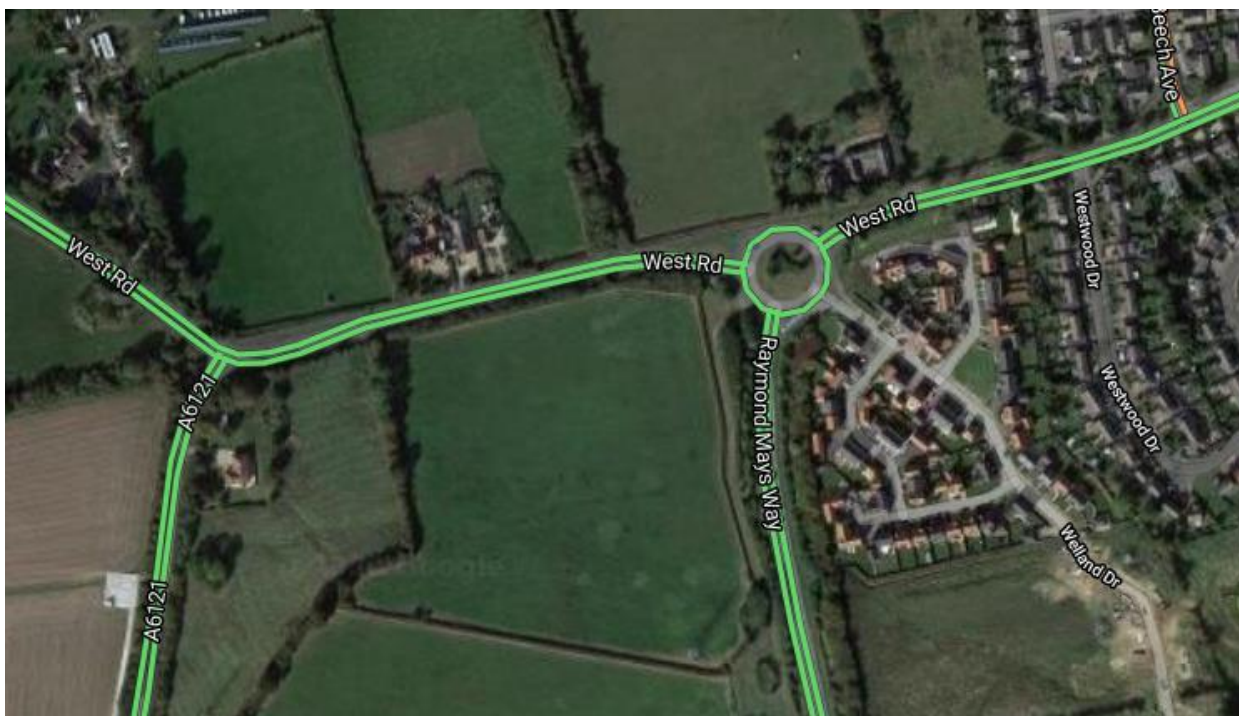


Figure 5: typical traffic conditions at 8.30am on Tuesday 4 February 2020 (green indicates fast flow)

7. Some local highway authorities express concerns about five arm roundabouts, because they become harder to give clear directional signage and road markings can become complicated, leading to road safety concerns. Nevertheless, there are many five-arm roundabouts throughout the UK, and it would ultimately be unreasonable to resist such a proposal.
8. The five-year accident record (2015 to 2019) shows no accidents at the roundabout, with one serious accident to its west (**Figure 6**). Further analysis would be required to determine whether that accident was related to the roundabout. Even if it was, a single accident in five years does not indicate an existing accident problem.

