
Representations to Kenilworth Development Brief

Prepared on behalf of Barwood Land

January 2019

Representation to Kenilworth Development Brief

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1.0 INTRODUCTION

Background

- 1.1 This submission is made on behalf of Barwood Land who are working with the landowners to deliver the south western parcel of the urban extension to Kenilworth known as 'Thickthorn'. Their land interest is in relation to part of the parcel identified as H06 (and E1) in the Adopted Local Plan. The extent of the Barwood interest is identified on the plan included at **Appendix 1**. Barwood Land has extensive experience of promoting and developing urban extensions and indeed, within Warwick District.
- 1.2 The Development Brief is prepared by the District Council in response to Policies DS15 and BE2 of the Warwick Local Plan (2017) which seeks the comprehensive development of the sites East of Kenilworth (Sites H06 and H40 plus E1) and confirms that this will be achieved through the use of a Development Brief.
- 1.3 Both Barwood Land and the landowners are supportive in principle of the use of a Development Brief however it is considered that the enclosed comments are of use in seeking to refine the document and ensure its practical application.
- 1.4 As a wider starting point, it is considered that the document is overly lengthy and prescriptive, and it would serve a more appropriate purpose being a more concise document – acting as a guide rather than provision of more prescriptive requirements with a lack of perceived flexibility.
- 1.5 Our submissions relate in the main to Sections 7 onwards – the first 6 chapters being background information (much of which, whilst of interest, could be significantly reduced given that this is not a stand-alone Development Plan Document, it is designed to be read alongside the Development Plan).
- 1.6 On this matter and in relation to its practical application, it is noted that in Section 1, there is reference (page 7) to the Development Brief being afforded significant weight in the determination of planning applications. Whilst an SPD is capable of being afforded such weight, it cannot override the primacy of the Development Plan. In the case of the Warwick District Local Plan, the Development Plan policies are wider strategic policies, with the detail being left to the Development Brief – as such, there is currently a greater degree of flexibility to be gained through the Development Plan than through the SPD. As previously stated, the prescriptive nature of the SPD may mean that the flexibility afforded through

a strategic Development Plan policy is not realised due to the overly detailed nature of the SPD. If the SPD is to be afforded significant weight, then it must be made clear that this weight remains secondary to the Development Plan. This is of particular importance when, as we set out elsewhere in this submission, the SPD seeks to introduce additional policy provisions under the guise of the SPD, without recourse to guidance advising that they should build on existing policies in the Local Plan. The SPD should not seek to introduce policies via the 'back door' into a document which is not subject to the same level of scrutiny or testing as a Development Plan Document.

2.0 CHAPTER 7: DEVELOPMENT PRINCIPLES

Housing Mix

- 2.1 Policy H4 of the Local Plan advises that housing mix should be provided in accordance with the latest version of the Coventry and Warwickshire Strategic Housing Market Assessment (SHMA) as opposed to the Development Brief which, in the sporting text, specifically references to the 2013 SHMA. Furthermore, within the supporting text to Policy H4, advice is provided as to where some flexibility could be considered. The Development Brief, in our opinion, is more prescriptive than policy H4 for which no justification is provided. Furthermore, Policy H4 is a District wide Development Plan policy, there is no need for this to be replicated with the Development Brief. This can be accommodated, if required, be a simple cross reference, but in reality, can be eliminated altogether.

On and Off-Site Highway Infrastructure

- 2.2 Our comments on the access and infrastructure arrangements apply to various areas of the Development Brief however we do not propose to replicate this throughout the document. Various recommendations have previously been made by others with respect to the most appropriate form and location of access to the Thickthorn site. In summary:
- An appendix of a previous version of the Warwick District Council Infrastructure Delivery Plan (IDP) (April 2017) recommended that direct access via the A46 / A452 roundabout should not be provided. Instead it recommended that access should be provided from the A452 Leamington Road;
 - The Development Brief for the East of Kenilworth Urban Extension (and accompanying Transport Study) recommended that direct access via the A46 / A452 roundabout would be preferred for the employment allocation on the site.

