

For and on behalf of
Gloebal Ltd

**Charnwood Local Plan
Examination in Public
Matter 1: Duty to Cooperate and Other Legal Requirements**

**Land at Oakley Road (HA33) and
Land North of Hallamford Road and West of Shepshed (HA35)**

**Prepared by
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June 2022

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Attachments

Site Location Plan HA33 (ref. LE5101(4)-PL01)
Illustrative Masterplan HA33 (ref. 5101(4)-PL02 Rev A)
Site Location Plan HA35 (ref. LE5101-16PS - D01)
Illustrative Masterplan HA35 (ref. LE5101(10PD)-SK07 Rev C)

1.0 INTRODUCTION

- 1.1 This response to Matter 1 of the Inspectors' MIQs in respect of the Charnwood Local Plan (CLP) 2021-37 Examination has been prepared by the Strategic Planning Research Unit ('SPRU') of DLP Planning Ltd. SPRU have been instructed to appear at the Examination on behalf of Gloeal Limited.
- 1.2 SPRU have made submissions on behalf of Gloeal Limited to the Regulation 19 consultation (July – August 2021) on the emerging Local Plan. This statement should be read in conjunction with these submissions (representation numbers PSLP/562 and PSLP/563).
- 1.3 These earlier submissions set out that the allocation of sites HA33 (Land at Oakley Road) and HA35 (Land North of Hallamford Road and West of Shepshed) is supported and that the allocation of the sites for residential development is sound. The evidence highlights that the sites are being actively promoted and are progressing towards the submission of planning applications. Supporting work to support bringing forward the abovementioned sites, including the preparation of indicative masterplans, further demonstrates that the allocation of the land in question would be justified and effective and that development would be deliverable and developable in the early years of the plan period following adoption.
- 1.4 In addition, the sites would constitute a well related and logical extension to the urban area (as well as the other proposed allocations and previously constructed developments along the north western side of Shepshed) in a sustainable location, supporting and offering prospective residents good access to public transport, education, employment and other local facilities and services. The sites are therefore well placed to encourage more sustainable patterns of travel and reduced reliance on the private car, consistent with the principles for sustainable development set out in the NPPF.
- 1.5 Nevertheless, there remain a number of issues raised in our previous representations that require modifications to the Draft Local Plan to ensure it meets the tests of soundness. In summary, this Hearing Statement seeks to assist the Inspectors through the response to relevant MIQs and further reinforces the justification for the following proposed suggested modifications in respect of allocations HA33 (Land at Oakley Road) and HA35 (Land North of Hallamford Road and West of Shepshed) and related elements of the spatial strategy:
- The boundary of site HA33 on the Policy Map should be amended to align with the red line shown in drawing ref. LE5101(4)-PL01 (attached).
 - The illustrative masterplan that has been developed for the site (ref. 5101(4)-PL02 Rev A – attached) demonstrates that site HA33 can deliver 204 units. The figure in the table in Policy DS3 should be amended accordingly.
 - The boundary of site HA35 on the Policy Map should be amended to align with the red line shown in drawing ref. LE5101-16PS - D01 (attached).
 - The illustrative masterplan that has been developed for site HA35 (ref. LE5101(10PD)-SK07 Rev C – attached) demonstrates that the site can deliver 408 units. The figure in the table in Policy DS3 should be amended accordingly.
 - The heading in table in Policy DS3 should be amended to state that the figures for each site represent "***Approximate number of homes***".
 - Consequential changes to Policies DS1 and DS3 in relation to overall provision and the spatial distribution of growth to reflect the increased capacity at Shepshed

2.0 ISSUE 1 – WHETHER THE COUNCIL HAS COMPLIED WITH THE DUTY TO COOPERATE

1.1 What are the relevant cross boundary strategic matters that have arisen through the preparation of the Plan (defined as matters having a significant impact on at least two planning areas)?

