BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department.
Council Offices.
Priory Road, Spalding.
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H09/0130/93

Applicant: Tinsley Foods Ltd
Holbeach St Marks
Spalding
Lincs

Agent: John Roberts Architects L
1 James Street
Lincoln
LN2 1QD

Description: Modification of Section 106 Obligation

Location: Salad Factory Holbeach St Marks
Spalding Lincs

Type: MODIFIED AGREEMENT

02-SEP-93

Dear Sir/Madam,

PLANNING APPLICATION

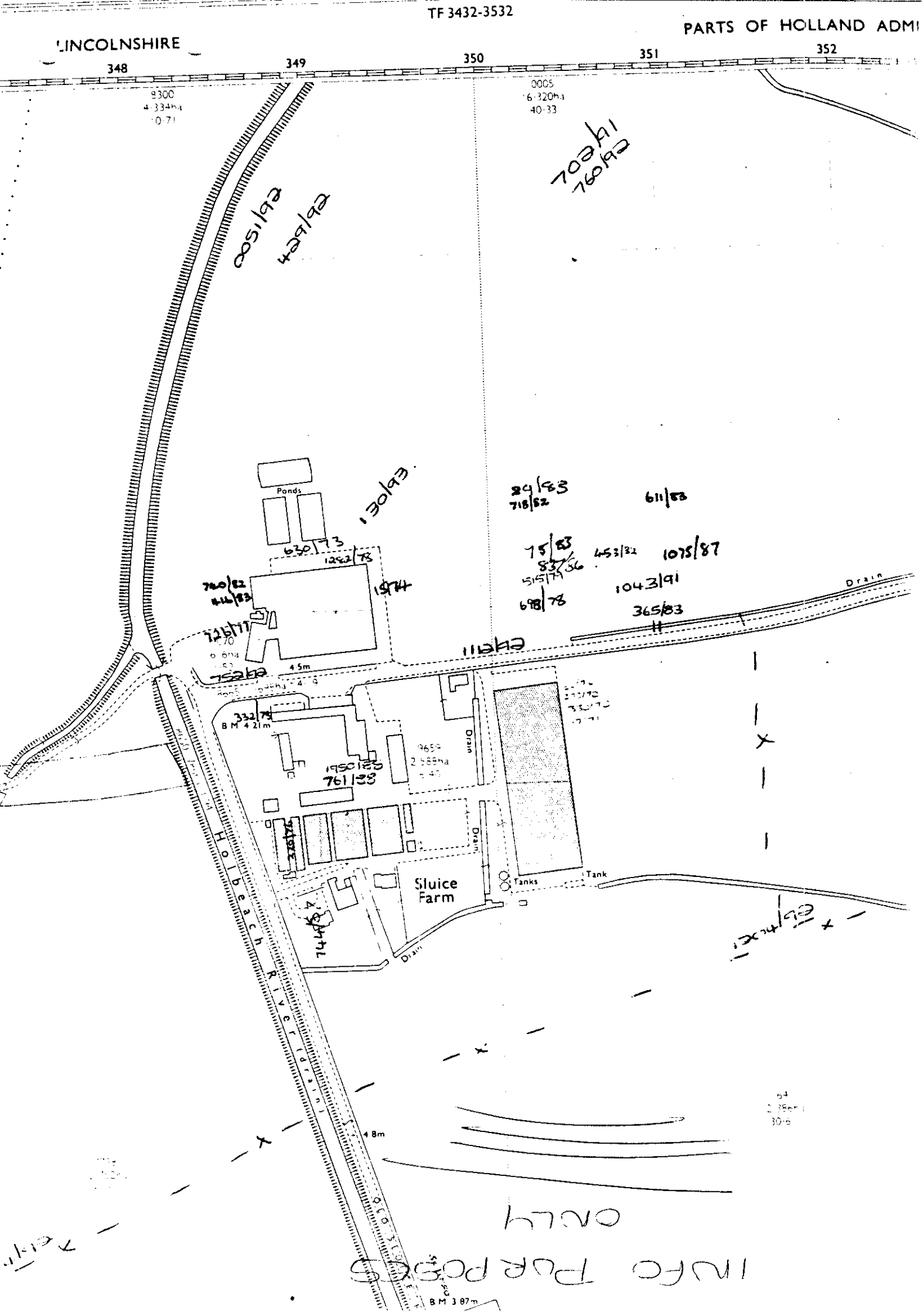
The above application for planning permission has now been considered, together with your comments, and it has been decided that permission should be granted in this case.

The full details, including any conditions which may have been imposed, can be seen by inspecting the register of applications which is available in this Department during normal office hours.

Yours faithfully
B SMITH
Director of Planning and Building Control Services

(1) Roythorne & Co - Agents
Ref I/LAW (WAR.74-8)
10 Pinchbeck Road
Spalding
Lincs. PE11 1PZ

(2) Mr & Mrs R Heath
56 Pennytoft Lane
Pinchbeck
Spalding. Lincs


TF 3432-3532
LINCOLNSHIRE
PARTS OF HOLLAND ADMI
348
349
350
351
352
8300
4·334ha
0·71
0005
6·320ha
40·33
Ponds
4·5m
B M 4·21m
Drain
Sluice Farm
Tanks
Tank
Holbeach River (drain)
4·8m
B M 3·87m
INFO PURPOSES ONLY

DC RECORD SHEET

APPLICATION REF:

Directions

Art 7 (Outlines)
RM checklist

	Siting	Design	Ext app	Access	Landscape
Previous					
Current					
Required					

Reg 4 Scale drawing ..... Highway S/W ..... Agric appraisal .....

Other ....

Precise details, for non-standard direction:

Senior Officer authorised: ..... Sent: .....

Revalidation after Direction

Information satisfactory/unsatisfactory Signed: .....

Further direction: Precise details:

Amended description:

New valid date: .....

Consultation/Publicity Required

	Requested	Sent
Extra Publicity:		
Departure	.....	.....
Setting of LB	.....	.....
Public Right of Way	.....	.....
Discretionary	.....	.....
Extra Consultations:		
Dept of Transport	.....	.....
Environmental Serv.	.....	25/2
LB/Cons. Area - Local	.....	.....
- Local & National	.....	.....
- English Heritage	.....	.....
Consultant: Name.....		..... Order No .....
Other:	.....	.....

Case Officer JOHN BLACKWOOD Recorded on board:

ADMIN RECORD SHEET

Initial

Submitted Fee £ NIL

Receipt Issued —

Date first Rec'd 12th Feb 93

Registration

Reference H09 | 0130 | 93

Cross-Ref

Date 18 | 2 | 93

Validation

TYPE 106

Earliest permission

Site area

No of dwellings

Floorspace

Description

Tech

Certificate
Site plans
Description

Accuracy
Incomplete form

Fees

Nil fee

Discounted fee

Previous app
Type

Correct fee NIL

Additional
Refund

Receipt
Issued

Information

Newbuild/Redevelopment/Change of use/Extension/Alteration/Works

Earlier permission Ref

RM

	Siting	Design	Ext app	Access	Landscaping
Previous					
Current					

Index sheets 52

OS No's

Grid ref 534900 331700

Ward 9

Parish HOLBEACH

TR Rural
TR Bypass
Level Cross
Footpath

CA
LB
TPO

Inside IBD NO

Inside LP area NO

Linked to site

Ref 1128

Linked to property

Ref

Planning Records:
Earlier apps See attached p/o

B Reg Records:
Already submitted - Ref
Request
Requested

J Blacklock

JB/SAR H09/0130/93

18623/15/JAG/DAW/slp

12 October 1993

Messrs Carl Bro Haiste
Consultants
Borough House
Newark Road
Peterborough
PE1 5YJ

Dear Sir

Pinsley Foods Ltd - Effluent Treatment Plant (Phase 2)

Thank you for your letter and plans dated 7 October 1993 in connection with the above.

I would advise you that on the basis of the information supplied the proposed works would appear to be 'permitted development' as detailed in Class B of the Town and Country Planning General Development Order 1988. Planning permission, therefore is not required for the proposed works.

Yours faithfully

N E Mallen
Principal Planning Officer (Development Control)

Carl Bro Haiste
Consultants

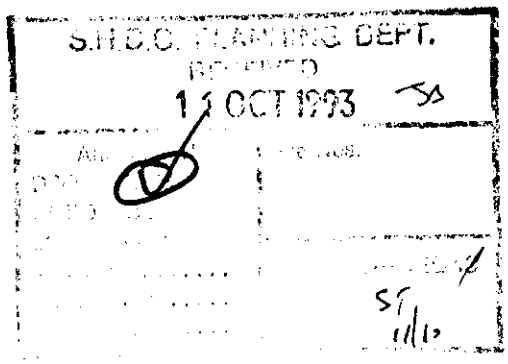
Borough House, Newark Road, Peterborough PE1 5YJ.
Tel: (0733) 340939
Fax: (0733) 341974

Carl Bro Group

Our Ref: 18623/15/JAG/DAW/slp

7th October, 1993

Mr. J. Blacklock,
South Holland District Council,
Planning and Building Control Department,
Council Offices,
Priory Road,
Spalding,
PE11 2XE.