Infrastructure Delivery Plan

- 2.3 Previous versions of the IDP did not support the provision of direct access to the site via the A46 / A452 roundabout. The plan instead supported the provision of the access to the Thickthorn development on the A452 Leamington Road. The Warwick District Council Local Plan – Transport Proposals in Key Corridors (April 2017) was appended to the IDP and stated that:

"it is recommended that the site access for the Thickthorn development is removed from the A452/A46 junction and repositioned to the North-West of the junction on the A452 Leamington Road between Thickthorn and St Johns".

Development Brief and Transport Study for East of Kenilworth Urban Extension

- 2.4 Atkins has undertaken a transport study which assesses the transport impacts of the East Kenilworth Urban Extension Development. The report considers access to the Thickthorn employment site and sets out three potential access options, as follows:
- Option 1: Thickthorn to A46/A452 Roundabout direct access and egress;
 - Option 2: Thickthorn to A46/A452 Roundabout direct access only; and
 - Option 3: Thickthorn to A452 (signalised junction).
- 2.5 The report concludes that the preferred option to provide access to the employment land within the Thickthorn development is Option 1 and this has informed 'Development Principle 3d'. The reason for this recommendation appeared to be solely to separate commercial and residential traffic, but without any quantifiable justification.
- 2.6 The Development Brief for the East of Kenilworth Urban Extension therefore specifies the following ('Development Principle 3d'):

"Access to the southern end of the site shall accord with the following:

- *Separate accesses shall be provided to the employment land (allocation E1) and the housing allocation (H06) to minimise conflict between employment and residential uses unless it is demonstrated that this is not feasible, unviable or undesirable in terms of safety;*
- *Primary access to the employment site shall be via a direct access/egress off the A46/A452 circulatory unless it is demonstrated that it is not feasible, unviable or undesirable in terms of safety. The access or any alternatives must operate well with the new spine road access;*
- *The spine road access from Leamington Road shall provide for appropriate pedestrian and cycle crossing facilities both across Leamington Road and across the spine road itself and these shall connect with existing footway/cycleways in the immediate vicinity as well as provision on the new spine road;*
- *Pedestrian and cycle access shall be provided into the employment site in suitable locations to encourage travel to the site by alternatives to the private car. This shall include connections between the employment site and the spine road."*

- 2.7 There have clearly been conflicting recommendations made in the past regarding the preferred form and location of the site access, therefore Phil Jones Associates (PJA), on behalf of Barwood Land has considered the various alternatives.

PJA Consideration of Access Options

Identification of Alternative Access Option

- 2.8 It is envisaged that there may be difficulties providing direct access to the A46/A45 roundabout; in terms of design standards, safety, capacity and restrict wider aspirations for the A46/A452 junction and the A46 mainline.
- 2.9 In addition, the previous recommendations included in the IDP specified that direct access via the A46 / A452 was not suitable. Furthermore, both Warwickshire County Council and Warwick District Council have advised they would consider alternative access arrangements.
- 2.10 Consideration has therefore been given to the provision of a signal-controlled junction formed between the spine road and the A452 Leamington Road providing access to both the employment and residential allocations. The employment access would form a junction with the spine road a short distance into the site to separate the residential and employment traffic and minimise the interaction between the two elements of the development.
- 2.11 A preliminary layout for this option has therefore been designed and subjected to capacity testing by PJA. A copy is enclosed at **Appendix 2**.

Assessment Traffic Flows

- 2.12 Traffic flows have been extracted from the 2029 Local Plan Model which are appended in the Atkins Transport Study.
- 2.13 The model flows provided assume a site access/spine road junction formed with Leamington Road. The model does not include a direct access formed with the A46/A452 junction. The AM and PM peak hour traffic flows are shown in Table 1 below.

