

Agenda Item	6.5
Report No	PLN/008/23

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 25.01.2023
Report Title: 22/02739/FUL: Highland Council
Land 70M South Of Lone Tree
Staffin Road
Portree

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Creation of a new link road

Ward: 10 - Eilean A' Cheò

Development category: Local

Reason referred to Committee: Area Manager discretion

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks planning permission for some 290m of two-lane carriageway that will link the distributor road built to serve the Home Farm housing development from the A87 Trunk Road to the west with Staffin Road to the east. This will create a link road across the north of the village and so open up further development land whilst simultaneously alleviating some traffic congestion within the village centre.

The design features a roundabout at the junction with Staffin Road to the east and a roundabout joining the existing Home Farm road to the west. This latter roundabout includes two spurs giving access to the allocated development land to the south and north.

- 1.2 The proposed road links back to the existing Home Farm distributor road via a short section of yet to be completed road named Rathad Na H-Airigh. This section of road is subject of planning application 16/00921/S42 from the Lochalsh and Skye Housing Association which was seeking to remove the obligation on the applicant to complete this element of the distributor road alongside the completion of the wider Home Farm development. Officers have resisted this approach but suggested an alternative in the context of the completion of the link – see below.

- 1.3 Pre Application Consultation: no formal pre-application submitted

- 1.4 Supporting Information: Planning Statement, Preliminary Ecological Appraisal, Confirmation on the application form that notice has been served on all landowners (3).

- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is an area of rough grazing croftland lying between the end of the Home Farm housing area distributor road to the west and the A.855 Staffin Road to the east and is generally located on the north-eastern edge of Portree.

- 2.2 There are areas of open land allocated for development to the south of the proposed road and three residential properties to the north.

- 2.3 The site slopes downwards from west to east.

3. PLANNING HISTORY

- | | | | |
|-----|------------------------|--|--------------------|
| 3.1 | 13.10.2005 | 05/00116/FULSL - Erection of 249 Houses & Construction of Distributor Road | Permission Granted |
| 3.2 | Received
01.03.2016 | 16/00921/S42 - S42 application for non-compliance with conditions 2 & 3 of permission 05/00116/FULSL to remove requirement for completion of distributor road to site boundary | Pending |

- | | | | |
|-----|------------------------|---|---------|
| 3.3 | Received
21.12.2021 | 21/05951/FUL - Erection of 14 residential units and associated infrastructure - Phase 1 of Home Farm Development | Pending |
| 3.4 | Received
21.12.2021 | 21/05962/PIP - Mixed use development comprising up to 248 residential units, business unit, community shop, care village, landscaping and associated infrastructure | Pending |
| 3.5 | Received
19.01.2022 | 22/00221/PIP - Masterplan for erection of 66 residential units | Pending |

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 11 July 202

Representation deadline: 29 November 2022 (following re-consultation)

Timeous representations: None

Late representations: None

4.2 Material considerations raised are summarised as follows:

None

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 Portree and Braes Community Council

- preliminary response from secretary – CC likely to be supportive

5.2 Access Officer

- Conditions required to;
 - Ensure the Core Path SL21.06 is to be accommodated
 - Ensure at least one pavement meets active travel standards
 - Ensure crossing points at the roundabouts meet standards
 - Ensure paths are replicated on the partly constructed road this proposal joins

5.3 Archaeology

- Proposal lies within an area of archaeological potential – ARC01C condition recommended to secure an appropriate programme of works

5.4 Crofting Commission

- Standard response reiterating the main points covered by Policy 47

5.5 Transport Planning Team

- No RCC required as being built by local roads authority
- Recommend a number of conditions to secure;
 - No use until adjacent road has been completed
 - A Construction Traffic Management Plan (CTMP)
 - An assessment of any bus stop infrastructure required
 - A vehicle tracks assessment of the roundabout design
 - A footpath along the northern side of the road
 - A re-design of the pedestrian crossings splitter islands and other footway provisions
 - Adequate street lighting
 - An assessment of the capacity and future maintenance of the SUDS infrastructure proposed

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
 29 - Design Quality & Place-making
 31 - Developer Contributions
 34 - Settlement Development Areas
 36 - Development in the Wider Countryside
 47 - Safeguarding Inbye/Appportioned Croftland
 51 - Trees and Development
 55 - Peat and Soils
 56 - Travel
 57 - Natural, Built & Cultural Heritage
 58 - Protected Species
 61 - Landscape
 64 - Flood Risk
 66 - Surface Water Drainage

The link road is identified as part of the plan's vision and spatial strategy for Portree

6.2 West Highland and Islands Local Development Plan 2019

The link road is a placemaking priority for Portree within this plan which states, "...Completion of the Portree Link Road which will significantly enhance connectivity in the town and open up new housing and employment land for

development...”