2.1 No response.

1.2 What outcomes have resulted from engagement and cooperation on the relevant strategic matters and how have these informed the Plan’s policies, including in relation to:

- a) Housing**
- b) Employment Highways and Transport**
- c) Flood risk**
- d) Infrastructure including renewable energy**
- e) Green Infrastructure and the natural environment**
- f) Site allocations with cross boundary impacts**

2.2 No response.

1.3 Is the process of cooperation demonstrated with clear evidence, including Statements of Common Ground as expected by National Planning Policy Framework paragraph 27 and the Planning Practice Guidance? Do the Statements of Common Ground identify the relevant strategic matters, actions in relation to cross boundary issues, and the outcomes of actions taken?

2.3 No response.

1.4 When will the Statement of Common Ground on Housing and Employment Need (SCG-1) be updated to apportion the unmet need for housing and employment from Leicester to 2036?

2.4 It is noted that the draft Statement of Common Ground on Housing and Employment Need has not been updated since March 2021. In the draft SOCG, Leicester City Council is the only authority to have declared an unmet housing need to 2036 which is partly a result of the 35% uplift in Standard Method that is now applicable.

2.5 An update to the SOCG is required to ensure that the position relating to relevant outcomes from engagement under the Duty to Cooperate adequately reflects the most up-to-date position of the relevant authorities. This is necessary to provide robust measures through emerging and future policy upon review of the Local Plan to ensure that the Charnwood Local Plan is able to reasonably contribute towards meeting Leicester’s unmet housing needs at the earliest opportunity.

1.5 What liaison has taken place between the Leicester and Leicestershire authorities to address the unmet need for housing and employment since the announcement of the cities and urban centres uplift in December 2020? Where is this documented?

2.6 No response.

1.6 Paragraph 3.25 of SCG-1 states that the Leicester & Leicestershire authorities agree that there is a sufficient supply of employment land in the Charnwood Local Plan to accommodate the unmet need for 23 hectares of employment land to 2036. However, page 96 of the Statement of Consultation (SD/13) indicates that the Plan does not accommodate unmet need for employment. What is the correct position?

2.7 No response.

1.7 If the outcome of cooperation on the Statement of Common Ground is that none of the unmet housing need will be apportioned to Charnwood, would there be any implications for the Plan or for Policy DS2?

2.8 Should the SOCG identify that none of the unmet housing need will be apportioned to Charnwood, it is anticipated that in accordance with the current wording of Policy DS2, a Local Plan review would take place, but that this review would presumably not trigger an update.

2.9 As stated in PPG (ref. ID: 61-065-20190723), such a review may not just consider unmet housing needs, but may also benefit from considering other information such as:

- conformity with national planning policy;
- changes to local circumstances; such as a change in Local Housing Need;
- their Housing Delivery Test performance;
- whether the authority can demonstrate a 5 year supply of deliverable sites for housing;
- whether issues have arisen that may impact on the deliverability of key site allocations;
- their appeals performance;
- success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;
- the impact of changes to higher tier plans;
- plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;
- significant economic changes that may impact on viability.; and
- whether any new social, environmental or economic priorities may have arisen.

2.10 This would appear to be a sound approach, specifically in relation to potentially unresolved objections regarding prioritising the delivery of sites and the ability to satisfy the housing requirement within the early years of the plan period. In recognition of this potentially broader scope of issues requiring potential updates to the Plan it is nevertheless recommended that the SOCG be updated at the earliest possible opportunity so as to ensure that the Local Plan does not risk becoming out of date in relation to cross-boundary strategic priorities as soon as it is adopted.

1.8 If the Statement of Common Ground concludes that more housing is needed in Charnwood to meet Leicester's unmet need, does the development strategy set out in Policy DS1 represent a robust and appropriate approach for the distribution of further housing, employment and other development in the longer term?