Table 1: 2029 Local Plan Model Traffic Flow Matrices (PCUs)

	AM Peak Hour			PM Peak Hour		
	A	B	C	A	B	C
A – Leamington Road N	-	74	1200	-	107	1044
B – Spine Road	145	-	539	80	-	362
C – Leamington Road S	783	337	-	1214	531	-

Proposed Layout and Assessment

2.14 The above traffic flows have been assessed for the signal-controlled junction shown in Drawing 3140-01 included at Appendix A. The junction has been modelled in LinSig V3 and the results are presented in Table 2.

Table 2: LinSig Results – Proposed Signal Controlled Access Junction (2029 Local Plan Model Flows)

Lane No.	Lane Description	AM Peak Hour			PM Peak Hour		
		DoS	Queue (PCUs)	Delay (s/PCU)	DoS	Queue (PCUs)	Delay (s/PCU)
1/1+1/2	Leamington Road (N) Left Ahead	84.8%	15.9	20.8	88.8%	20.8	27.3
2/1+2/2	Spine Road/Site Access Right Left	85.1%	15.6	43.1	52.7%	7.3	28.4
3/1	Leamington Road (S) Ahead	46.4%	6.3	4.6	71.0%	14.0	7.0
3/2	Leamington Road (S) Right	66.8%	8.4	39.9	89.1%	16.2	54.6
Practical Reserve Capacity (Cycle Time)		5.8% (90s)			1.0% (90s)		

2.15 The junction is forecast to operate at approaching theoretical capacity thresholds.

2.16 The above modelling does not include signal-controlled pedestrian crossing facilities. Due to the likely demand however, a signal-controlled facility would not be required across Leamington Road in the vicinity of the junction. Instead, an uncontrolled facility would be appropriate. This facility would have tactile paving/dropped kerbs to denote the

crossing point and a pedestrian refuge area. To the north of the junction where there is likely to be a higher pedestrian demand, a signal-controlled facility would be provided.

- 2.17 In terms of crossing facilities across the spine road, it would be possible to provide a staggered crossing which could be staged with traffic thus would not affect the operation of the junction.

Suggested Development Brief Wording

- 2.18 Based on the assessment set out above, it is suggested that there are feasible alternative access options which would not require direct access onto the A46/A452 roundabout. It is therefore suggested that the wording of the Development Brief is amended to provide more flexibility as the access strategy for the site is developed in more detail, as follows:

"Access to the southern end of the site shall accord with the following:

- *ORIGINAL: Separate accesses shall be provided to the employment land (allocation E1) and the housing allocation (H06) to minimise conflict between employment and residential uses unless it is demonstrated that this is not feasible, unviable or undesirable in terms of safety.*
- *SUGGESTED REVISION: Site access junction(s) shall be provided to facilitate appropriate access to the employment land (allocation E1) and the housing allocation (H06). Where possible and necessary, conflict between employment and residential uses should be minimised.*
- *ORIGINAL: Primary access to the employment site shall be via a direct access/egress off the A46/A452 circulatory unless it is demonstrated that it is not feasible, unviable or undesirable in terms of safety. The access or any alternatives must operate well with the new spine road access.*
- *SUGGESTED REVISION: Access to the employment site shall either be provided via a direct access/egress off the A46/A452 circulatory or from Leamington Road. Appropriate assessment should be undertaken to demonstrate the access strategy is feasible in terms of safety, multi-modal access, permeability, connectivity and capacity.*
- *ORIGINAL: The spine road access from Leamington Road shall provide for appropriate pedestrian and cycle crossing facilities both across Leamington Road and across the spine road itself and these shall connect with existing footway/cycleways in the immediate vicinity as well as provision on the new spine road.*
- *SUGGESTED REVISION: The spine road access from Leamington Road shall provide for appropriate pedestrian and cycle crossing facilities both across Leamington Road and across the spine road itself to reflect desire lines, demand and to ensure the*

most efficient layout. These shall connect with existing footway/cycleways in the immediate vicinity as well as provision on the new spine road.

Custom and Self-Build Housing

- 2.19 Again, this is unnecessary duplication. Provisions in this regard are already set out in the Warwick District Local Plan and the Kenilworth Neighbourhood Plan – the latter is now 'made' and forms part of the Development Plan. If the policy is to remain, the supporting text and Development Principle 1B are at odds with the Neighbourhood Plan, advising that a proportion of self-build will be sought not exceeding 5% of the total dwellings. However, the supporting policy text sets 5% as the target percentage – this text does not reflect either Policy 1B or the Neighbourhood Plan and should be corrected so as to avoid confusion.