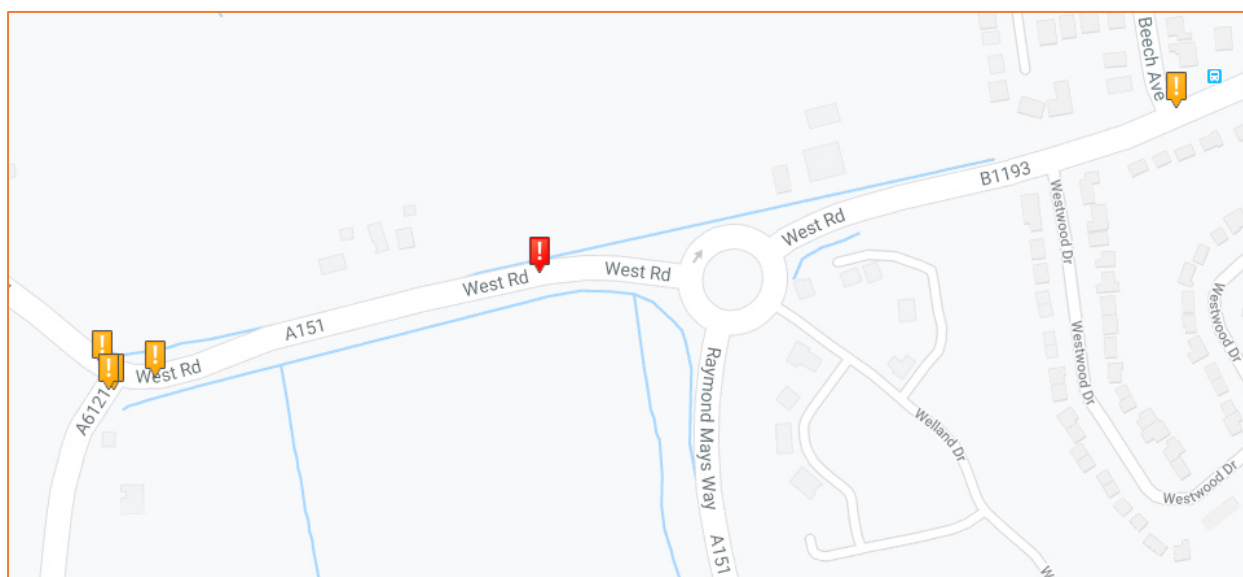


Figure 6: five year accident record (2015 to 2019) – red flag = serious, yellow flag = slight

9. The discussion above notes LCC's guideline limit of 200 dwellings from a single point of access. If such a limit were applied in this case it would be necessary to consider how it could be overcome.

10. National Guidance in Manual for Streets does not prescribe a limit from a single point of access, instead emphasising the importance of connectivity and an assessment of the specific local circumstances. For example, a lengthy elongated cul-de-sac that is impenetrable by bus can place residents a long way from passing bus services and hence encourage journeys by car. At Bourne, the shape of the site is such that even the most distant residents would be within walking distance (550m) from the nearest bus stops (**Figure 7**). New bus stops could be placed nearer the site to reduce the distance further.



Figure 7: maximum walking distance to the bus stops of 550m, assuming a pedestrian connection in SE corner

11. The quality of the access also influences concerns about the quantum of development served. A new access on a large uncongested roundabout on an A road is preferable to a poorer quality connection. There are, therefore, reasons why LCC could relax the 200 dwellings limit.
12. Nevertheless, should they be unwilling to do so, the development's access road (fifth roundabout arm) could be designed to overcome any blockages on that single point of access, perhaps with a widened footway/cycleway on one side of the access road. If necessary, it would be possible to introduce an emergency access on West Road, at the location indicated by the blue arrow in Figure 4.
13. Moreover, it would also be possible to provide a full vehicle access. West Road east of the roundabout is part of the B1193, and has a 30mph speed limit. There is a footway along the site frontage, separated from the West Road carriageway by a grass verge (**Figure 8**). The access would be sufficiently separated from the roundabout, and as congestion is low queues extending back from the roundabout would not block an access. Visibility splays of 43m would be required for 85th percentile driven speeds of 30mph. The achievable visibility is much greater - **Figures 9 and 10** shows splays of greater than 100m can be achieved.
14. Overall, therefore, access can be provided to a residential development of the site and there are options available to overcome any objection to a single point of access serving more than 200 dwellings. A second point of access can be provided on West Road.