The route of the link road passes through housing land allocations PT02: North of Storr Road and PT03: Kiltaraglen (South).

PT02 developer requirements include;

- All development must be accessed from the Portree Link Road
- Financial contributions proportionate to the traffic generated towards the completion of the Link Road

PT03 developer requirements include;

- Financial contributions proportionate to the traffic generated towards the completion of the Portree Link Road

Other land allocations in the vicinity also feature developer requirements related to the link road;

PT04: Kiltaraglen (North)

- Financial contributions proportionate to the traffic generated towards the completion of the Portree Link Road
- Safeguard land for potential route between the Portree Link Road and the A855 at the Achachork junction (within site PT06);

PT06: South of Achachork

- Financial contributions proportionate to the traffic generated towards the completion of the Portree Link Road
- Safeguard land for potential route between the Portree Link Road (within site PT04) and the A855 at Achachork

PT07: Northeast of Mart, Home Farm (mixed use)

- Deliver/fund section of distributor road between the A87 and Portree Link Road which lies within the allocation boundary

PT26: Land North of Home Farm Dental Practice (retail)

- Financial contributions proportionate to the traffic generated towards the completion of the Portree Link Road

PT27: Land Adjoining Home Farm Biomass Plant (retail)

- Financial contributions proportionate to the traffic generated towards the completion of the Portree Link Road

6.3 **Supplementary Guidance**

Highland Council Supplementary Planning Policy Guidance
Construction Environmental Management Process for Large Scale Projects
(August 2010)
Developer Contributions (March 2018)
Green Networks (Jan 2013)

Highland's Statutorily Protected Species (March 2013)
Standards for Archaeological Work (March 2012)
Sustainable Design Guide (Jan 2013)
Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)
National Planning Framework 3
National Planning Framework 4

Skye and Raasay Future - August 2021;

- The link road is one of the case studies in this programme of projects and states;
 - This link offers alternative travel routes and also sustainable travel options which will better distribute traffic in the area, avoiding the need to travel through the town centre. This will help reduce congestion in the town centre and at the junction to the harbour and will hopefully provide a trigger for other projects to come forward such as the public sector co-location programme. For example, emergency services require to be strategically located with direct access to the main arterial routes and without the Link Road options for this are limited. In turn, these changes offer a range of major regeneration opportunities for Portree town centre. The link will also provide active travel routes and options together with alternative routes for public transport – allowing people to make more sustainable travel options.
 - **Timescales:** within the next 5 years
 - **Costs/Funding:** Approx. £1.6M total cost with £1.4M expected from developer contributions and £200k committed in THC capital programme. Up front funding has been identified from the Infrastructure Loan Fund, to allow the construction of the link to precede any related development, which will then contribute through developer contribution to help recover the initial funding outlay.
 - **Lead organisations:** THC
 - **Actions/responsibilities:** Highland Council will progress discussions with landowners and developers to understand the access and servicing requirements for future development – which will influence the design

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) Integration with the existing Home Farm distributor road
 - c) Road design in absence of the need for RCC
 - d) SUDS design
 - e) Ecology
 - f) Archaeology

Development plan/other planning policy

- 8.4 As can be readily seen from sections 6 and 7 above the completion of a link road across the north of the village has strong support in principle from the policies of the development plan. This support is both direct as a placemaking priority and implicit as an identified target for developer contributions from surrounding land allocations. It is an enabler for these other development aspirations.