Local Centre and Community Facilities

- 2.20 Whilst the provision of a local centre is supported in principle, the level of detail as set out within the policy is overly prescriptive and does not facilitate market demand. Clearly if a centre which meets market demand is not provided, the units will not be let, the scheme will not be occupied, and the centre will fail. It is in no way considered that this site would provide such a quantum or configuration of retail floorspace such as to detract from the centre of Kenilworth and as such greater flexibility on unit size and use should be provided.
- 2.21 With regard to the size and location of the local centre, the masterplan (as described throughout the document) is identified as being 'indicative' and yet prescriptive requirements are being made in relation to the 'non-residential' elements with no apparent justification for this and no consideration of the impact (financial or otherwise) of this. The Policy recommends predominantly A1 uses within the local centre and yet there is no basis for this.
- 2.22 Likewise, the community centre proposals are even more prescriptive with no evidence at all to justify such an approach. The specification for the community centre is extensive and we would question the justification for such an extensive facility and the associated land required to accommodate it. This goes significantly beyond the provisions of Policy DS14 (which is the Development Plan policy).

- 2.23 We consider that Development Principle 4A requires significant revision to better reflect Development Plan policy and to secure a less prescriptive and onerous provision.

Education Facilities

- 2.24 It is evident from recent landowner discussions that if the District Council continue to pursue a primary school on the Kenilworth Wardens/Kenilworth Rugby Club land then this jeopardises the delivery of the entire site in a timely manner. Given that the District Council is keen to see the site come forward in a comprehensive matter, Barwood Land has been involved in discussions with other landowners and is proposing the inclusion of land for a one form entry primary school within its proposals. It is however for reasons such as this, that we request the District Council move away from seeking to impose a finalised masterplan within the Development Brief. The masterplan has been developed without the involvement of the landowners or promoters and as a result has settled on a potentially undeliverable solution. In the absence of an iterative masterplanning process, the Development Brief must facilitate flexibility to the masterplan as the scheme(s) evolve.
- 2.25 It is understood that Catesby Estates submitted a FOI request to County Council which highlighted that in 2017, 229 children attended the secondary school who did not live in Warwickshire. It is customary practice, when assessing school capacity to discount those who are travelling from out of catchment as clearly those in catchment will take priority. It therefore appears that there is capacity at the existing school, and we seek clarification therefore as to the way in which the secondary school demand has been calculated.
- 2.26 In respect of Secondary School provision, allocation ED2 provides for the re-location and expansion of Kenilworth School on to land at Southcrest Farm to form a new 2,200 pupil place school (secondary and sixth-form). The Development Brief refers to 473 additional pupil places being required to meet the additional need generated by East of Kenilworth. However, this figure is significantly higher than the output associated with Warwickshire County Council's pupil place calculator which suggests 397 additional school places would be generated by 1,400 new homes and clarification of the correct figure is sought.
- 2.27 It is understood that there is a potential difficulty with the acquisition of the land at Southcrest Farm to facilitate the relocation of Kenilworth School. It has been suggested that the East of Kenilworth Development maybe required to 'gap fund' the difference between the landowner's aspiration and the amount Kenilworth School is prepared to pay for the land which would be in addition to the S106 contribution calculated with reference to Warwickshire County Council's SPD. Currently the Development Brief makes on a

passing reference to the costs associated with the purchase of the land. We consider that the Development Brief should make reference to the East of Kenilworth being required to fund the gap based on its pro-rata requirement (e.g. 397 pupil places of 2,200 therefore 18%) and that the methodology for calculating the gap should be fully transparent. Furthermore, this matter needs to be agreed in principle with a reasonable approach taken as clearly it is not the job of this site to fund excessive landowner expectations.