Figure 8: looking west along West Road, towards the roundabout, with the edge of the site on the right



Figure 9: 2.4m x 100m visibility splay to the right for vehicles emerging from a West Road



Figure 10: 2.4m x 100m visibility splay to the left for vehicles emerging from a West Road

Mixed use development (Aldi and residential)

15. Aldi have approached the landowner about the potential to provide a 1,315sqm floor area store on his land. Two feasibility plans have been provided by Aldi (**Appendix A**). The first plan shows a store accessed from a fifth arm to the West Road roundabout, the access road continuing to provide access to development on the residual land (**Figure 11**). The second plan shows a network of internal roads that could serve a residential development on the residual land (**Figure 12**).



Figure 11: Aldi's plan showing access to their store from the West Road roundabout

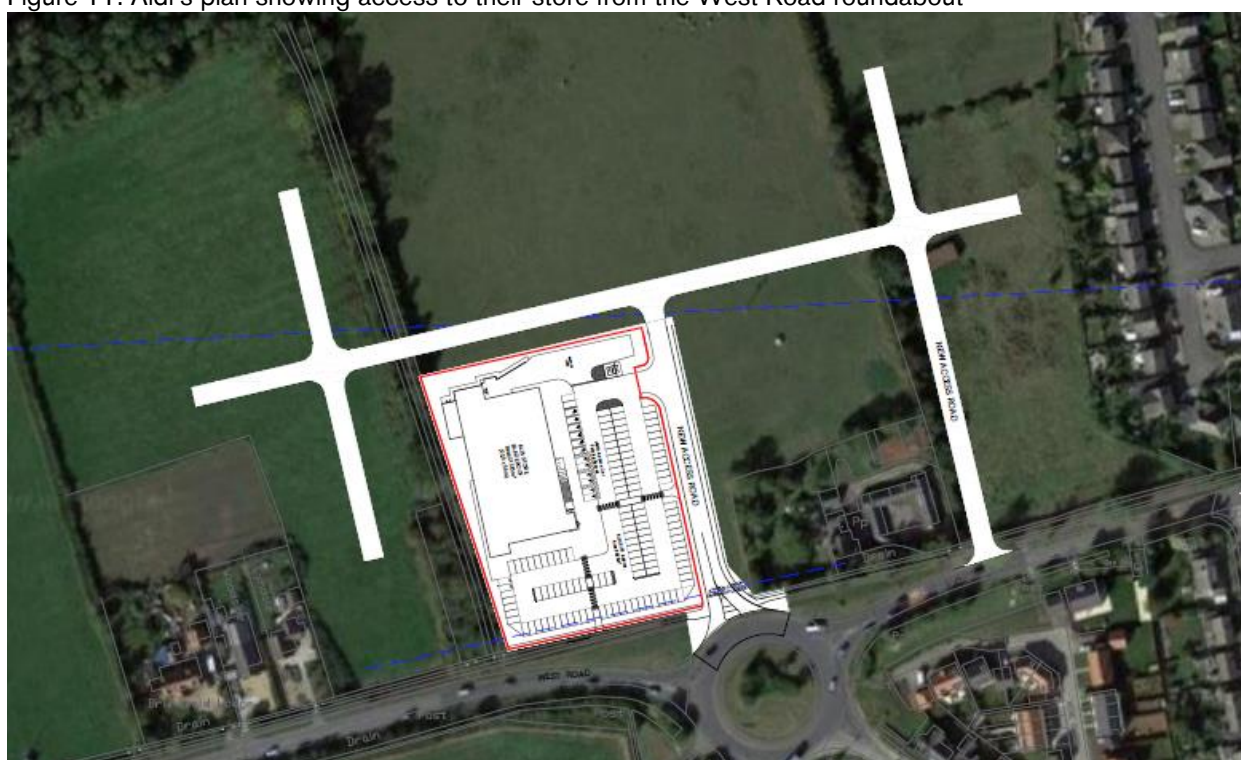


Figure 12: Aldi's plan showing access to their store and a network of roads serving the residual land

