Firstplan

KINGSTON RAILWAY WHARF (WEST SITE), BRIGHTON ROAD, SHOREHAM, WEST SUSSEX, BN43 6RH

PLANNING, DESIGN AND ACCESS STATEMENT

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SECTION 1: INTRODUCTION

1.1 This planning statement has been prepared by Firstplan on behalf of Day Group Ltd in support of a planning application for continued use of the site in connection with the adjacent permitted aggregate bagging operation, for a temporary period until September 2016.

1.2 The application is made entirely without prejudice to the permitted development rights afforded by Part 17B of the General Permitted Development Order (1995 as amended) which allows development required in connection with the embarking, disembarking, loading, discharging or transport of goods at a dock, pier or harbour.

1.3 Day Group was originally granted planning permission for an aggregate bagging plant in September 2010 on the area outlined in blue on the submitted site location plan. The plant supplies aggregate contracts in the local area and consent was recently granted for an additional period until September 2016.

1.4 Following the successful set up in Shoreham, Day Group started to use part of the application site (outlined in red on the site location plan) in mid-2011 for importing aggregate by boat under the General Permitted Development Order Part 17 (GPDO 1995 as amended). Day Group then took possession of the whole site in early 2013 and started to use the remainder for parking and additional storage. More recently a mobile bagging plant has been erected on the site to assist with the demand for bagged material.

1.5 In summary, imported aggregate is unloaded from boats and stockpiled on the application site, it is then bagged using the permitted aggregate bagging plant on the adjacent site. In order to make efficient use of space, some of the bagged material is then stored on the application site prior to distribution. On occasions a mobile bagging plant is also used on the site to assist with the bagging operation. The remainder of the site provides staff and visitor parking and for overnight parking of Day Group vehicles working in the area.

1.6 The following sections of this report provide background information in terms of the site and surrounding area and relevant planning history (Section 2) and description of the application proposals (Section 3). The relevant national, strategic and local plan policies are considered at Sections 4. The key planning considerations raised by the application proposals are considered at Section 5 and our conclusions are set out at Section 6.

SECTION 2: BACKGROUND INFORMATION

a) Site and Surrounding Area

2.1 The site is located on the north side of Shoreham Harbour and is accessed from Brighton Road (A259) which forms its northern boundary. The River Adur forms its southern boundary.

2.2 The site has been used by Day Group since 2012, with increased activity since early 2013, for storage of waterborne material, bagged material and parking. Prior to this the site was used for parking and open storage.

2.3 The site forms part of the operational land of Shoreham Port and is located within an area of predominantly industrial and commercial uses. To the east of the site is a builders merchant. European Metal Recycling Ltd (EMR) is situated in close proximity to the west of the site and operates a relatively noisy and visually intrusive scrap metal recycling site.

2.4 To the south of the site, on the opposite side of the River Adur, is a narrow spit of land known as Shoreham Beach. This area is predominantly residential in character. The site is located at a relatively wide point on the river and the nearest residential properties are approximately 150 - 200 metres away.

2.5 Photographs of the site are provided as appendix 1.

APPENDIX 1

b) Planning History

i) Planning history prior to 2010

2.6 Kingston Railway Wharf and Kingston Wharf (which include the application site) have been subject to various applications over the years which extend over differing parts of the site. It is understood that Kingston Wharf is a long established wharf in the operational area of Shoreham Port. Once used for coal traffic and the transfer of goods from ship to railway; a change of use to the landing of aggregates commenced in 1981.

2.7 Planning permission was granted at appeal in 1981 for the erection of an aggregate processing plant and concrete batching plant (SU/197/80). It appears that the plant was in operation until 1996, and that buildings, the plant and facilities, albeit in poor condition, remained on site until at least 2004.

2.8 In 1995 an application for a modified access and new layout to the depot was approved but never implemented (SU/70.95). In May 2004 an application was refused for the replacement of the existing batching plant for the production and supply of ready mixed concrete and screed, despite the fact that it had an officer recommendation for approval (SU/222/03).

ii) Recent planning history for Kingston Railway Wharf - West

2.9 The application site has been used on an ad-hoc basis for parking in the past. A planning application was submitted in December 2010 for temporary use of land for the crushing and screening of reclaimed concrete and chipping of timber with associated open storage of materials and the erection of a prefabricated steel framed shed and portable office building (WSCC/003/11/SU). The application was subsequently withdrawn in August 2011.

iii) Recent planning history for Kingston Railway Wharf - East

2.10 The land outlined in Blue on the submitted site location plan has been leased by Day Group since 2010 and has the following planning history.

2.11 In September 2010 temporary planning permission was granted for erection of a building and associated facilities in connection with use of the site for the purposes of bagging aggregates (WSCC/074/10/SU) (decision corrected in October 2010). The consent covered a three year period.

2.12 In April 2011 West Sussex approved a non-material amendment to replace the approved gabion bag screening along the southern boundary of the site with an acoustic wooden fence.

2.13 In January 2012 planning permission was granted for the variation of condition 7 to allow HGVs to leave the site between 06.00 and 07.00 on Mondays to Saturdays inclusive (WSCC/061/11/SU).

2.14 In February 2014 planning permission was granted for variation of conditions 1 and 2 to extend the temporary period of use for a further three year period and to regularise design changes (WSCC/081/13/SU). This is the current operative consent for the west of Kingston Railway Wharf.

iv) The Surrounding Area

2.15 Planning permission at New Wharf was recently granted in January 2013 for amendment of Condition 1 attached to WSCC/079/09/SU to allow the extension of temporary permission for unloading, preparation and storage of mineral aggregates with concrete batching plant for a further 3 years (WSCC/068/12/SU). This site is situated close by, on Brighton Road. The appeal decision sets out that a further three years was considered to be acceptable given the lack of alternative uses coming forward in the immediate future.