Biodiversity, Greenspaces, Play and Recreation

- 2.28 Whilst the desire to create a Central Park is appreciated, the District Council's 'wishlist' from the site is significant. Taking the land under the control of Barwood Land, for example, further land from their site may now need to be given up in order to deliver a primary school for the good of the site as a whole. There needs to be a balance between the desires of the District Council and the viability and deliverability of the site as clearly if this balance cannot be achieved the site will not come forward.
- 2.29 Within the Development Brief reference should be made to existing natural assets, such as Thickthorn Wood, which will contribute towards the Open Space Requirements for the East of Kenilworth which are set-out within 'Table 3. Potential Open Space Requirements' on page 105 of the Development Brief.
- 2.30 Finally, again with regard to the need for flexibility within the masterplan, if Catesby and Barwood are now accommodating primary school sites, it may be that the allotment sites should be amalgamated onto a single site perhaps centrally located within the allocation on the Kenilworth Wardens/Kenilworth Rugby Club land?

Protecting and Responding to Local Heritage Assets

- 2.31 The Development Brief seeks the retention of views of Thickthorn Manor over the roundabout on the A46. Given that this view is over the area of the site where the Council are seeking B1 / B2 employment uses, it is considered that these floorplates are unlikely to facilitate such views. Furthermore, users of the A46 will not be stopping to appreciate view as they are driving past the site and will not be focusing on the view to the Manor. We consider it more prudent to focus on views and protection of setting within the site rather than transient views as one drives past.

Street Typologies and Street Level Design Principles

- 2.32 Whilst Barwood Land is supportive of high-quality design principles, it is again important that prescriptive design standards are not set and that any expectations are sufficiently flexible to allow designs to come forward which are appropriate for the site and the wider area. However, in addition, the design standards must not render the scheme unviable or, for example, prevent adoption of public highways. To this end, as currently drafted, the brief reads akin to a Design Code and is too prescriptive for this stage of the scheme. It is noted on page 158 that the Council is seeking a Design Code with any applications however, given the level of detail within this document, we would suggest that individual Design Codes are not required to support planning applications.
- 2.33 **Placemaking** – the level of detail (relating to different block sizes / boundary treatments etc) is significantly beyond that which would normally be expected within a Development Brief.
- 2.34 **Streets** – there is an error on p125 as pavement (as shown in the section) is 4.0m wide whereas it should be 2.0m, as per the bullet points. The guidance specifies materials – this is considered overly prescriptive at this stage. In addition, the approach towards parking is particularly problematic. There are shown to be a lot of terraces/continuous built frontages with limited opportunities for parking at the front, perpendicular to the road. This can arguably create a more attractive street in terms of enclosure, etc but it does severely limit parking options and would mean parking needing to go to the rear of the blocks. There is no way of meeting local standards without putting parking in courtyards and this will not be the preference of the developer (or possibly, based on our experience, the local authority either) and will lead to conflict on the road. Page 132 actually says rear parking courts are discouraged. It is difficult to encourage the use of courtyards by residents and whilst some are possible, the approach here would necessitate a significant number. Even the Lanes have an urban appearance whereas we would normally expect to include semi-detached and detached properties with side parking and garages, plus potential visitor parking with the verges or area of open space. P133 does however show on-plot parking as possible within primary, secondary, and lanes. Overall, the street sections/plans are inconsistent with the 3d illustrations.
- 2.35 **Density** – the average density of 35 – 40 dph could provide insufficient flexibility and when coupled with the need to find parking solutions which are acceptable to all parties, we consider 30 – 40dph is more appropriate.

- 2.36 We query whether the details on page 146 / 147 (particularly the drainage plan) are required at this stage. We consider that this could be best dealt with via text.

Incorporating high quality public art into the development

- 2.37 Development Principle 7E seeks the incorporation of public art from each application regardless of size / scale / location. It would seem more appropriate for Public Art to be incorporated in significant areas of open space where they would form a logical and complimentary addition – an example being the Central Park.