Integration with the existing Home Farm distributor road

- 8.5 The existing distributor road that this link road will add to and complete what was constructed as part of the Home Farm housing development by the Lochalsh and Skye Housing Association (LSHA).
- 8.6 Although the majority of this road was completed, the section beyond the last roundabout to the Home Farm site boundary (where it would join this proposal) has not been completed and some works are required to bring it up to the necessary standard to integrate with the new proposed section and the rest of the completed link road to enable adoption.
- 8.7 In 2016, with the Home Farm development largely complete, LSHA submitted planning application 16/00921/S42 which sought to remove the conditions of the original Home Farm planning permission which required the completion of this part of the distributor road to coincide with the completion of the housing element of the permission. The housing association argued that with no prospect (at that time) of the final part of link road being constructed, the incomplete part of the distributor road remained a 'white elephant' and further expenditure on it would be an onerous obligation for the housing association with no obvious public gain.
- 8.8 Although officers had sympathy with this argument, they were also aware of the strong continued commitment by the Council to the completion of the link road and the significance of it in respect of likely land allocations in the next local development plan.

- 8.9 In the light of this, at the time, officers suggested that the conditions could be reworded (rather than removed) to allow for completion of this section of road to coincide with the construction of the link road. This held out the prospect of the works being carried out as a single project in the most efficient manner. Unfortunately, the housing association at the time did not agree to this suggestion. Officers were reluctant to refuse the application as they had already agreed that the original wording needed to be revised. Consequently, the application has remained open and undetermined in light of the ongoing programme to secure the delivery of the remaining element of the link road.
- 8.10 During the intervening period, the adoption of a new local plan containing significant land allocations that are reliant on the completion of the link road and required to fund it through developer contributions, has changed this situation. The completion of the link is now in hand and the submission of this application is a manifestation of these changed circumstances. The application provides confirmation of the strength of commitment to the delivery of the link road through the forward funding from the Scottish Government under the Evergreen Infrastructure Fund to enable this and which will be recouped through the developer contributions from each house.
- The 16/00921/S42 application is consequently no longer relevant, and its withdrawal seems the most rational option.
- 8.11 It is also considered appropriate to follow the suggestion of the transport planning team that a condition be imposed to ensure that use of the link road by the public is not allowed until the adjoining road has been brought up to a comparable and acceptable standard.

Road design in absence of the need for RCC

- 8.12 The transport planning team response offers no objection to the proposal but points out that Road Construction Consent (RCC) approval will not be required because the project is being carried out by the Council as roads authority.
- 8.13 Although the submitted application identifies the route corridor for the road and are sufficient for consideration of the planning application, further details are required by condition before works could commence on the development. Consequently, the consultation response requests a number of conditions seeking clarification and further specification of the detailed aspects of the road design which would normally be addressed through the RCC process.
- 8.14 In these circumstances it is considered acceptable to make these clarifications and amendments the subject of planning conditions but only in the general terms of requiring the final details to be confirmed as being capable of achieving RCC approval.
- 8.15 In his consultation response the Access Office made several comments and recommendations about pedestrian related matters which parallel those made by the transport planning team and can be incorporated within the recommended conditions.

SUDS design

- 8.16 The proposed scheme shows a SUDS compliant attenuation pond at the western end of the link road beyond the line of Staffin Road. This feature will take surface water run-off from the new road during a flood event and allow it to be stored whilst entering the River Chracaig system at a sustainable rate.
- 8.17 However, the transport planning team have identified that the application does not contain sufficient information to show whether the design of the SUDS 'pond' is large enough to accommodate a severe weather event and have requested that such information is secured. They have also requested a condition to control arrangements for the inspection and maintenance of the SUDS pond.
- 8.18 As with the design of the road and its pedestrian infrastructure, it is considered that these elements of detail can be secured by conditions requiring the applicant team to refine the final details of the scheme through discussion with the other relevant teams within the Council.

Ecology

- 8.19 The application has been submitted with a preliminary ecological appraisal involving desk-based and site visit analysis.
- 8.20 Its main conclusions were that there was no evidence of protected mammals needing consideration. However, a stone wall and two mature Sycamore trees provided potential habitat for reptiles and bats respectively. As the rock wall is almost certainly going to be physically impacted by the proposal a condition is recommended to ensure that works occur during the active April-September period. A condition is also required to ensure a further survey of the trees and other vegetation suitable as habitat for breeding birds is carried out prior to any works being undertaken to them.
- 8.21 The appraisal also makes recommendations on how the development can achieve biodiversity gain – likely to be a requirement of NPF4 by the time road construction starts. An informative suggesting these recommendations be incorporated into the scheme can be included.