Dear Mr. Blacklock,

TINSLEY FOODS LIMITED
EFFLUENT TREATMENT PLANT - PHASE 2

We refer to the telephone conversation between yourself and our Mr. Whiles on 7th October 1993 and confirm that the proposed development is to be an effluent balancing tank 5.0m high and 7.6m in diameter, situated as indicated on the attached plan 18623/07(B).

This process unit is necessary for the plant to achieve the consent standards imposed by the National Rivers Authority.

Could you please confirm that the above is Permitted Development.

Should you have any queries please do not hesitate to contact us.

Yours sincerely,
for CARL BRO HAISTE

J.A. GRUBB
Divisional Director

HAISTE

Consulting Engineers

Borough House, Newark Road, Peterborough PE1 5YJ.
Telephone: (0733) 40939 Telex: 557131
Fax: (0733) 41974

DOCUMENT TRANSMITTAL

Your Ref:

Our Ref: 18623/DAW/PH

Date: 7th OCT 1993

Project: TINSLEY FOODS LTD.

To: SOUTH HOLLAND D.C.
PLANNING DEPT

We enclose the following documents for your:

- [ ] Comments
- [ ] Approval
- [ ] Information
- [x] Other (PLANNING)

Ref. No.	Rev	Title/Description	Distribution and Number of Copies: PLANNING DEPT.				
18623/07	B	PROPOSED LAYOUT	1				

FORM – 001

Remarks:

From: P. HIDES Signed P Hides

On behalf of: – HAISTE LIMITED | HAISTE MECHANICAL & ELECTRICAL | HAISTE AUTOMATION | HAISTE INTERNATIONAL

J Blacklock

JB/SAH H09/0130/93

Messrs R & K Heath
53 Pennytoft Lane
Pinchbeck
Spalding
Lincs
PE11 3PQ

14 October 1993

Dear Sir

Application No H09/0130/93 - Tinsley Foods Ltd

Thank you for your letter dated 20 September 1993 in connection with the above.

The application to which you refer was for the modification of the terms of a Section 52 Agreement as an Agreement embodying a planning permission ref. H09/0702/9' for the erection of a salad factory at Tinsleys Foods Ltd, Holbeach St Marks.

The Agreement provided specifically for:-

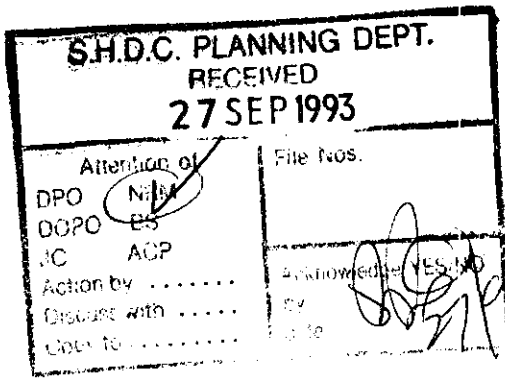
(a) the cessation of the use of the existing vegetable preparation area in favour of a storage use ancillary to the industrial processes on the site.
(b) the provision of an improved effluent treatment system.

The modification envisaged in application ref. H09/0130/93 provided for the retention of the vegetable preparation area.

The application (which was not an application for planning permission) fall to be determined on the basis on a refusal or acceptance basis: the Authority was not in a position to impose planning conditions qualifying any acceptance.

The Authority accepted the proposed modification, after deliberation by the Planning Committee, and a revised Section 106 Obligation (the successor in legal terminology to the aforementioned Section 52 Agreement) was issued in August 1993.

Cont/ ...



56 Pennytoft Lane

Pinchbeck

Spalding

Lincs

PE11 3PQ

Application No H09/0130/93
Tinsleys Foods Ltd

20/09/93

Dear Sir

Thank you for your letter of 2/9/93 informing us of the decision re the above planning application, and that full details, including any conditions which may have been imposed, could be seen in your department.

On 9/9/93 we visited the planning department, but because this application was a modification of a previous planning consent, the normal procedures did not apply. However we were advised by J.Berry to have a word with Mr Blacklock, who unfortunately at that time was otherwise engaged, but would telephone us and answer our queries. Todate we have had no contact so we must assume that he has forgotten. Therefore could you please let us know if there were any conditions put on the modification to the above application regarding the effluent treatment plant.

You will recall that in the 1991 application, the old plant premises would be used for storage in return for a new plant of increased capacity. Dispensation was given over water quality by the N.R.A. to allow the company time to build a new effluent plant over 3 years, so that by Sept 1993 the effluent discharged into the Holbeach River would be of a high quality.

Unfortunately this quality has never been achieved, due it is claimed to trouble with contractors, and what is concerning us is that by giving permission for the increased capacity, there will be even more pollution as the effluent plant cannot cope with the present output.

This application was submitted while the company were having problems with their contractors, so they knew that the schedule set for phases 1.2.3. could not be met. Had your department consulted the N.R.A. when the application was first submitted, a more satisfactory solution could have been found. Instead of which we have almost a mile of the Holbeach river continually polluted, which then discharges into the Welland, part of the Wash S.S.S.I. site, something that could have been avoided.

Yours Faithfully

Richard & Kay Hart

20th APRIL 1993 PLANNING COMMITTEE
PLANNING APPLICATIONS - POST COMMITTEE INSTRUCTIONS

Page No	Application Number	Case Offr	Instructions/ Decision
1	H22/1114/89 H22/1136/89 Baytree Nurseries	PJU	Non-Determined as recommended.
2	H05/0854/92 Hurnfield Hargate	DMG	Grant as recommended.
3	H18/1104/92 Marshland and Wingland Ltd	JB	Deferred. Access to trunk road to be resolved.
5	H12/1165/92 Mr Folley	JB	Grant as recommended.
7	H09/1284/92 Murco Petroleum	DMG	Deferred for Site Visit as recommended.
9	H09/0153/93 Gray & sons	DMG	Deferred for Site Visit.
11	H11/0023/93 Whitney Ltd	DMG	Refused plus legal action as recommended.
12	H11/0065/93 C J Boor	DMG	DPBCS Auth as recommended.
14	H16/0091/93 Mr & Mrs Ball	PJU	Deferred for Site Visit. Check case files to ensure all salient points picked up. Printout required for sub-cttee. Plan showing full extent of Horseshoe Road required.
16	H12/0111/93 D & H Buildings	DMG	Grant as recommended.
17	H09/0130/93 Tinsley Foods Ltd	JB	DPBCS Auth to agree modification subject to expiration of consult period. Response required to objection letter from 56 Pennytoft Lane recd 19th Apr and Roythorne letter recd 16th Apr.
19	H11/0138/93 Mr Neal	JB	Grant as recommended.
20	H16/0162/93 L.C.C.	PJU	Grant as reccmmended.
21	H16/0163/93 J16/0164/93 Dixons Stores Group	PJU	Applications Withdrawn.
23	H16/0167/93 H16/0168/93 Abbey National	DJR	Refused as recommended.
25	H16/0189/93 Todd & Rahman	PJU	Refused as recommended. Note on decn re standard of presentation.

APPLICATION REFERENCE: H09/0130/93 DATE RECEIVED: 17-FEB-93

TYPE: Modified Agreement

DESCRIPTION: Modification of Section 106 Obligation

LOCATION: Salad Factory, Holbeach St Marks.

APPLICANT: Tinsley Foods Ltd AGENT: John Roberts Architects Ltd

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
Date 20 APR 1993

REASON FOR COMMITTEE CONSIDERATION

Proposal contrary to Committee's original requirement.

RECOMMENDATION

Agree to proposed modification of Section 106 Obligation.

PLANNING ISSUES

1 In November 1991 planning permission (H09/0702/91) was granted for the erection of a salad factory at Tinsley Foods Ltd, Holbeach St Marks. Permission was granted in the context of a Section 52 Agreement which provided specifically for: -

(a) The cessation of the use of the existing vegetable preparation area in favour of a storage use ancillary to the industrial processes on the site. Area shown in red on Plan B attached to the Agreement.
(b) The provision of an improved effluent treatment system.

With regard to (b) the necessary works have been completed and commissioned i.e. phases 1 and 2. Phase 3 is scheduled for implementation in late 1993/early 1994.