2.11 The draft SOCG (SCG-1) states at paragraph 3.24 *"the authorities agree that Charnwood Borough Council will continue to actively engage in the programme of work to redistribute unmet need and include a trigger policy to review and update the Local Plan, if the agreed apportionment of unmet need requires it"*. Policy DS2 in the Pre-Submission Draft Local Plan provides this mechanism for the Local Plan to be reviewed and updated if necessary, once the SOCG is agreed.

2.12 In order to ensure that the Local Plan is sound and to provide assurance that the Local Plan is able to support future contributions towards Leicester's unmet housing needs in a sustainable manner, if required, it is recommended that the plan accurately reflects anticipated capacities on proposed allocated sites where this is justified by evidence of their suitability and deliverability.

- 2.13 In respect of Sites HA33 and HA35, the expected capacity of these sites should be amended to 204 and 408 dwellings respectively, in line with the illustrative masterplans that were submitted with the Regulation 19 representations.
- 2.14 The total increase of 229 dwellings across sites HA33 and HA35 from that currently proposed to be allocated would represent just a 9.8% increase in the total number of dwellings expected to be delivered across Shepshed (2,331 dwellings) and is therefore considered to represent a sustainable increase in the distribution of growth.
- 2.15 The suggested Modifications principally constitute an important additional contribution towards the provision of a plan period ‘buffer’ identified against the housing requirement in the Submission version Local Plan, coupled with reflecting consistency with emerging proposals enabling the early delivery of both sites.
- 2.16 In the alternative to providing flexibility and contingency towards the housing requirement as proposed, the same Modifications could represent an opportunity to increase Charnwood’s contribution towards Leicester’s unmet needs. This would be via recognition that the increased potential capacity of land proposed to be allocated under sites HA33 and HA35 at Shepshed represents a sustainable level of growth and is in accordance with the proposed spatial strategy as set out in Policy DS1.
- 2.17 Shepshed is defined in the settlement hierarchy (Table 4) as a higher tier ‘Urban Settlement’ which is described as “*A settlement that has a range and choice of services and facilities that meet the day to day needs of residents and physically or functionally forms part of a wider Loughborough Urban Centre*”. Paragraphs 2.48 and 2.49 of the Local Plan state that:
- “The growth directed to Shepshed will complement the existing commitments and reflects the accessibility to services and facilities and evidence of landscape, ecological and transport capacity. Our strategy supports the Leicestershire International Gateway set out in the Leicester and Leicestershire Strategic Growth Plan.*
- Our strategy takes account of the sensitivity of the Black Brook and Charnwood Forest and the impact on air quality. Development in Shepshed will support the regeneration of the District Centre and improve access to jobs, services and facilities.”*
- 2.18 The development strategy set out in Policy DS1 is considered to represent a robust and appropriate approach for the distribution of further housing, employment and other development in the longer term. The proposed increased capacity of sites HA33 and HA35 would be in accordance with the spatial strategy, as set out in Policy DS1.

1.9 Are there any other issues that could trigger the need for a Plan review apart from Leicester’s unmet need?

- 2.19 No response.

1.10 Will Policy DS2 be effective in its submitted form and are any main modifications necessary to improve its clarity in relation to timescales and its effectiveness? Should the policy include a reference to strategic warehousing and distribution needs?

- 2.20 Policy DS2 appears to offer a sensible approach to ensuring the unmet needs of neighbouring authorities (namely Leicester City) are met. However, as noted above, it is necessary that the SOCG is updated as soon as possible to provide sufficient opportunity for any unmet needs to be met through the emerging Local Plan, where possible, or alternatively to set the clearest and most robust timescales and parameters for early review and updates to the Local Plan.

1.11 What is the role and status of the Strategic Growth Plan (EB/DS/6)? What consultation has been undertaken and is it subject to external scrutiny? How much

weight does the Strategic Growth Plan have for plan making purposes?