3.0 CHAPTER 9: INDICATIVE MASTERPLAN AND SCALE PARAMETERS PLAN

- 3.1 Our comments on the Development Brief as a whole are interwoven with our views on the Illustrative Masterplan. Given that the Masterplan has been developed without any input from either landowners or promoters, and indeed there are some elements of the masterplan (such as primary school provision) which are already moving away from that which is shown on the plan, we consider it is important to ensure that the masterplan remains flexible and does not become fixed for the purpose of this Brief.
- 3.2 On page 148/149 – the introductory text advises that applications should follow the Brief. As per previous comments, this provides insufficient flexibility to amend the masterplan through either public consultation or in response to comments from statutory consultees. There are also discrepancies between the illustrative masterplan and the land use plan.
- 3.3 **Scale** – the scale details are prescriptive, and we consider that if these details are required, they should be set out for broad areas rather than at the plot level. The same applies for the 'street' details, where at this stage, details such as secondary routes or lanes should not be included. Following the same approach, we also consider that the street sections are far too detailed for a Development Brief and are more akin to something which would appear within a Design and Access Statement.
- 3.4 It is our strong view that the Development Brief provides insufficient flexibility in approach for an 'overarching' document. Whilst we support the Council's aspirations for the site, much of this detail can be provided through a Design and Access Statement which would form part of any planning application. This approach would allow the masterplan to come forward under broad parameters but provide sufficient flexibility for the masterplan / design details to flex as more detailed work is undertaken.

4.0 CHAPTER 10: DELIVERY

Securing Infrastructure

- 4.1 With regard to the overall delivery of the site, it is noted that the Development Brief refers to private equalisation agreements being employed to enable delivery of the site. Given the site is in multiple ownerships, whilst laudable, this is not something which can (or should) be achieved through this Development Brief. Instead, it is considered the Council and the promoters / landowners should seek agreement to a land use budget which identifies those areas of the development that do not generate land value (such as open space / community centre / school etc) – and seek to ensure, through appropriate masterplanning, that these uses are divided as equally as possible across the respective land ownerships. In this way, individual landowners / promoters are not prevented from coming forward by others; there is parity across the development parcels; and the Council's aspirations can be realised through early delivery.
- 4.2 The Infrastructure Requirements are included in Table 6 and include indicative costs. However, in order to achieve CIL compliance, it is necessary to understand how these costs are derived and no evidence is provided in this regard. However, the principle of a tariff style contribution per dwelling for off-site highways infrastructure is supported subject to agreement on the appropriate sum.
- 4.3 We consider it premature to include detailed planning condition wording within the Development Brief in the absence of comprehensive site-specific Transport Assessments which will be the subject of further discussion with the Highway Authority and Highways England. The imposition of appropriate planning conditions is an iterative process and should not be fixed within a Development Brief in the absence of full information. Whilst it is acknowledged that there is flexibility for discussion, the document clearly states that it is not possible to set our clear triggers and yet propose conditions with such triggers included. We consider this element is overly prescriptive and should be removed from the brief.
- 4.4 With regard to the other items identified, the list is extensive and when coupled with the Council's CIL tariff which does not cover many items of relevance to this scheme, it is clear that this site has the potential to carry a significant financial burden through a combination of on-site infrastructure; off-site infrastructure costs and CIL. As set out in the NPPF, SPD's cannot impose a significant financial burden on projects and therefore it is important to ensure that any and all contributions are CIL compliant and that the

contributions are proportionate to the development and do not prohibit the scheme from being delivered.

- 4.5 As set out at the start, Barwood Land and their landowners are supportive of the principle of a Development Brief for the site, however we consider that further revisions are required to the document and would suggest that this is done in collaboration (rather than isolation as has been the case to date) with the interested parties to ensure that the scheme remains deliverable.