With regard to (a) the applicant proposes a modification i.e. the retention of the vegetable preparation area stating: -

"It was the intention that this use would move into the adjoining building, which has been vacated by the original salad factory, following the carrying out of improvements and refurbishment referred to in the Agreement. However, the capital cost of such a move can now no longer be justified whereas the refurbishment of this building to provide production space for pre-packed salads would, together with the retention of the area edged red on Plan

'B' for pre-packed vegetables, provide a viable and cohesive unit and at the same time free space in the new salad factory for production of new products currently being demanded by Messrs Tinsley's customers.

Without the support of the pre-packed salad area, the pre-packed vegetable unit will have to be abandoned. This will not only mean a job loss for some 120 staff but it will also have a similar knock-on affect on local farmers and producers who provide the majority of the vegetables for this unit."

2 The retention of the Plan B area for vegetable preparation, as now proposed, will increase traffic flow but the following should also be borne in mind:-

(a) County Highways does not dissent from applicant's claim that traffic increase will be marginal.
(b) Traffic circulation, access and egress within the site has been rationalised.
(c) Increased parking provision on site by some 200 extra spaces (planning permission H09/1112/92 refers).
(d) Construction of new link road to Red Cow Drove is in the County Highways Capital Programme 1994-1995.

3 The applicant states the recently completed effluent treatment plant will adequately cope with any increase in drainage discharge. Nor is noise considered to be a material factor.

REPRESENTATIONS

Parish Council: Not supported.

Env. Services: No record of complaints.

---

267. PLANNING APPLICATIONS (Continued)

(h) Applications Non-Determined

The undermentioned applications be not determined, and the applications be filed away:-

Plan No. and Applicant	Proposal
H22/1114/89 Baytree Nurseries	Proposed timber framed structure to form conference/tutorial unit at Baytree Nurseries & Garden Centre, High Road, Weston.
H22/1136/89 Baytree Nurseries	Proposed extension to pot plant house to form entrance, cold room, store and floral sales area at Baytree Nurseries & Garden Centre, High Road, Weston.

(i) Application H09/0130/93 - Modification of Section 106 Planning Obligation, Tinsley Foods Ltd, Salad Factory, Holbeach St Marks

Subject to the expiry of the consultation period, the proposed modification of the Section 106 Planning Obligation relating to the undermentioned development be approved in accordance with the recommendation of the Director of Planning and Building Control Services, and he be authorised to respond to any other representations received as appropriate:-

Plan No. and Applicant	Proposal
H09/0130/93 Tinsley Foods Ltd	Modification of Section 106 obligation at Salad Factory, Holbeach St Marks.

(Councillor B J Davies declared an indirect interest in the above application and left the Council Chamber during consideration thereof.)

(O.A. denotes outline application.)

268. NORTH PARADE, HOLBEACH : UNAUTHORISED DEVELOPMENT (232/93)

The Director of Planning and Building Control Services submitted an interim report on the present situation with regard to the unauthorised alterations to the layout of the residential development on the former Machins Site, North Parade, Holbeach. The report detailed the Director of Planning and Building Control Services' letter to the Developers expressing the Committee's grave concern over what had occurred, the Committee's intended course of action and also the reply received from the Developer's agent.

A further report on this matter would be submitted to the next meeting of the Committee.

RESOLVED: That the report be noted.

269. BOSTON DISTRICT LOCAL PLAN - CONSULTATION DRAFT

The Director of Planning and Building Control Services reported the receipt of a draft Boston District Local Plan for comments. There were no implications for South Holland District.

RESOLVED: That Boston Borough Council be informed that this Authority has no comment to make on the District Wide Local Plan.

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Friory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

H09/0130/93
MODIFIED AGREEMENT

Applicant: Tinsley Foods Ltd
Tel:

Agent: John Roberts Architects Lt
0522 533441

Description: Modification of Section 106 Obligation

Location: Salad Factory
Holbeach St Marks
Spalding
Lincs

Valid date: 17-FEB-93
Target dates:
To case officer 24-FEB-93
Inspected by 03-MAR-93
Extra contacts 10-MAR-93
Report if not clear by 24-MAR-93

Terminal date: 14-APR-93
Target Committee: 31-MAR-93
Report deadline: 17-MAR-93

Case Officer:
J BLACKLOCK

DEVELOPMENT/CONSTRAINTS

Size:
Category: Misc works
Listed building:
Conservation Area:

Other Constraints:

CONSULTATIONS CARRIED OUT

		Sent	Expiry
Clerk to Holbeach PC	0406 26739	24-FEB-93	10-MAR-93
Cllr J R Pearl	0406 32 207	24-FEB-93	10-MAR-93
Dir of Environmental		24-FEB-93	10-MAR-93
Mr A J Howard	9 Greenrigg Gardens	01-APR-93	15-APR-93
Mr & Mrs R Heath	56 Pennytoft Lane	01-APR-93	15-APR-93
Mr N G Ingrey	Roythorne + Co.	01-APR-93	15-APR-93

C.C.C. - see H/A/33 dated 26/4/93 [illegible]

SITE DETAILS

Grid ref: 534950 331720
OS Sheets: 52

Parcel:

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire, PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

H09/130/93
~~FULL~~ 106

Applicant: Tinsley Foods Ltd
Tel:

Agent: John Roberts Architects Lt
0522 533441

Description: Modification of Section 106 Obligation

Location: Salad Factory
Holbeach St Marks
Spalding
Lincs

Valid date: 17-FEB-93
Target dates:
To case officer 24-FEB-93
Inspected by 03-MAR-93
Extra contacts 10-MAR-93
Report if not clear by 24-MAR-93

Terminal date: 14-APR-93
Target Committee: 31-MAR-93
Report deadline: 17-MAR-93

Case Officer:
J BLACKLOCK

DEVELOPMENT/CONSTRAINTS

Size:
Category: Misc works
Listed building:
Conservation Area:

Other Constraints:

CONSULTATIONS CARRIED OUT

		Sent	Expiry
Clerk to Holbeach PC	0406 26739	24-FEB-93	10-MAR-93
Cllr J R Pearl	0406 32 207	24-FEB-93	10-MAR-93
Dir of Environmental		24-FEB-93	10-MAR-93

L.C.C. [redacted] Comments [illegible] 4/3/93

SITE DETAILS

Grid ref: 534950 331720
OS Sheets: 52 Parcel:

OBJECTION

56 Pennytoft Lane
Pinchbeck
Spalding
P E 11 3 P.Q.

15.04.93.

LATE OBS: Off..... Date.....
Salient points highlighted

Application No H09/0130/93
Salad Factory Holbeach St Marks.

Dear Sir,

Having inspected the modified plans for the above, our concern is for the capacity of the new effluent plant.
This factory has a history of producing poor effluent, consistently polluting ½ mile of the Holbeach river with its discharge, which then goes into the Wash ◆ S.S.S.I., via the sluice.
When planning permission was given for the new factory, the Company stated that the new effluent plant would remedy this. The planning committee must make sure the modified planning application is not a way to increase the capacity of the factory without the necessary planning conditions.
As we understand the application, both the new plant and the old plant will be processing together. Therefore, before passing this application the Council must have the figures for the effluent discharge from both these plants and the capacity of the new treatment plant. These figures must include the maximum quantity and the worse quality, in B.O.D, C.O.D suspended solids etc.
It goes without saying that the effluent plant must be capable of handling the worst case, and still producing a discharge within the N.R.A. limits.
We would appreciate an acknowledgement of whether these facts were available to the planning committee.

Yours Faithfully
Richard Heath

Kay Heath.

K.M. Heath

S.H.D.C. PLANNING DEPT.
19 APR 1993

LATE OBS: Cllr..... Date.....
Salient points highlighted
OBJECTION
S.H.D.C. PLANNING DEPT.
RECEIVED
16 APR 1993

H.K. ELLIS LL.B. (London)
R.C. TONGUE, M.A. (Cantab.)
D.R. PROCTOR
G.M. ORTON
P.J. BREWSTER, (Cantab.)
G.C.H. SMITH, M. LL.B. (Cantab.), Notary Public
G.R. HARROD, M.A., B.Sc. (Econ.)
C.P. BENNETT
A.J. PLUMMER, B.Sc. (Edin.)
L.P. FIDLER LL.B. (London)
D.C. BAMBRIDGE
P.R. OSBORNE, B.A.
JANET M. RATCLIFFE, M.A. (Oxon)
J.ER. DANKS
JEANETTE L. SHARPE, LL.B. (B.ham)

Associates: D.G. BEST
SUSAN R. PAPWORTH, LL.B.