2.21 No response.

1.12 Have the Plan's transport impacts been considered on a cross boundary basis, including the role of active and sustainable travel modes? What is the role of the Strategic Transport Assessment which is currently underway? Is this separate from the assessment of the specific impacts of the Plan's proposed growth on the strategic and local highway network as outlined in EB/TR/11, 12 & 13?

2.22 No response.

1.13 Is the need for new burial space a strategic cross boundary matter, and if so how is it being dealt with?

2.23 No response.

1.14 Are there any relevant strategic matters that have not been considered on a cross-boundary basis? If so, why?

2.24 No response.

1.15 In overall terms, is there evidence to demonstrate that, during the preparation of the Plan, the Council has engaged constructively, actively and on an on-going basis with relevant authorities and prescribed bodies on relevant strategic matters? Has the Duty to Cooperate been met in a manner consistent with paragraphs 24 - 27 of the Framework?

2.25 There is no evidence to suggest that the Council has not fulfilled the Duty to Cooperate in accordance with paragraphs 24 to 27 of the Framework.

3.0 ISSUE 2 - WHETHER THE PLAN HAS BEEN INFORMED BY A SUSTAINABILITY APPRAISAL

1.16 Is it clear how the Sustainability Appraisal (SD/5 & 6) has informed the preparation of the Plan and its policies at each stage, and how mitigation measures have been dealt with?

- 3.1 In terms of the Spatial Strategy for Growth that is set out in the Local Plan, an initial set of reasonable alternatives were consulted upon from April to June 2018, which was supported by an interim sustainability appraisal report ('Towards a Local Plan for Charnwood'). This was followed by a refined list of reasonable alternatives, identified in September 2018, which were tested through evidence and sustainability appraisal. The justification for selecting or discounting the different alternatives are set out in the Sustainability Appraisal Report (2021).
- 3.2 For example, as part of this process it has been identified that development on sites proposed to be allocated sites in Shepshed is unlikely to affect landscape character.
- 3.3 The broad process of how the Sustainability Appraisal process has informed the preparation of the Plan appears therefore to be a sound approach which is clearly set out and justified.

1.17 Does the Sustainability Appraisal robustly test the Plan against reasonable alternatives for the scale and distribution of housing, employment, retail and other types of development set out in Policy DS1?

- 3.4 In testing the Plan against reasonable alternatives for the scale and distribution of housing growth, a Hybrid Option is identified as the preferred option which was subsequently taken forward as the preferred approach. This Hybrid Option tested a range of housing numbers at each of the settlements / groups of settlements, including a range of 500-2,200 dwellings at Shepshed. However, following consultation on the Draft Plan in 2019, it was subsequently determined that a higher level of growth should be planned for in order to provide greater flexibility in delivery and to reflect changes in the calculation of housing needs since the preferred options stage (see paragraph 4.6.1 of SD-5).
- 3.5 A settlement analysis was undertaken to explore where there was potential for additional growth to be accommodated without generating significant negative effects. This assessment notes in respect of Shepshed (paragraph 4.6.6, SD-5):

"The scope for increased densities on the proposed sites to the west is considered low, without giving rise to negative effects on landscape and biodiversity. Some additional growth could be supported to the south of the settlement, though this would not be ideally located with regards to walkable neighbourhoods."

- 3.6 This assessment is disputed, as the illustrative masterplans that have been prepared and submitted in support of allocation sites HA33 and HA35 in Shepshed show that an additional 229 dwellings could comfortably be delivered on these sites based on the Council's own calculations of net-to-gross ratio (62.5%) and a development density of 30 dwellings per hectare.
- 3.7 Paragraph 4.7.5 of the Sustainability Appraisal Report (SD-5) states:
- "The level of growth at these locations was maximized in line with the urban concentration principles of the preferred hybrid overall development strategy and could be accommodated if new education and healthcare provision could be delivered alongside the new homes."*

- 3.8 This is also disputed, as the illustrative masterplans that have been prepared and are in accordance with the Council's net-gross and development density assumptions demonstrate that additional growth could be delivered on sites HA33 and HA35. The landowners of sites HA33 and HA35 have committed (as part of an emerging SOCG) to contribute towards the

costs of delivering a new 3 form entry primary school on site HA32 to serve the new developments at Shepshed. According to the Infrastructure Delivery Plan (SD-10), this will reflect a yield of 562 pupils but with additional capacity to serve 630 pupils.