16. A foodstore will attract a reasonably substantial amount of traffic. It also attracts larger delivery vehicles. An access road serving mixed uses would need to be wider than a residential access road to cater for the lorries. Nevertheless, it is apparent that an access can be provided to serve an Aldi.
17. Combining an Aldi with residential development on the residual land will clearly exceed the 200 dwellings limit by a greater amount - the Aldi traffic will be of a greater amount than the reduction in dwellings on a smaller residential area. Thus, it is more likely that LCC will request a second point of access. As discussed above, a second point of access can be provided, and therefore the highway layout suggest by Aldi is sensible and would allow a combined development to come forward.
18. It has been suggested that the provision of an Aldi could provide a defined western edge to the site, reducing the residual development area to 6ha, and hence the number of dwellings to 180 to 200. Such a quantum of development (200 dwellings plus store) is lower than the larger quantum of development (300 dwellings plus store) but would still exceed LCC's 200 dwellings limit from a single point of access. The level of exceedance would be reduced, which would make LCC more likely to compromise, but it is likely that LCC will still request a second access and hence the access strategy would be the same for either scenario.
19. A 1,315sqm Aldi would generate relatively few traffic movements during a weekday morning peak hour. During a weekday evening peak hour, it would generate around 220 traffic movements. On its busiest weekday, a Friday, it would generate around 260 traffic movements. The area occupied by Aldi would be about 1ha, accommodating around 35 dwellings, and therefore generating around 30 traffic movements in a peak hour. The Aldi would therefore generate much more traffic, and have a greater impact at the roundabout. From the description above, the roundabout was described as having spare capacity and hence could accommodate an increase in traffic. Having two points of access would also assist, as it would spread the traffic load between two points. Some detailed analysis would be required to be definitive about whether the roundabout could accommodate the level of increase created by an Aldi. From experience, it probably could.