ROYTHORNE & CO SOLICITORS

ROYTHORNE & CO
10 PINCHBECK ROAD
SPALDING LINCS
PE11 1PZ

Telephone: 0775 724141
Fax: 0775 725736
DX: 26701 Spalding

Your Ref: HO9/0130/93
Our Ref : I/LAW (WAR.74-8)
Date : 15 April 1993

Dear Sirs

Re: Tinsley Foods Limited: Sluice Farm, Sluice Road, HOLBEACH ST MARKS
Modification of Section 106 Obligation

We refer to your letter of 1 April and to our telephone conversation on 15 April with your Mr Blacklock.

We act on behalf of the owners of land and buildings adjoining Sluice Farm and we have been instructed to oppose the modification of the existing planning obligation being proposed by Tinsley Foods Limited.

Our clients oppose the application for a number of compelling reasons, but before setting these out in detail we would like to comment upon a procedural defect concerning the above application.

We understand from your Mr Blacklock that the application is due to be considered by your Council's Planning Committee on 20 April next; yet in your letter of 1 April 1993 you invite consultees to provide their observations in writing by 22 April 1993. We are concerned that members of the Planning Committee are being asked to consider this application without possibly having the benefit of all material considerations. Surely the appplication should be deferred until the expiration of the consultation period?

We turn now to deal with our clients' objections and we would specifically ask for these to be considered by the Comittee Members:-

1. When the original application was considered our clients and the Lincolnshire County Council Highways Department voiced reservations about the proposed development in the absence of improvements to the adjoining road network. The Planning Committee, quite properly in our view, took on board such matters and resolved to grant the application subject to the said planning obligation being entered into by Tinsley Foods Limited. The fears which our clients had about the impact of the new development upon the local road network were justified. Since the new development took place there has been a significant increase in the number of vehicles entering and leaving the Sluice Farm factory to the detriment of the local road network and the amenities of the local residents. Such events have rendered even more significant the requirements imposed by the original planning obligation, rather than justified the proposed modification.

2. If, contrary to our clients' primary submission, your Council is minded to agree to modify the original planning obligation our clients would respectfully urge that the proposed modification should not be considered unless or until the proposed new link road has been completed. Although the new road scheme is in the County Council's Expenditure Programme for 1994-1995 there is no guarantee that the link road will be completed during that period. Much will depend upon the Transportation Supplement Grant which is actually received from the Government.

Kindly acknowledge safe receipt of this letter.

Yours faithfully

The Director of Planning and
Building Control Services
South Holland District Council
Priory Road
SPALDING
Lincolnshire
PE11 2XE

cc: The Chief Executive
cc: Lincolnshire County Council

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

From: The Director of Administration

To: Director of Planning & Building Control Services

Our Ref: JMB/LDS/PL.695

Your Ref: JB/LAB/HO9/0130/93

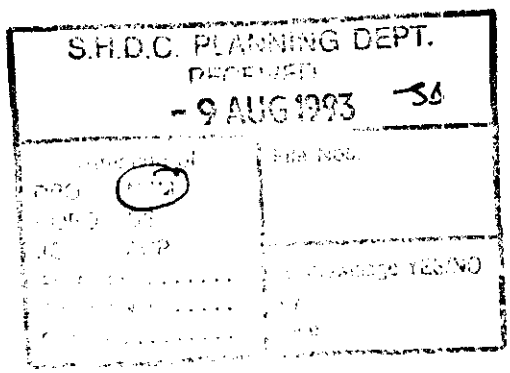
Date: 6th August 1993

SUBJECT: PLANNING APPLICATION NO. H09/0130/93
SLUICE ROAD, HOLBEACH ST. MARKS

Would you please note that the Supplemental Planning Obligation relating to the above has now been completed and a copy is enclosed for your records. Would you please arrange to release the planning permission as soon as possible.

Director of Administration

17/8/93 TELECON WITH JACQUI BRERETON - AGREED REVISED SECTION 106 OBLIGATION WAS THE REQUIRED DECISION - NO FURTHER ACTION NEEDED.



SOUTH HOLLAND DISTRICT COUNCIL

SUPPLEMENTAL

DEED

Creating Planning Obligation

under Section 106 of the

Town and Country Planning Act 1990

between

SOUTH HOLLAND DISTRICT COUNCIL

and

TINSLEYS FOOD LIMITED

re

Land situate at
Sluice Road, Holbeach St. Marks

I hereby certify that this is a true copy
of the Supplemental Deed relating to
land at Sluice Road, Holbeach St. Marks

R. Gobb

.....

Director of Administration

THIS DEED made the 2nd day of August One Thousand nine hundred and ninety-three BETWEEN THE SOUTH HOLLAND DISTRICT COUNCIL of Council Offices Priory Road Spalding in the County of Lincoln (hereinafter called "the Council") of the one part and TINSLEY FOODS LIMITED whose registered office is situate at West Deeping Peterborough in the County of Cambridgeshire (hereinafter called "the Owner") of the other part and is supplemental to a Deed (hereinafter called "the principal deed") dated the fifteenth day of November one thousand nine hundred and ninety one between the Council and the Owner ——————————————————

NOW THIS DEED WITNESSETH as follows:

(1) Although the Council was of the opinion that the existing vegetable area as shown edged red on Plan B annexed to the principal deed should not be used for any purpose other than for storage purposes in connection with the industrial processes being or to be undertaken on the remainder of the land at the time planning permission H09/0702/91 for the erection of a salad factory at Sluice Road Holbeach St Marks was granted the Council is satisfied that the present circumstances are such that the restriction of the use of the land may be modified in the manner hereinafter appearing ——————————

(2) The Third Schedule of the principal deed shall be modified by the deletion of covenant (a) ——————

(3) The Council and the Owner hereby convenant with each other that they will respectively perform and observe the remaining convenants and stipulations contained in the principal Deed as amended by Clause 2 hereof as if the same had been repeated here in full ——————————

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: Director of Planning and Building Control Services

TO: Director of Administration (F.A.O. Miss J Berridge)

REF: JB/LAB/H09/0130/93

REF:

DATE: 25 June 1993

SUBJECT: Planning Application H09/0130/93 - Modification of Section 106 Obligation - Tinsleys Foods Ltd.

Further to my telephone conversation with you in respect of the above, I enclose the necessary documentation so that matters may be progressed.

Director of Planning and Building Control Services

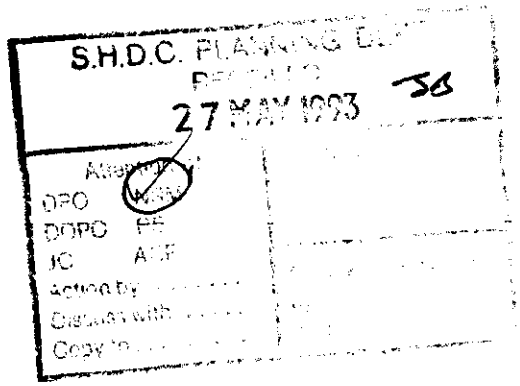
Enc

Tinsley Foods

Tinsley Foods Limited
Holbeach St Marks
Spalding, Lincolnshire PE12 8HF
Telephone Holbeach St Marks (040632) 301
Fax: (040632) 214

KRB/NJF

S.H.D.C. PLANNING DEPT
RECEIVED
27 MAY 1993 JB
Attention
DPO
DOPO PE
JC ACF
Action by
Discuss with
Copy to



25th May 1993

Mr B Smith
Director of Planning
South Holland District Council
Council Offices
Priory Road
SPALDING
Lincs
PE11 2XE

Dear Mr Smith

REF: APPLICATION NO H09/0130/93
MODIFICATION OF SECTION 106 AGREEMENT

In respect of the above, and whilst awaiting receipt of the approval granted by Committee at its meeting on 20th April 1993 pending completion of the necessary legal documentation to waive Covenant (a) of the Third Schedule of the Section 106 Agreement of 15 November 1991, we would advise you that we have recently met with Mr Morgan and Mr Enstone of the NRA on the matter of the standard of the current effluent discharge.

Arising from this, we confirm our commitment to provide an effective sewage treatment plant, but have agreed with the NRA that we need to reassess our programme for full implementation and/or alteration of the system following the liquidation of the main contractor for the works. We will, therefore, be submitting this revised programme within the next three weeks.

Notwithstanding the above, we acknowledge our obligations in accordance with Covenant (b) of the said Agreement as, of course, the modification of the Section 106 Agreement only refers to Covenant (a) and the further obligation under Covenant (b) remains.

Yours sincerely

KBarber

KEITH BARBER - JOINT MANAGING DIRECTOR

CC: NRA LINCOLN - MR MORGAN

Directors: HC Tinsley (Chairman) G J Cannaglia (Deputy Chairman) J Tinsley
KR Barber (Joint Managing) CH Webber (Joint Managing) GL Hawkins (Secretary)
Registered Office: West Deeping, Peterborough PE6 9LB Registered No. 2233389 England

21/5/93

Conversation 'off the record' with Mr Oldham of John Roberts Partnership

Emphasised my comments were 'off the record'.