1.18 What alternative spatial strategy options were considered, which were discounted and are the reasons for this clear? What was the purpose of the ‘additional focussed assessment’ in Appendix G of the Sustainability Appraisal and how has this informed the development strategy in Policy DS1?

- 3.9 The additional focused assessment was undertaken to assess the alternatives of a higher level of growth. In respect of the effects on Shepshed potentially arising from a higher level of development, it is noted that an increase in level of growth from 2,000 to 2,200 dwellings results in no additional impact in respect of the assessment outcomes, whereas the increase from 2,200 dwellings to 2,500 dwellings results in significant negative effects on landscape and soil resources, whereas the impact on other factors remains ostensibly the same. The assessment notes in paragraphs 4.1.3-4.1.4 that:

“Therefore, any growth would need to focus on how landscape effects can be mitigated.

There appears to be flexibility for a small amount of additional growth without radically altering the spatial strategy nor triggering significant negative effects”.

- 3.10 It is however unclear why no option for growth in Shepshed between 2,200 and 2,500 dwellings was tested in order to determine the point at which ‘significant negative’ effects emerge.
- 3.11 For the avoidance of doubt the Council’s Development Strategy and Site Selection Topic Paper (TP-2) explains the purposes of Appendix G to the Sustainability Appraisal as addressing plan-making considerations arising following consultation upon Hybrid Development Strategy Options (comprising 2,000 additional homes to be allocated at Shepshed) consulted upon as part of the Draft 2019 Local Plan (see paragraphs 3.9-3.10). As such, it is clear that the testing of options within the SA, including the testing of the additional capacity for growth, proceeds on the basis of assessing the effects of *additional homes to be allocated* to satisfy the minimum housing requirements under Policy DS1.
- 3.12 Section 4 of Appendix G of the SA for Shepshed reflects this with the effect of allocations proposed under the Hybrid Option comprising 2,000 dwellings. The Topic Paper goes on to summarise the outcome of site selection in the submission version Local Plan *reducing* the number of homes to be allocated at Shepshed to 1,878 dwellings (paragraph 5.1) despite testing under Appendix G confirming no significant adverse effects expected to arise up to at least 2,200 dwellings and significant adverse effects only identified at 2,500 dwellings.
- 3.13 The capacity as proposed to be allocated for our client’s sites at Oakley Road/Hallamford Road remained unchanged between the 2019 Draft Plan and the submission version Plan.
- 3.14 The illustrative masterplans that have been prepared for HA33 and HA35 indicate that the capacity of these sites could be increased by 229 dwellings to comprise part of a revised total of 2,560 dwellings at Shepshed. Excluding the position of existing commitments not addressed by the testing the additional capacity would equate to options of 2,270 relative to the total allocations proposed in the 2019 Draft Local Plan; or 2,107 dwellings inclusive of the total proposed to be allocated in the submission version Local Plan. Both figures fall substantially below the conclusions of significant adverse effects potentially arising above 2,500 dwellings.
- 3.15 This increased capacity would not result in any further loss of soil resources, as it would not require any extension to the developable area of the sites. Any potential impact on landscape could be mitigated through appropriate layout and design of the site.

3.16 For Shepshed it therefore cannot be concluded that the application of Appendix G for the purposes of site selection has soundly addressed its aim to identify where the requirement for additional allocations could most sustainably be addressed through increases to the capacity for growth within the district's higher-order settlements. The conclusions of the exercise do not preclude the increase to the site capacity of proposed allocations HA33 and HA35 to 204 and 408 dwellings respectively.