APPENDIX 1

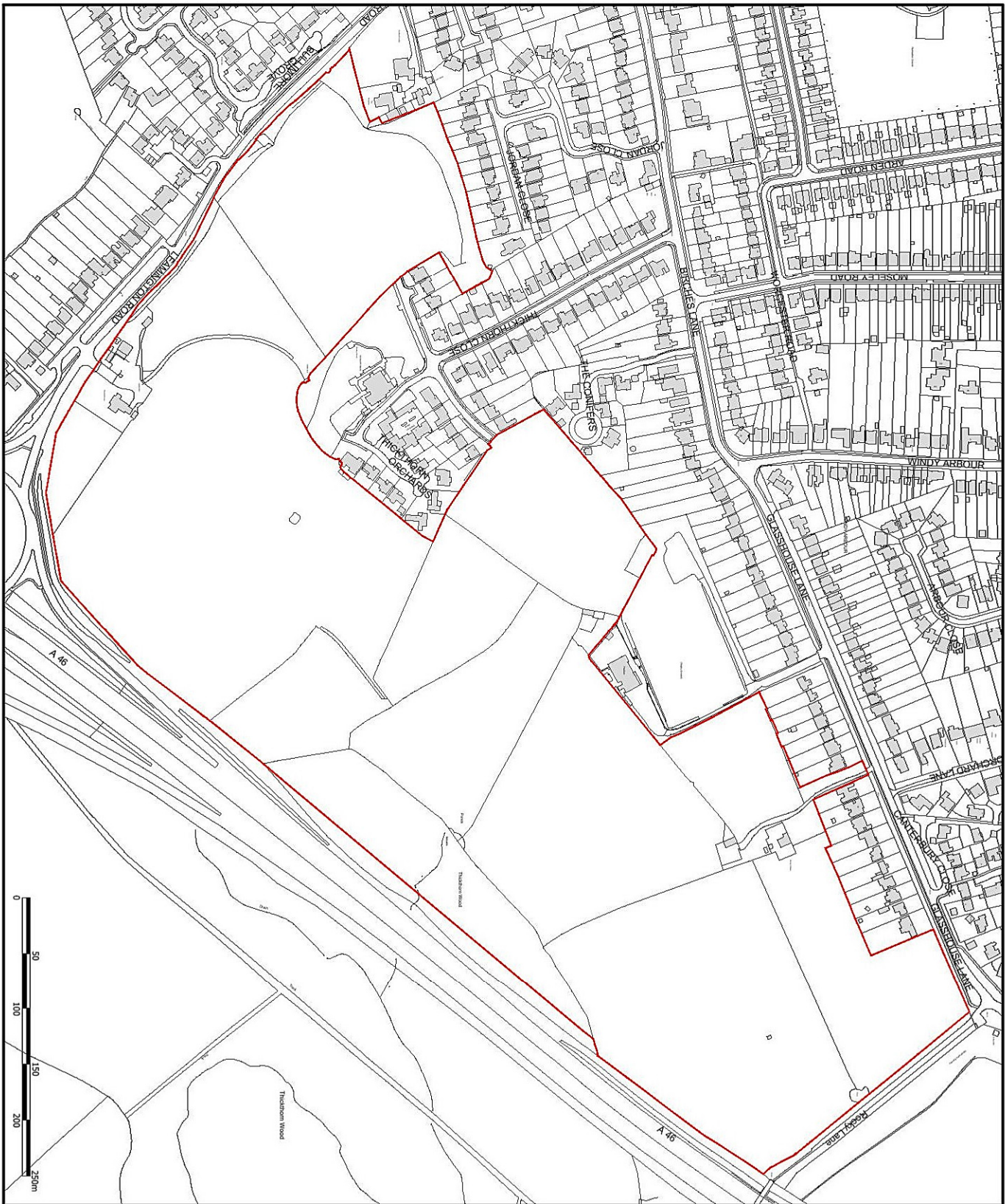
SITE LOCATION PLAN

The scaling of this drawing cannot be assured

Revision Date Dim Cld

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Site Boundary
- 31.71Ha



Project
Thickthorn, Kenilworth

Drawing Title
Site Boundary Plan

Date	14.01.19	Scale	1:5000@A4	Drawn by	S.M	Check by	I.S.
Project No	1300	Drawing No	RG-M-06	Revision	-		