Explained that LPA was seeking to resolve effluent disposal problems with NRA and Fisheys as soon as possible.

'Deferment' of issue of Section 106 obligation (modified) was essential to avoid adverse publicity if it was issued forthwith.

Emphasised that LPA was not seeking to avoid its obligations: approval had been given & Section 106 Obligation (modified) would be issued — when time was propitious

Mr Oldham expressed agreement with this course of action.

[signature]

S.H.D.C. PLANNING DEPT.
RECEIVED
19 MAY 1993
Attention of
DPO NDM
DDPO BS ✓
JO ACP
Action by .....
Discuss with .....
Copy to .....
File Nos.
Acknowledge Yes/NO
by
date

Our ref: 93/1/SH/136

18 May 1993

B Smith Esq
District Planning Officer
South Holland District Council
Council Offices
Priory Road
Spalding
PE11 2XE

NRA

National Rivers Authority
Anglian Region

Dear Sirs

APPLICATION NO. H09/0130/93
MODIFICATION OF SECTION 106 PLANNING OBLIGATION
TINSLEY FOODS LIMITED SALAD FACTORY
HOLBEACH ST MARKS

With reference to the application for Covenant (a) of the Third Schedule of the 106 Agreement to be waived. The NRA request your Authority to defer the issue of approval until Tinsley Foods Ltd have submitted revised details for the provision of an effluent treatment system to be in accordance with Covenant (b) of the Third Schedule and conditions of the planning approval.

The NRA have recently held a meeting with Tinsley Foods Ltd and they have confirmed their commitment to provide an effective sewage treatment plant. They have agreed to reaccess their programme for full implementation and submit for approval and amendment to the phasing, included in the consent to discharge, within the next three weeks. They are aware that their effluent does not currently meet with the consent conditions but have explained that the contractor employed to undertake phase 2 has gone into liquidation.

From a pollution prevention point of view and to meet with the planning cbligations it is essential that the effluent treatment facilities are in place as soon as possible.

Yours faithfully

Ray Morgan
Planning Engineer

c.c. P. Louch
Tinsley Foods Ltd
Holbeach St Marks
Spalding
Lincs.

GRAINGER DAVIES, B.Sc., C.Eng., F.I.C.E., F.I.W.E.M.
Regional General Manager

Northern Area
Aqua House
Harvey Street
Lincoln
LN1 1TF
Tel: (0522) 513100
Telefax: (0522) 512927

TO: DC	from: AS.	
subject:	date: 12/2/93	ref:

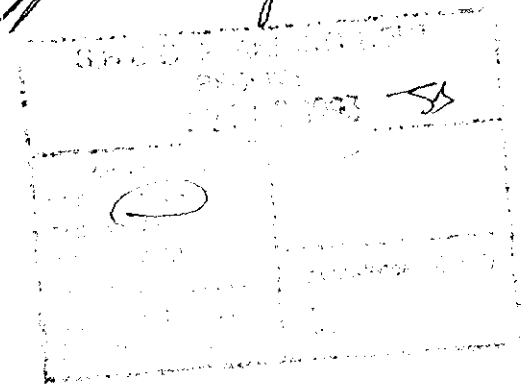
message:

MY UNDERSTANDING OF S106A IS THAT APPLICATIONS FOR MODIFICATION CAN ONLY BE ENTERTAINED AFTER 5 YRS OF THE AGREEMENT DATE ie 15.11.96 IN THIS CASE.

THIS REQUEST MUST BE TREATED AS ONE FOR A REVISION TO THE AGREEMENT ITSELF, THEREFORE

reply:

yes, you are right but I think we need to treat this as a quasi-application from the consultation view point, & probably have to work up formally in a file with a reference, rather than treat & file as correspondence.



TWIN-COPY MEMO SET
To re-order quote ref: TS/2

Do not write below this line.

N.R.A.,
Rear of Chatterton Tower,
Winfrey Avenue,
Spalding,
Lincs.

FAO: R Enstone

Mr N Midlen

NRM/JJ H09/702/91

11 May 1993

Dear Sir,

TINSLEY FOODS LTD, SLUICE ROAD, HOLBEACH ST MARKS - PROPOSED MODIFICATION OF SECTION 106 AGREEMENT.

Just to clarify the situation, following our brief discussion on Friday, I have checked the terms of the Section 106 Agreement. There are two clauses: Clause A which is now to be modified, which requires the existing vegetable pre-packing area only to be used for storage once the new factory has been built, and Clause B; that the effluent treatment system shall be provided in accordance with the approved drawings, the programme of works that was agreed, and the planning permission. This Clause is unaffected by the proposed modification.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

FILE NOTE

NRM/JJ
H09/130/93

11 May 1993

COMMITTEE MEETING 20TH APRIL 1993

I advised Committee verbally:

1. That the expiry period for responses had two more days to run, and that the recommendation should be to authorise the DPBCS to modify the agreement subject to any further responses being received.

2. That concern was being expressed over the road situation and that a telephone call had now been received from County Highways stating that the proposed new road was now in some doubt and was being reviewed.

3. That concern had been expressed over the adequacy of the sewage effluent systems. As far as we knew, the new works were satisfactory and had capacity for extra flow, but we had not received anything from NRA.

4. In view of doubts over road and perhaps uncertainty over sewage works, advised that Committee might consider it better to agree to modification until these matters were resolved, but equally not to seek to enforce agreement in the meantime.

N Midlen
Principal Planning Officer
Development Control

6/5/93

SPOKE WITH MR ENSTONE (NRA)
AND IMPRESSED UPON HIM URGENCY
OF CONTACTING TINSLEYS —
MR ENSTONE SAID CONTACT WAS BEING
MADE & MEETING ARRANGED

ADVISED HIM TINSLEY'S AGENT WAS
PREPARING FOR ISSUE OF MODIFICATION.

J Blacklock

JB/SAH H09/0130/93

I/LAW(WAR47-8)

30 April 1993

Messrs Roythorne & Co
10 Pinchbeck Road
Spalding
Lincs
PE11 1PZ

Dear Sir

Modifications of Section 106 Agreement - Tinsleys Foods Ltd

Thank you for your letter dated 28 April 1993 in connection with the above.

I enclose the documentation requested together with a note regarding the cost of copying.

Yours faithfully

N R Midlen
Principal Planning Officer (Development Control)

Encs

Finleys Foods.

Meeting with Mr Morgan and Mr Endacott (AW) on April 29./93

Established that Section 106 modifications did not relate directly to provisions regarding further effluent control arrangements.

Messrs Morgan & Endacott explained their concern: that even with the Phase II effluent control arrangements in place, Finley's Foods were still in breach of the Anglian Water pollution thresholds. Release from restrictions of Schedule (A) of Section 106 obligation - which Finleys had already acted upon - would exacerbate matters.

Explained that modifications had to be agreed & therefore there was small amount of time for Anglian Water to:-

(1) Contact Finleys to negotiate & advise to AW. Pollution Controls.

(2) Remind Finleys of compliance with condition 2 of planning permission H09/0702/91

A.W. to advise me of outcome.

J.A. Arnold

H.K. ELLIS LL.B. (London)
R.C. TONGUE, M.A. (Cantab.)
D.R. PROCTOR
G.M. ORTON
P.J. BREWSTER, M.A. (Cantab.)
G.C.H. SMITH, M.A. LL.B. (Cantab.), Notary Public
G.R. HARROD, M.A. B.Sc. (Econ.)
C.P. BENNETT
A.J. PLUMMER, B.Sc. (Edin.)
L.P. FIDLER LL.B. (London)
D.C. BAMBRIDGE
P.R. OSBORNE, B.A.
JANET M. RATCLIFFE, M.A. (Oxon)
I.E.R. DANKS
JEANETTE L. SHARPE, LL.B. (B.ham)

Associates: D.G. BEST
SUSAN R. PAPWORTH, LL.B.

ROYTHORNE & CO SOLICITORS

ROYTHORNE & CO
10 PINCHBECK ROAD
SPALDING LINCS
PE11 1PZ

Telephone: 0775 724141
Fax: 0775 725736
DX: 26701 Spalding

Your Ref: JB/SJS/H09/0130/93
Our Ref : I/LAW (WAR.47-8)
Date : 28 April 1993

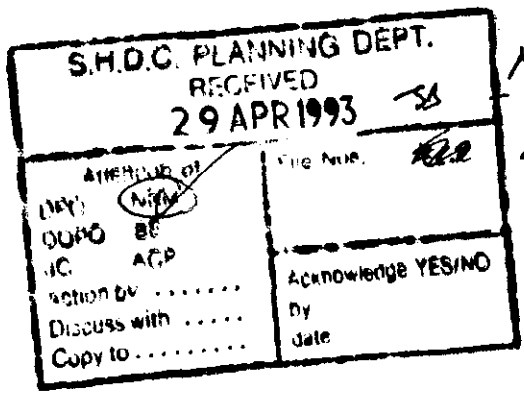
Dear Sirs

Re: Modification of Section 106 Obligation - Tinsley Foods Limited

Thank you for your letter of 23 April.