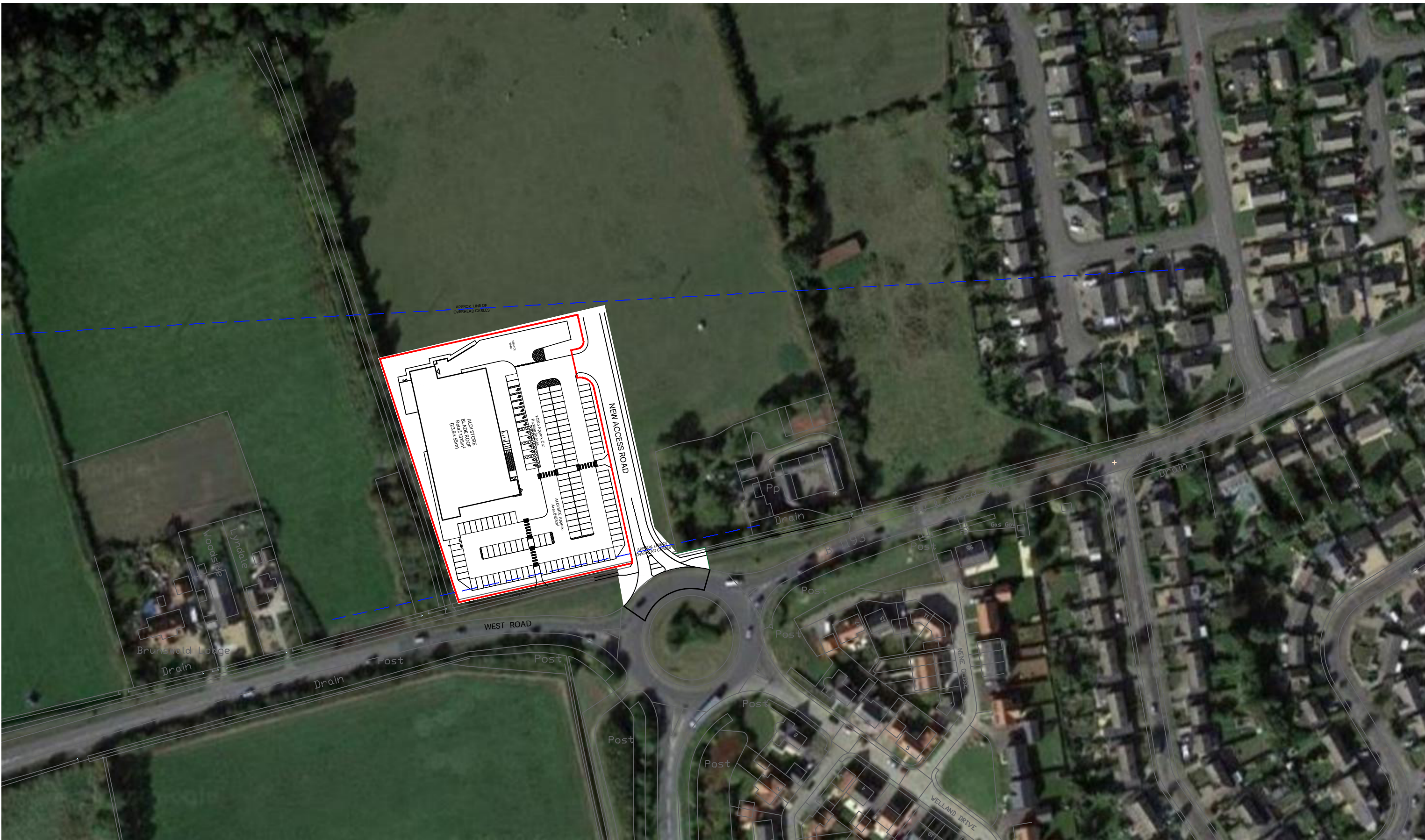
Traffic impacts and sustainable travel

20. A planning application would need to be accompanied by a Transport Assessment that examined the impact of the additional development traffic on the local highway network. At this stage there are no obvious reasons why any traffic impacts could not be mitigated.
21. The application would also need to evidence that new residents and retail customers could travel by sustainable modes of transport. It is clear that Bourne is a sustainable location for development and the development could enable journeys by walking, cycling and bus. A Travel Plan would be provided as part of the development's mitigation package to enable sustainable transport.

Summary and conclusions

22. Vehicle access to the development site could be gained from a fifth arm to the existing West Road/Raymond Mays Way roundabout. A second access would be possible on West Road to the east of the roundabout. LCC limit development from a single point of access to 200 dwellings. Thus, regardless of the development scenario, with or without a store, it is likely that two points of access will be required. It is likely that the roundabout could accommodate the development traffic in terms of capacity and that there would not be an unacceptable impact on highway safety.
23. Thus, the site is deliverable and should not be prevented on highways grounds.