Archaeology

- 8.22 The historic environment team have responded that the site lies in an area of archaeological potential and have recommended a standard condition requiring an archaeological assessment before works commence.

Other material considerations

- 8.23 The site includes croftland but there is no reason to conclude that the requirements of Policy 47 will not be met given that this is a local plan allocation.

Non-material considerations

- 8.24 None

Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

- 9.1 The proposal successfully delivers a long-term goal of the current and previous local plans. Although further detail and refinements are required to the design, these can be secured satisfactorily by condition.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

- 1 The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.
- Reason:** In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 No public access to the road hereby approved shall take place unless and until the section of adjoining road to west has been upgraded to a

comparable standard to that pertaining to the road hereby approved. This upgrade shall include the provision of a footpath on the southern side of the road which ties in with the path to Cearn Romasdail. The upgrade shall be designed to a standard required to achieve the relevant RCC approval that would be applied if the project were being proposed by a private developer.

Reason: In the interests of the safety of vehicular and pedestrian road users

- 3 No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the planning authority. Thereafter development shall not proceed other than in strict accordance with the approved Plan.

Reason: In the interests of road safety

- 4 No development shall commence until a further appraisal of any requirement for further bus stop infrastructure has been submitted to and approved in writing by the planning authority. This appraisal shall take account of any new demand for bus services generated by any planning permissions on adjacent land granted subsequent to the date of this permission.

Reason: To ensure new requirements for bus stop infrastructure are incorporated into this scheme in a timely manner.

- 5 No development shall commence until a further appraisal of any requirement for a footpath on the northern side of the proposed road has been submitted to and approved in writing by the planning authority. This appraisal shall take account of any new planning permissions on adjacent land to the north of the road granted subsequent to the date of this permission.

Reason: To ensure new requirements for footpaths are incorporated into this scheme in a timely manner.

- 6 No development shall commence until revised details of the roundabout design have been submitted to and approved in writing by the planning authority. These revised details shall address the following points;

- include appropriate vehicle tracks to show that the design of the roundabouts are suitable for the heaviest vehicle likely to use them
- include details of suitable uncontrolled dropped kerb crossing and pedestrian refuge facilities incorporated into the design of the splitter islands at each roundabout
- show how the current core path SL21.06 Portree North Link Path is to be accommodated by the pedestrian provisions being made as part of this proposal
- include details of the street lighting to be incorporated into the

new road.

These revised details shall be designed to a standard required to achieve the relevant RCC approval that would be applied if the project were being proposed by a private developer.

Reason: In the interests of road safety

- 7 No development shall commence until a further appraisal of the capacity of the proposed SUDS system has been submitted to and approved in writing by the planning authority. This appraisal shall include calculations showing that the design can accommodate a 1:200 year severe storm event. Details should also be provided in respect of the long-term inspection and maintenance of the SUDS infrastructure.

Reason: In the interests of the avoidance of flooding

- 8 No works to the stone wall at the western end of the site shall take place other than during the period April-September.

Reason: To avoid disturbance to protected reptiles during the winter hibernation period

- 9 No works to the two mature Sycamore trees adjacent to the stone wall at the south-western boundary of the site shall be carried out until an appraisal of any bats and nesting birds present has been submitted to and approved in writing by the planning authority.

Reason: To ensure no disturbance to protected species

- 10 No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the

earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb

protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Biodiversity Gain

The recommendations of section 5.6 of the submitted Preliminary Ecological Appraisal should be followed as closely as possible