Could we please have, as soon as possible, copies of the Planning Officer's Report and any letters received from consultees, whether statutory or otherwise.

Yours faithfully



The Principal Planning Officer
South Holland District Council
Planning Department
Priory Road
SPALDING
Lincolnshire
PE11 2XE

100 SS. } Interim consent conditions upto
400 BOD. } 30/9/93.

Form No. H/A/3J

Lincolnshire

DEPARTMENT OF HIGHWAYS AND PLANNING

To J. Blackbeck S.H.D.C.

Planning Reference H09/1301/93

The following are my observations upon the enquiry under the reference quoted above:—

Salad Factory, Wellbeck St Marks

Committee will be aware of the concerns expressed on the original application H09/0702/91 with regard to the highway aspects.

Since that time a highway improvement scheme, to help relieve the situation, has been included in the County Councils Capital programme However due to limit on funds this will have to compete with other schemes and may well not be carried out as soon within the current programme times limit.

Date 26/4/93.

Signed ..... Director of Highways and Planning

Mr & Mrs R Heath
56 Pennytoft Lane
Pinchbeck
Spalding
Lincolnshire
PE11 3PQ

J Blacklock

JB/SJS H09/0130/93

23 April 1993

Dear Sir and Madam

Modification of Section 106 Obligation
- Salad Factory, Holbeach St Marks - Tinsley Foods Ltd

I refer to your letter, dated 15 April 1993, in connection with the above and write to advise you that at its meeting on the 20 April 1993 the Planning Committee resolved, after due consideration of the issues raised, that at the expiration of the consultation period the Director of Planning and Building Control Services be authorised to agree the proposed modification.

Yours faithfully

N F Midlen
Principal Planning Officer
(Development Control)

BRIAN SMITH TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H09/130/93

Applicant: Tinsley Foods Ltd
Holbeach St Marks
Spalding
Lincs

Agent: John Roberts Architects Ltd
1 James Street
Lincoln
LN2 1QD

Description: Modification of Section 106 Obligation

Location: Salad Factory Holbeach St Marks
Spalding Lincs

Type: ~~FULL~~ 106

Date received: 17-FEB-93

24-FEB-93

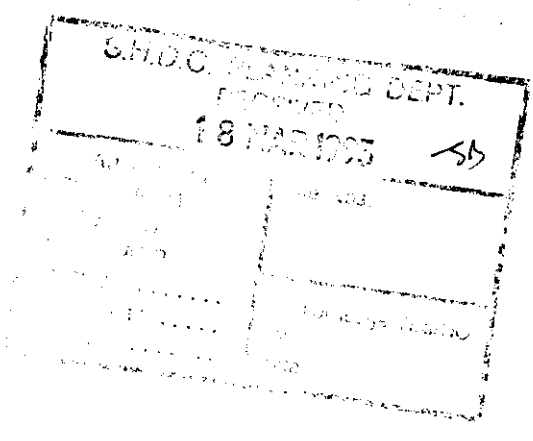
Dear Sir/Madam

CONSULTATION WITH PARISH COUNCIL

I have received an application for the above proposal and enclose a copy for your information. Any observations which the Parish Council wish to make should be set out below and returned to me by 11-MAR-93. If no observations have been received by that date, it will be assumed that the Parish Council have no comments to make. The officer dealing with this application is J BLACKLOCK

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Clerk to Holbeach PC
Parish Council Office
2 Spalding Road, Holbeach
Spalding, Lincs



FOR PARISH COUNCIL USE ONLY

Comments:

Not supported

Signed:

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: DIRECTOR OF ENVIRONMENTAL SERVICES DATE: 3.3.93

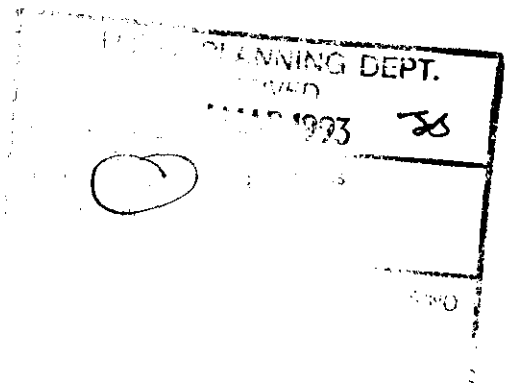
OUR REF: JC/SS/PC

TO: DIRECTOR OF PLANNING & BUILDING CONTROL SERVICES YOUR REF:

Planning Application H09/130/93
Section 106 Modification, Holbeach St. Marks

This Department has no record of complaints relating to the use of this particular unit and without an indication of any new impacts from revised operations the issue would appear to be solely that of traffic.

Director of Environmental Services



17 FEB 1993
REF 0130/93

John A Roberts Dip Arch FRIBA FCSD
Ray Crownshaw Dip Arch ARIBA AMBIM
Ron Oldham MBIAT

Associates
G R Bonser Dip Arch RIBA
D R Broughton Dip Arch ARIBA
I J Butler BA(Hons) Dip Arch RIBA
A T Dawkins MCSD MBIAT
C P Duller
A J Hunt MBIAT AMIAS
W D North CEng FICE FinstHE
Pennie Smith
R A Walshaw MCSD

Consultants
Kenneth Giddens FRIBA
Robert L Stirling MRTPI ARICS MICE

JOHN ROBERTS ARCHITECTS LIMITED

ARCHITECTS DESIGN AND PLANNING CONSULTANTS

1 James Street Lincoln LN2 1QD
Telephone 0522 533441
Fax No 0522 512888

RO/JAL/4576T

9 February 1993

B. Smith Esq. DipTP. MRTPI.,
Director of Planning &
Building Control Services,
South Holland District Council,
12 Market Place,
SPALDING,
Lincolnshire.

S.H.D.C. PLANNING DEPT.
RECEIVED
12 FEB 1993

Dear Sir,

Salad Factory - Holbeach St. Marks
for Tinsley Foods Limited

We refer to the Section 106 Agreement dated 15 November 1991 relevant to the planning permission reference H09/0702/91 dated 20 November 1991 for a Salad Factory. We would now make application on behalf of Tinsley Foods Limited for compliance with Covenant (a) of the Third Schedule of the Agreement, to be waived.

Firstly, we would confirm that the works in accordance with Covenant (b) of the Agreement in respect of effluent treatment have been completed and commissioned ie. Phases 1 and 2. Phase 3 is scheduled to be carried out in late 1993/early 1994.

The area edged red on Plan 'B' referred to in Covenant (a) is used as a factory for prepared and pre-packed vegetables. It was the intention that this use would move into the adjoining building, which has been vacated by the original salad factory, following the carrying out of improvements and refurbishment referred to in the Covenant. However, the capital cost of such a move can now no longer be justified whereas the refurbishment of this building to provide production space for pre-packed salads would, together with the retention of the area edged red on Plan 'B' for pre-packed vegetables, provide a viable and cohesive unit and at the same time free space in the new salad factory for production of new products currently being demanded by Messrs. Tinsley's customers.

/Continued. . .

11 FEB 1993
REF

RO/JAL/4576T 9 February 1993

B. Smith Esq. DipTP. MRTPI.,
Director of Planning &
Building Control Services

2/Continued. . .

Without the support of the pre-packed salad area, the pre-packed vegetable unit will have to be abandoned. This will not only mean a job loss for some 120 staff but it will also have a similar knock-on affect on local farmers and producers who provide the majority of the vegetables for this unit.

Although it cannot be denied that the retention of the Plan 'B' area as a working unit will marginally increase traffic flow, our clients recent re-organisation and improvement of roads and traffic flow within the site have brought an order to internal circulation, access and egress and to vehicle manoeuvring and parking. In addition the construction currently proposed by the County Council of the new link road to Red Cow Drove, will radically improve the road infrastructure. Our clients have also recently increased their car parking provision by some 200 No. cars as permission reference H09/1112/92 of 21 December 1992.

The recently completed effluent treatment plant will adequately cope with any increase in drainage discharge and noise in this location cannot be considered as a material factor.

There is no benefit to and no requirement for the company to use the Plan 'B' area simply as storage.

A copy of our Drawing No. 4576T/100 showing the areas to which we refer, is enclosed.