1.19 Have any concerns been raised about the Sustainability Appraisal and, if so, what is the Council's response to those? Have the requirements of the Strategic Environmental Assessment Directive been met?

3.17 No response.

4.0 ISSUE 3 – WHETHER THE PLAN HAS BEEN PREPARED IN COMPLIANCE WITH OTHER LEGAL REQUIREMENTS

1.20 Is the Habitats Regulations Assessment (SD/8) robust and have the requirements of the Conservation of Habitats and Species Regulations 2017 been met? Are any main modifications necessary for legal compliance with the Regulations?

4.1 No response.

1.21 Are any adjustments to the Plan period necessary for consistency with the NPPF's provision that strategic policies should look ahead for a minimum 15 year period from adoption?

4.2 It may be appropriate to extend the Plan period (e.g. to 2038) to ensure that its strategic policies look ahead for a minimum of 15 years from adoption. Should this be the case, it will be necessary to ensure that sufficient housing sites are provided to meet any additional housing requirement.

1.22 Has the submitted Local Development Scheme (SD/16) been updated as set out in the Council's letter (Exam 2) and has the Plan been prepared in accordance with the scope, timescale and content set out in the revised document?

4.3 No response.

1.23 Has consultation on the Plan been carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's adopted Statement of Community Involvement (SD/14)?

4.4 No response.

1.24 Does the Plan include policies designed to ensure that the development and use of land in the Borough contributes to the mitigation of, and adaption to, climate change in accordance with the legislation

4.5 No response.

1.25 In what ways has Plan preparation and the Plan's content had regard to the aims expressed in S149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

4.6 No response.

1.26 Has the preparation of the Plan complied with the Planning and Compulsory Purchase Act 2004 (as amended) Part 2 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) in all other respects, including in terms

of:
i. Having regard to the Planning Practice Guidance that the preparation of the Plan should take into account policies and proposals in Neighbourhood Plans;
ii. Making clear which policies will be superseded if the Plan is adopted.

4.7 No response.

1.27 Do the strategic policies (page 3 of the Plan) provide an appropriate framework for the preparation of Neighbourhood Plans and what is the up-to-date position with Neighbourhood Plan preparation in the Borough?

4.8 No response.

1.28 Has Plan preparation had regard to the additional matters set out in Section 19 of the 2004 Act and in Regulation 10 of the 2012 Regulations?