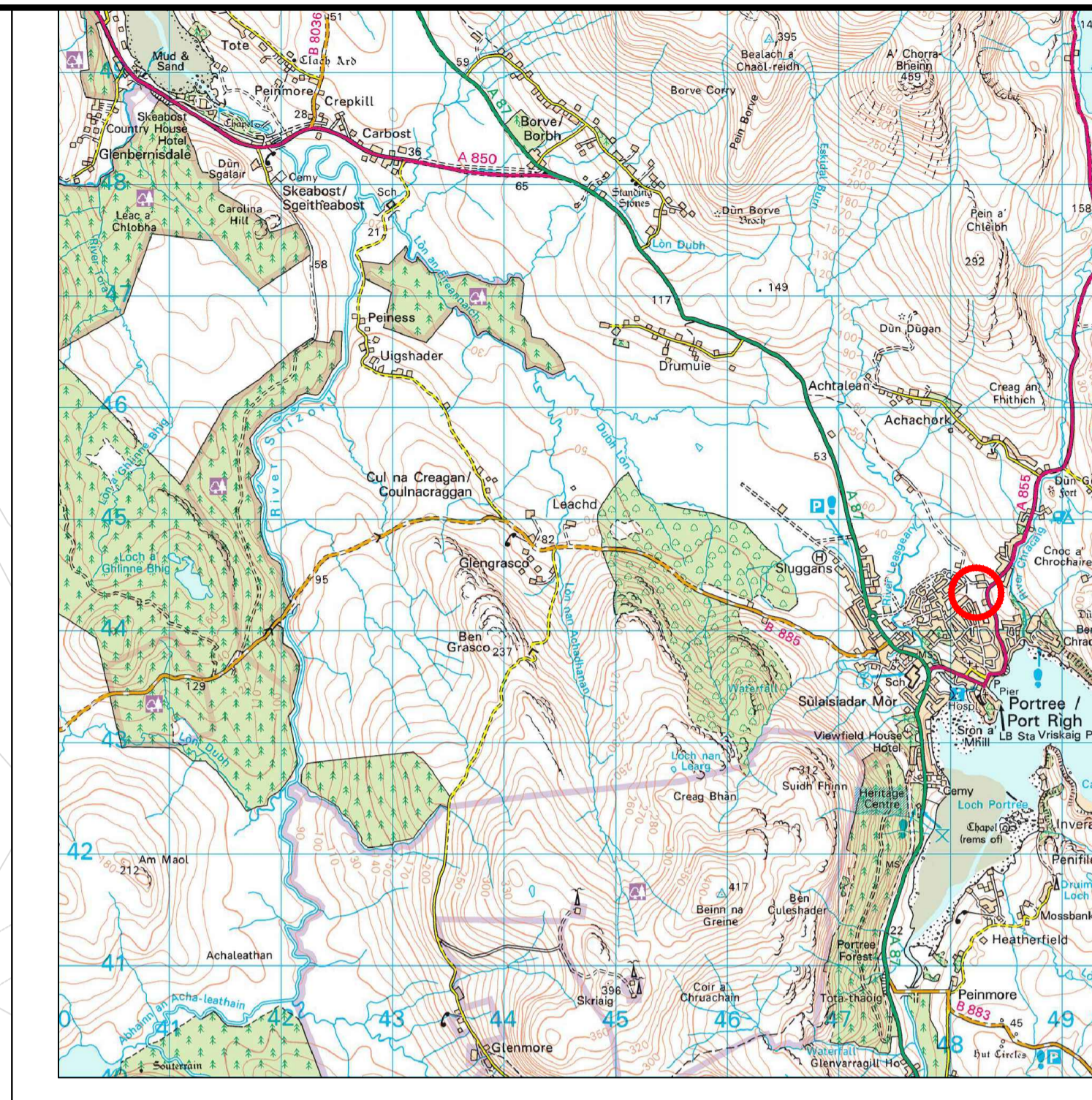
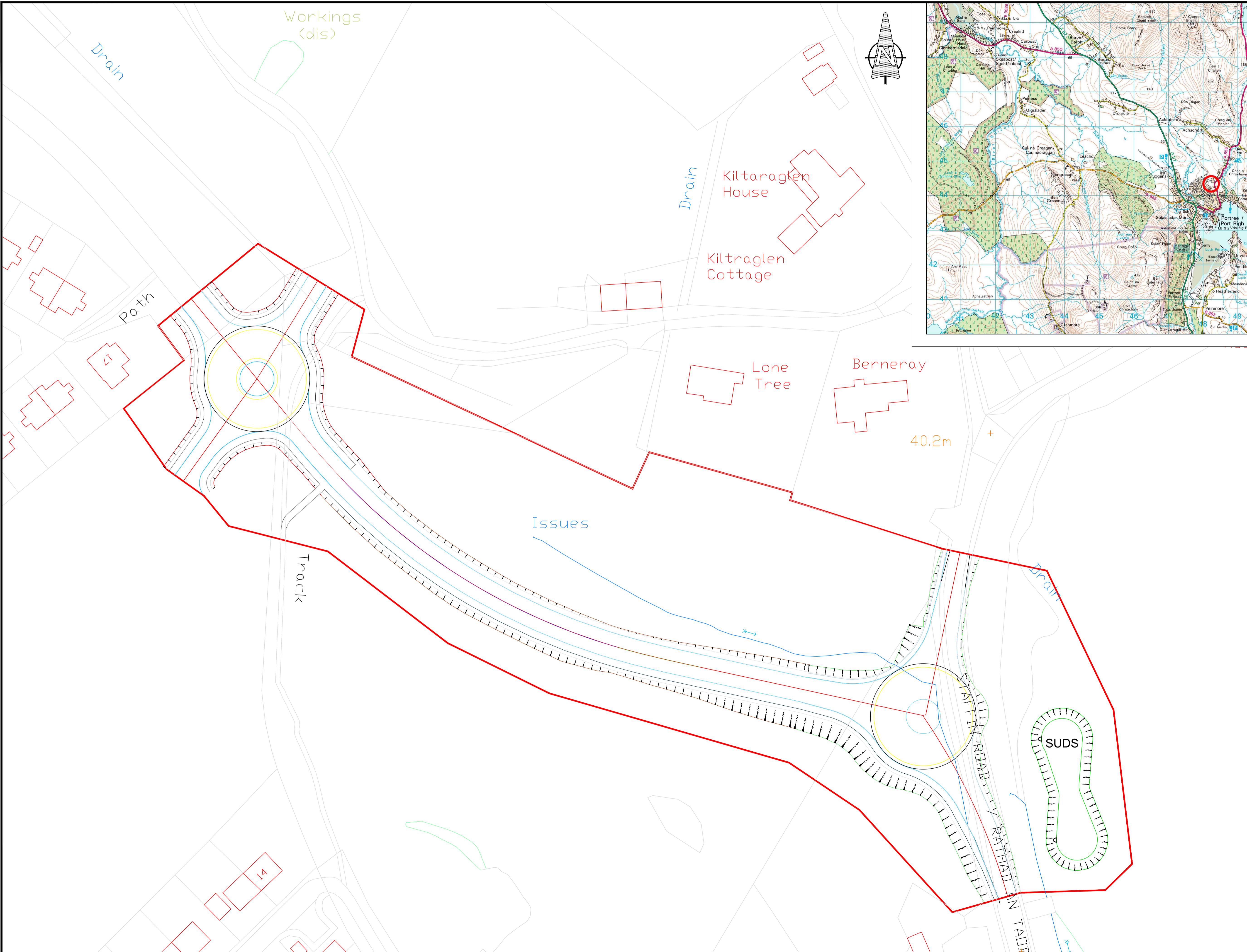
Signature: Dafydd Jones
Designation: Area Planning Manager - North
Author: Mark Harvey
Background Papers: Documents referred to in report and in case file.
Relevant Plans:

Document Type	Document No.	Version No.	Date Received
Location Plan	0001		20 June 2022

Appendix – Letters of Representation

None

M:\Portree-Link-Road-HRS7148\CIVIL-ENGINEER\200-Planning\HRS7148-HC-7200-00-DR-C-0001 Location Plan.dwg 15/06/2022 15:08:2022 ISO full bleed A1 (694.00 x 841.00 MM)



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Revision	By	Check	Check	Check	Sufx

The Highland Council
Comhairle na Gàidhealtachd

INFRASTRUCTURE & ENVIRONMENT

PROJECT DESIGN UNIT
 Osprey House
 Alness Point Business Park
 Alness, IV17 0UP
 E-Mail : bryan.stout@highland.gov.uk

Project
Portree Link Road

Title
Location Plan

Scale (at A1)
1:500

Drawn	BM	Date	14/06/2022
Checked	BJS	Date	14/06/2022

Drawing No.
 Project Code: Originator: System:
HRS7148 - THC01 - LPL
 - R01 - DR - C - 0001
 Location: Type: Role: Number:

Suitability	Revision
S2	