May we therefore ask for your Council's prompt consideration and approval of this application so that refurbishment of the original salad factory may commence at the earliest opportunity with a view to production being in hand by early summer.

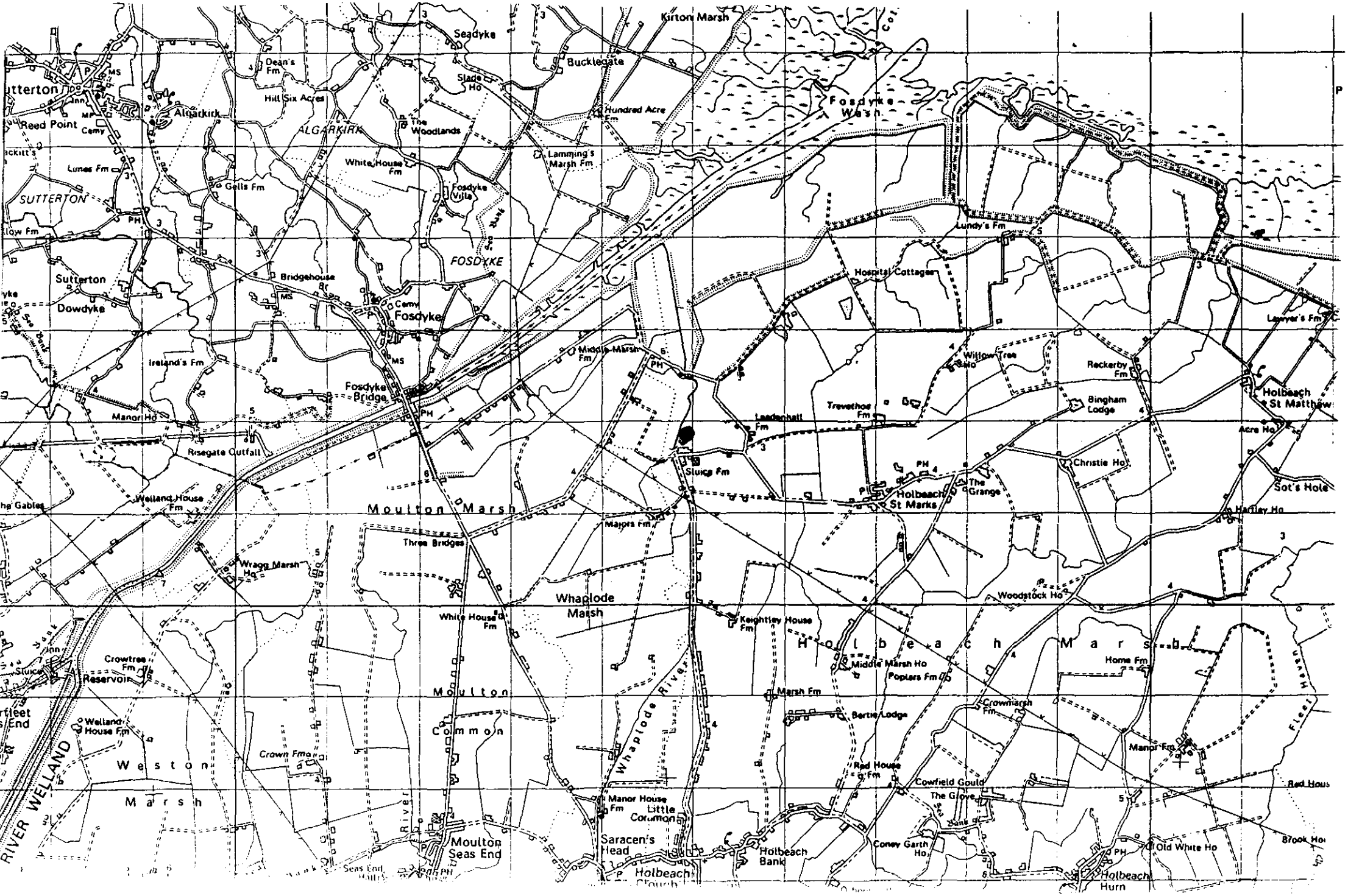
Please do not hesitate to get in touch if you require any further information.

Yours faithfully,

John Roberts Architects Limited.

Enc.

c.c. Tinsley Foods Limited - K. Barber Esq.


Kirton Marsh
Seadyke
Bucklegate
Fosdyke Wash
Dean's Fm
Hill Six Acres
Slade Ho
Hundred Acre Fm
Algarkirk
The Woodlands
Lamming's Marsh Fm
White House Fm
Fosdyke Villa
Lunes Fm
Gells Fm
SUTTERTON
ALGARKIRK
FOSDYKE
Lundy's Fm
Hospital Cottages
Sutterton Dowdyke
Bridgehouse
Fosdyke
Middle Marsh Fm
Willow Tree Ho
Reckerby Fm
Lawyer's Fm
Ireland's Fm
Fosdyke Bridge
Manor Ho
Risegate Outfall
Leadenhall Fm
Travethoe Fm
Bingham Lodge
Holbeach St Matthew
Acre Ho
Sluice Fm
Christie Ho
Holbeach St Marks
The Grange
Sot's Hole
Harley Ho
Welland House Fm
Moulton Marsh
Majors Fm
Three Bridges
Wragg Marsh Ho
Whaplode Marsh
White House Fm
Woodstock Ho
Keightley House Fm
Holbeach Marsh
Middle Marsh Ho
Poplars Fm
Home Fm
Crowtree Fm
Reservoir
Moulton Common
Marsh Fm
Whaplode River
Crowmarsh Fm
Bertie Lodge
Welland House Fm
Crown Fm
Weston Marsh
Red House Fm
Cowfield Gould
Manor Fm
Manor House Fm
Little Common
The Grove
Saracen's Head
Holbeach Bank
Coney Garth Ho
Old White Ho
Holbeach Hurn
Moulton Seas End
River Welland
Fleet Hurn

Messrs Roythorne & Co
Solicitors
10 Pinchbeck Road
Spalding
Lincolnshire
PE11 1PZ