4.9 No response.



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Chartered Town Planner





Project
 Woodlands Farm, Shepshed
 Client
 Gloeбал Ltd

Drawing Title
Site Location Plan

Job No
 LE5101/4

Date
 31.07.2019

Scale
 1:1250 @ A1

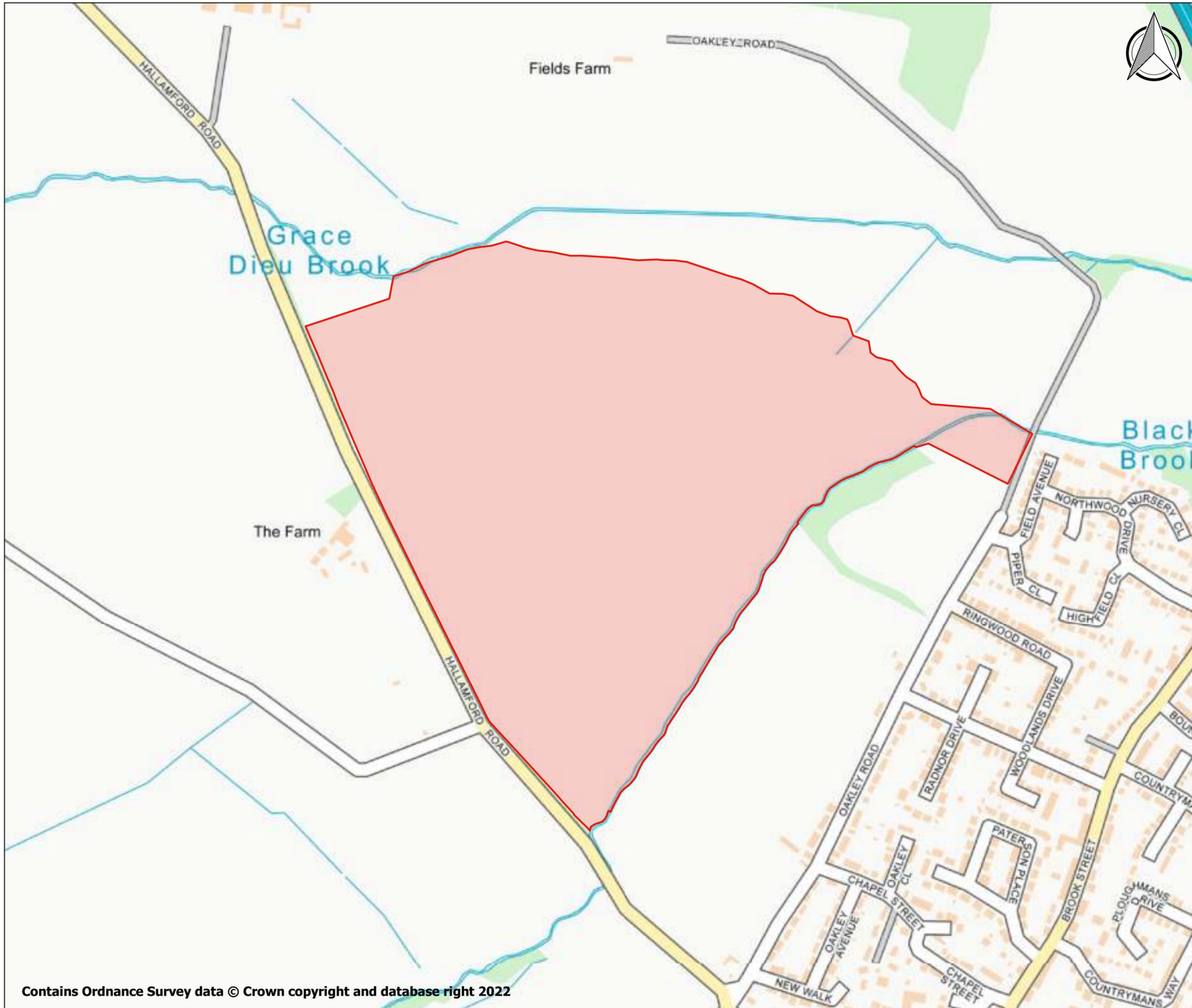
Drawing No
 5101-PL01

Revision
 -



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Site Boundary

Scale
1:5,000



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CLIENT
Gloebal Limited

PROJECT
Land North of Hallamford Road and West of Shepshed (Site Ref. HA35)

DRAWING TITLE
Location Plan

Date	18.05.2022	OS Ref:	Drawn By
Scale	1:5,000 @ A3	Drawing No:	PMG
Job No:	LE5101-16PS	Rev:	KW



Key:

- Residential
- Mixed Use Local Centre
- Public Open Space
- Existing Green Infrastructure
- Indicative Trees
- Watercourse/Stream
- Primary Road
- Secondary Road
- Shared Drive
- Indicative Pedestrian Links
- Existing PROW
- National Cycling Route
- Proposed Cycle Route
- Public Open Space
- Existing Green Infrastructure
- Indicative Trees

Project
Land to the north of Hallamford Road

Client
Gloabal Ltd
 Drawing Title

Indicative Masterplan

Job No. LE5101/10PD
 Date 19.08.2021
 Drawing No. SK07 Rev C
 Scale 1:2000 @A2

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