APPENDIX A
PLANS FROM ALDI



STOAS
ARCHITECTS



CLIENT **ALDI STORES LIMITED**
PROJECT **WEST ROAD, BOURNE**
TITLE **FEASIBILITY 01.1**

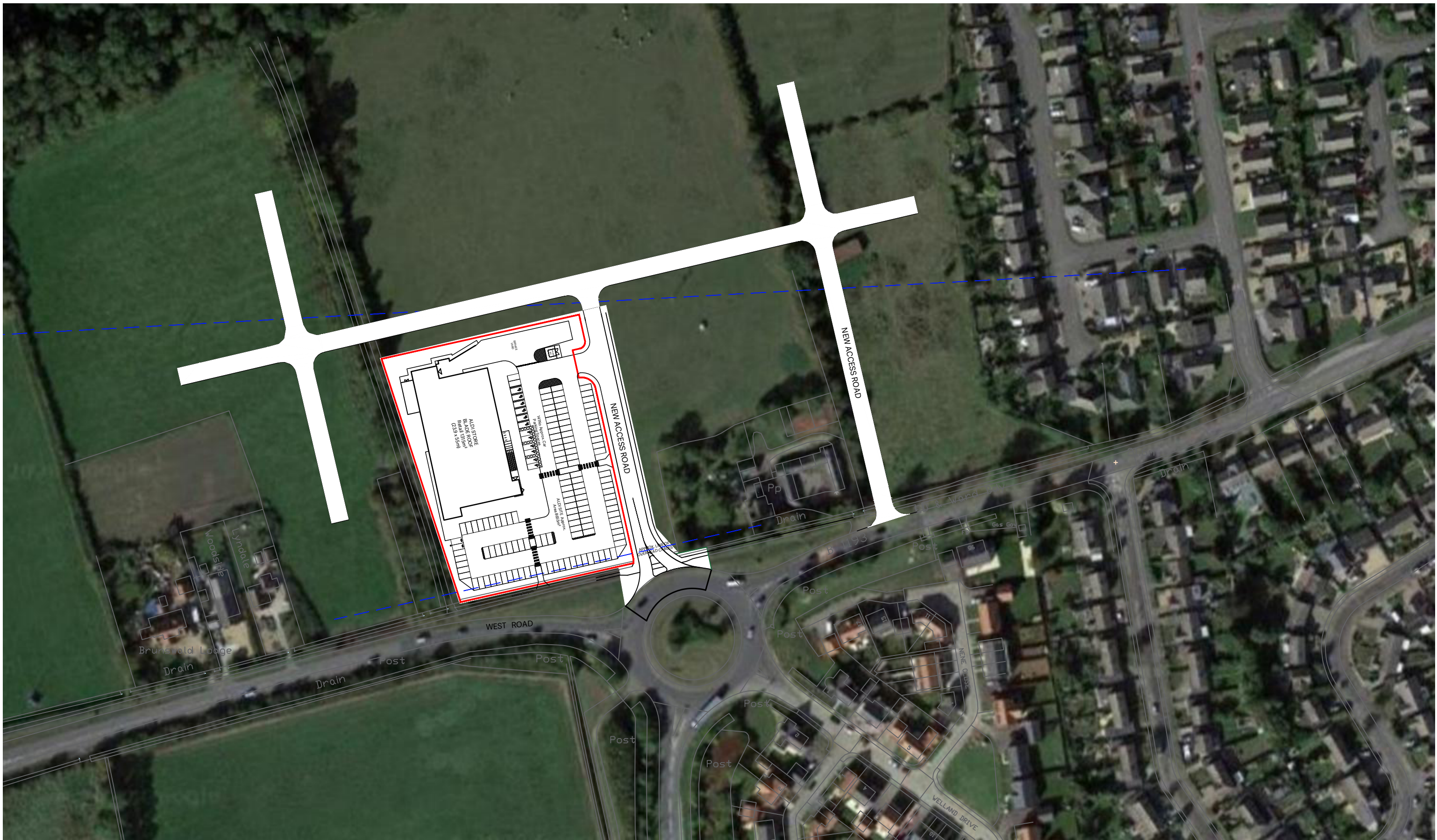
SCALE **1:500 @ A3** DRAWN **MSB**
DATE **09.03.20** CHECKED **DCM**



DWG No. **H20A44 - FEAS 01.1** REV

THE LODGE - COLESHILL MANOR - BIRMINGHAM - B46 1DL - TEL 0121 747 1943
1 DUNSTON PLACE - DUNSTON ROAD - CHESTERFIELD - S41 8NL - TEL 01246 389 860

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PROJECT **WEST ROAD, BOURNE**
TITLE **FEASIBILITY 01.1**

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