J Blacklock

JB/SJS H09/0130/93

I/LAW/WAR 74-8

23 April 1993

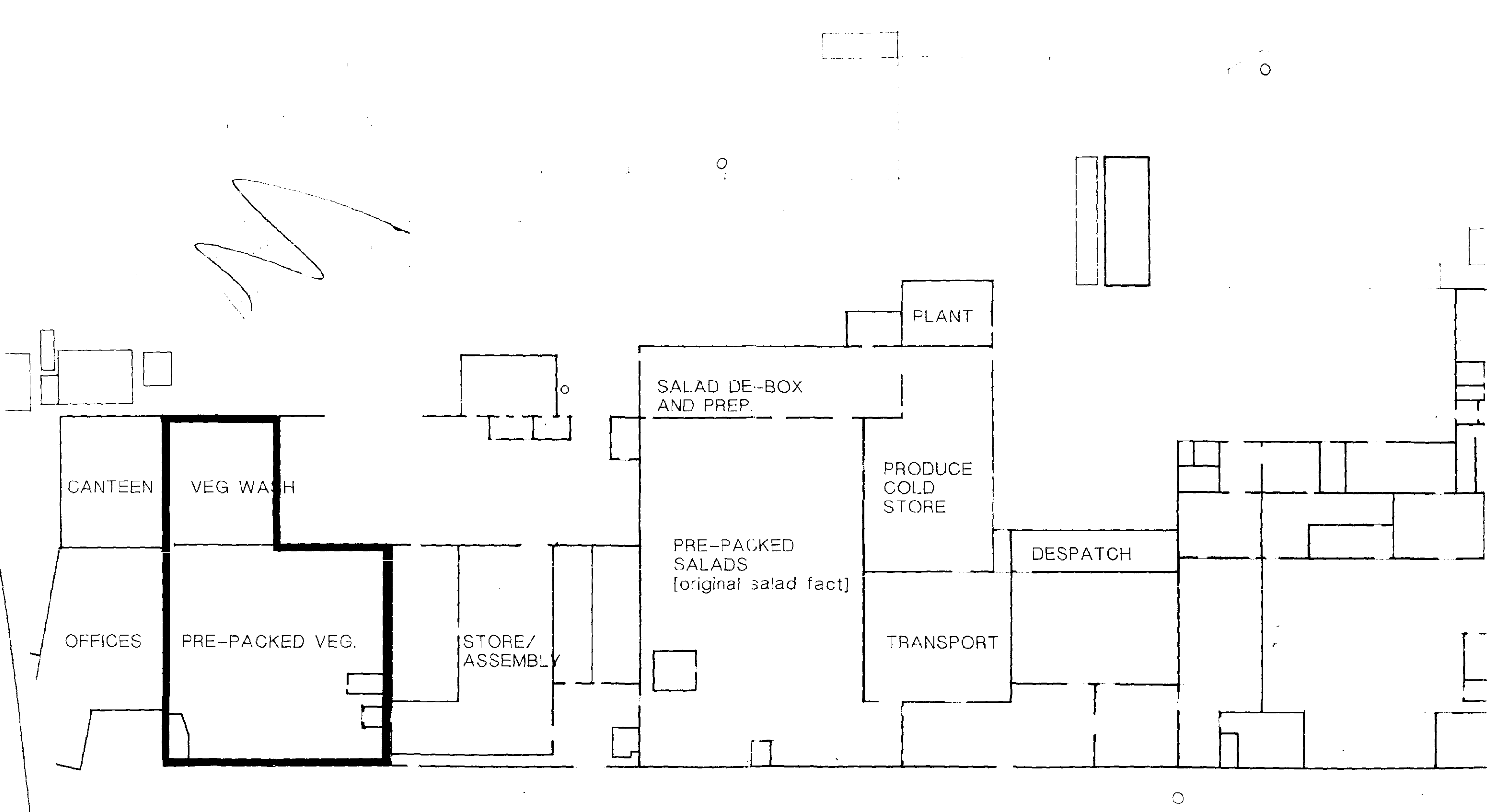
Dear Sirs

Modification of Section 106 Obligation
- Tinsleys Foods Ltd, Holbeach St Marks

I refer to your letter dated 15 April 1993 in respect of the above and write to advise you that at its meeting on the 20 April 1993 the Planning Committee resolved after due consideration of the issues raised, including those of vehicular access and the projected construction of the link road that at the expiration of the consultation period the Director of Planning and Building Control Services be authorised to agree the proposed modification.

Yours faithfully

N R Midlen
Principal Planning Officer
(Development Control)



S L U I C E R O A D

SECTION 106 AGREEMENT - PLAN B AREA
AREA TO BE REFURBISHED [see JRA letter of 9 Feb 1993]

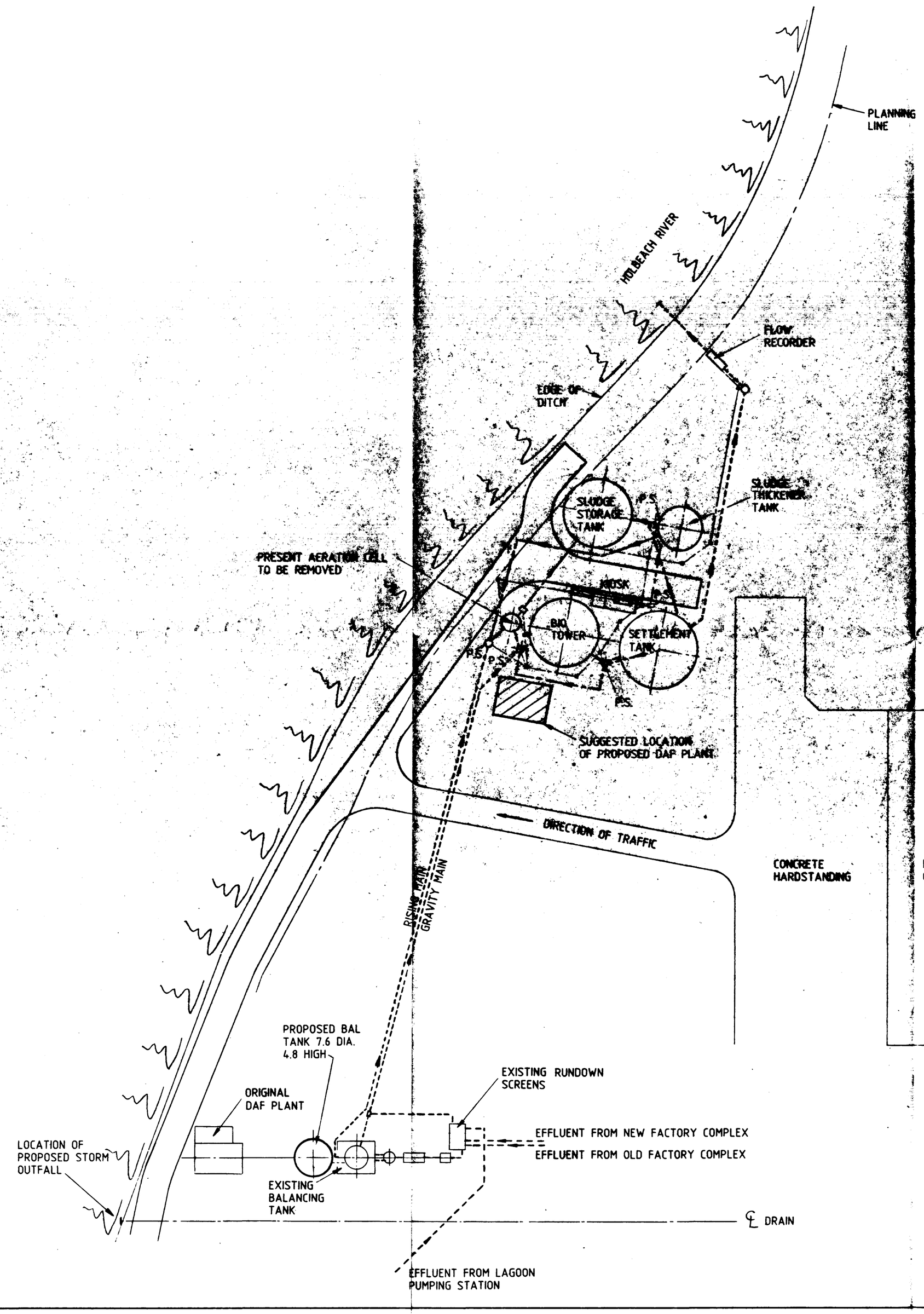
SOUTH
17 FEB 1993
S130/93

TINSLEY FOODS LIMITED - HOLBEACH ST. MARKS

PRE-PACKED VEGETABLES AND PRE-PACKED SALAD AREAS

FEB 1993 1 : 500 4576-T-100

JOHN ROBERTS ARCHITECTS LIMITED
ARCHITECTS DESIGN AND PLANNING CONSULTANTS
1 James Street Lincoln LN2 1QD tel 0522 538441 fax 0522 512868
14 Devonshire Street London W1N 1FX tel 071 637 4141 fax 071 637 2629



NOTE.

ORDNANCE BENCH MARK CAN BE FOUND ON THE EXTERNAL WALL OF THE PERSONNEL OFFICE VALUE 4.21m

PLANNING LINE—LIMIT OF BYELAW CONDITIONS 9m FROM THE TOP OF THE RIVER BANK. NO STRUCTURES ARE PERMITTED WITHIN THIS AREA

THE CONTRACTORS ATTENTION IS DRAWN TO THE FACT THAT THIS DRAWING DOES NOT NECESSARILY SHOW THE EXACT POSITION OR NUMBER OF SERVICES.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL SERVICES AND OTHER OBSTRUCTIONS AND SHALL UNDERTAKE THE EXCAVATION OF TRIAL HOLES TO LOCATE SUCH SERVICES AND OTHER OBSTRUCTIONS AS NECESSARY

WHERE NOT SPECIFIED, THE CONTRACTOR IS TO ENSURE THAT ALL PIPES WHICH ENTER OR LEAVE STRUCTURES CONTAIN A FLEXIBILITY JOINT WITHIN 700mm. OF THAT STRUCTURE

ALL LEVELS AND DIMENSIONS TO BE CONFIRMED BY CONTRACTOR ON SITE PRIOR TO CONSTRUCTION

——— SUPERNATANT
——— ACCUMULATION
——— SLUDGE
——— ELECTRICAL DUCTING
——— DOMESTIC EFFLUENT (REFER TO 18623/09)
P.S. PUMPING STATION

Rev	Description	By	App'd Proj. Man.	Date
B	ADD OF BAL TANK	PAS		Oct 93
A	TENDER ISSUE	PAH		July 93

Print Issue Date: 07 OCT 1993

Approved (Director)			Date		
Traced			Tracing Checked		
Drawn	PAH	July 93	Drawing Checked		7-Oct-93
Design			Design Checked		

Drawing issued for information purpose only, unless signed as approved

Client
TINSLEY FOODS LTD.

Project
PROPOSED EFFLUENT TREATMENT PLANT PHASE 2

Title
PROPOSED LAYOUT

Haiste Consultants
Borough House Newark Road
PETERBOROUGH PE1 5YJ
Telephone 0733 340939 Fax 0733 341974

Scale	Drawing No.	Rev
1:500	18623/07	B

© Haiste Group Limited