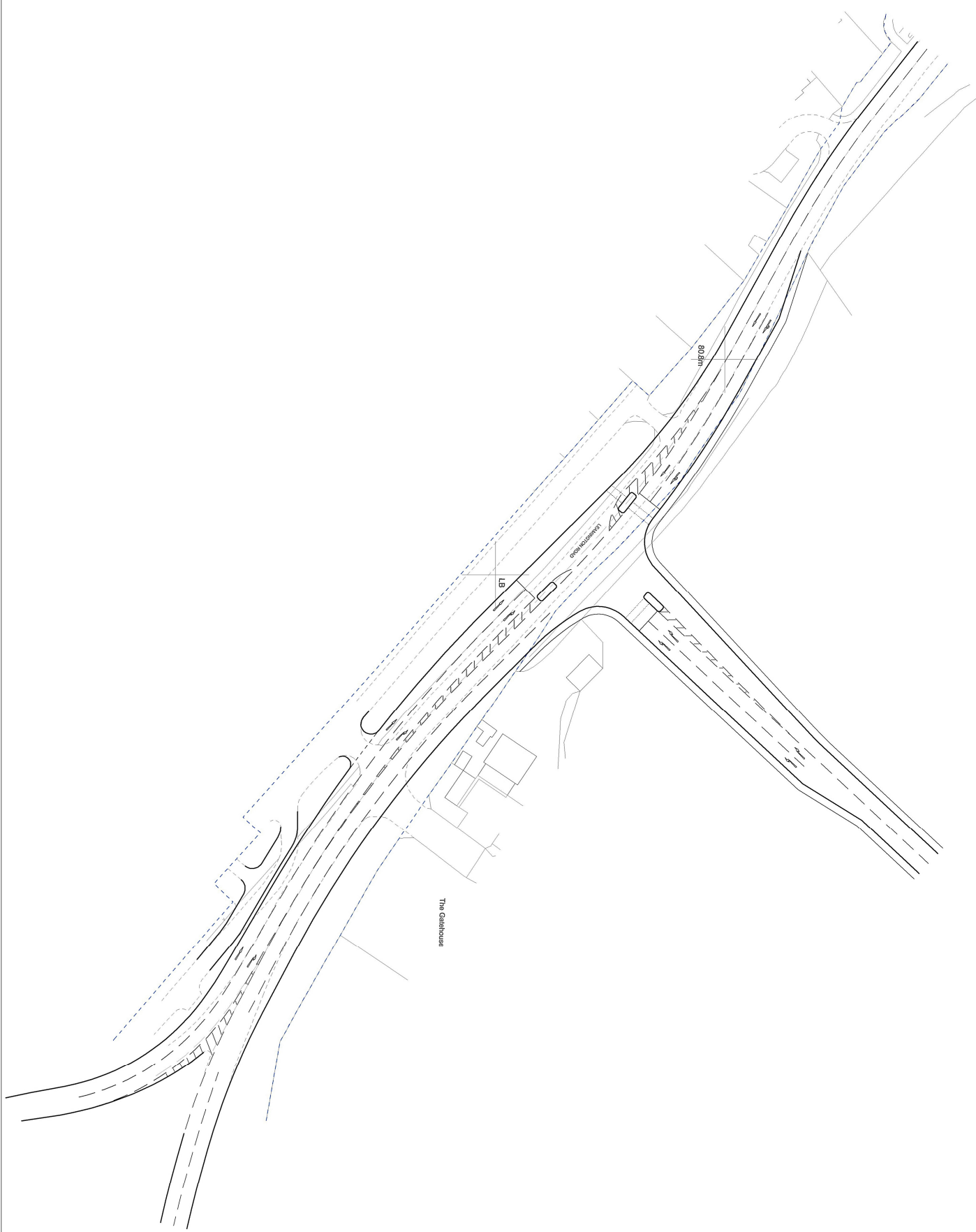
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APPENDIX 2

PRELIMINARY ACCESS PLAN



NOTES

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CLIENT
 Barwood

PROJECT
 Thickthorn, Kenilworth

DRAWING TITLE
 Proposed Site Access

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