2.14 More recently an application to extend the temporary use until 2020 was refused on the basis that the applicant has failed to demonstrate that suitable, alternative sites would not be available after December 2015 and the continued use of the site after that date is unnecessary. This refusal is now subject to an appeal. The case is significantly different to the current Day Group application which only proposes a temporary period until 2016.

c) Day Group Ltd.

2.16 The Day Group operate a number of aggregate bagging facilities at Tolworth, Crawley and Lydd. However, Shoreham allows them to service local contracts, reducing long distance deliveries which otherwise would take place.

SECTION 3: APPLICATION PROPOSALS

3.1 The application seeks approval for the continued use of the site in association with the adjacent permitted aggregates bagging plant facility at Kingston Railway Wharf, for a temporary period until September 2016.

3.2 The uses taking place on the application site comprise:

- Unloading of water borne material from barges and storage of this material
- Loose aggregate storage bays
- A bulk bag storage area and a 25kg bag storage area
- Storage within a container
- Mobile bulk bagging plant used on ad-hoc basis
- 16 car parking spaces
- HGV overnight parking area

3.3 As the site comprises a wharf which is leased from the Port of Shoreham it is considered that these operations could take place under part 17 Class B of the General Permitted Development Order (1995), which allows:

> **B. Development on operational land by statutory undertakers or their lessees in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings, required—**
>
> **(a) for the purposes of shipping, or**
>
> **(b) in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or with the movement of traffic by canal or inland navigation or by any railway forming part of the undertaking.**

3.4 This application is made without prejudice to these permitted development rights and has been submitted for comprehensiveness in response to a request from the minerals planning authority.

3.5 The use of the site is suited to a temporary consent because it involves open storage areas and temporary structures.

3.6 It is anticipated that the mobile bagging plant will be installed on site on a temporary basis as its use will be spread across Day Group sites depending on demand, including sites at Lydd and Southampton. It is transported between sites in three parts (two vehicles) and takes approximately half a day to assemble. It is anticipated that at Shoreham it will be present for a total of four or five months a year but this will split into slots ranging between a week and two months depending on demand.

3.7 The mobile bagging plant is predominantly used to bag 'Vulkatec' which is a green roofing material imported to site by boat. This material includes fine minerals and compost and has been designed to be naturally porous providing good water holding capacity and a high permeability to air volume ratio which helps plant roots.

3.6 Access to the site is shared with the existing bagging operation operated by the Day Group. A lorry wheel wash is installed at the exit of the site.

3.7 A temporary boundary is provided along the southern boundary of the site in the form of bulk bags.

SECTION 4: PLANNING POLICY CONSIDERATIONS

a) National Planning Policy Framework (NPPF) (2012)

4.1 The NPPF was adopted in March 2012 and contains the Government's planning policies for England. The Framework sets out the Core Planning Principles which should underpin both plan-making and decision-taking. This includes proactively driving and supporting sustainable economic development and encouraging the effective use of land by utilising brownfield land.

4.3 Section 1 concerns building a strong, competitive economy. The Government is committed to securing economic growth and the planning system should support this. Investment in business should not be over burdened by the combined requirements of planning policy expectations.

4.4 Section 4 on promoting sustainable transport states that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Paragraph 32 sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.6 Section 10, meeting the challenge of climate change, flooding and coastal change, sets out that in order to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which will reduce greenhouse gas emissions.

4.7 With specific regard to flooding, Paragraph 100 states that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

4.8 Paragraph 103 goes on to say that when determining planning applications, local planning authorities should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

4.9 Paragraph 111 states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

4.10 In terms of noise generation, paragraph 123 outlines that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

4.11 Section 13 recognises that minerals are essential to support sustainable economic growth and our quality of life. In granting permission for mineral development should ensure that there are no unacceptable adverse impacts in terms of the natural and historic environment, human health or aviation safety and should take into account the cumulative effect of multiple sites.

4.12 The application meets the aims of the NPPF by utilising brownfield land, supporting an existing business which lands aggregates close to where they are bagged. There will be no adverse effects on the natural or historic environment as permission is sought for the continuation of an existing operation which is well managed.

i) Planning Practice Guidance

4.13 The Planning Practice Guidance (PPG) provides guidance on minerals, with specific reference to issues relating to dust and noise emissions, as well as guidance on flood risk assessment. The development has previously been considered to be acceptable in flood risk terms and there will be no change to the impact.

b) Regional Planning Policy

i) West Sussex Structure Plan (Adopted 2005 as saved 2007)

4.14 Although the Structure Plan is no longer part of the statutory development plan, it remains the County Council's strategic policy statement on the development and use of land.

4.15 Policy NE6, Coastal Regeneration, makes reference to the Shoreham Maritime Vision. This states that development proposals put forward at the Harbour in the short and medium-term for both port-related and other uses should be permitted provided they are consistent with the Vision and with the continued operation of the port in accordance with statute, and that they do not exacerbate traffic problems and environmental conditions in adjoining urban areas.

4.16 A temporary aggregate bagging plant scheme on the adjoining site has previously been considered to be acceptable in terms of the Structure Plan. The current position is that the application site will not come forward in the immediate future and therefore the temporary use of the site is in accordance with Policy NE 6.

ii) West Sussex Minerals Local Plan (2003 as saved 2007)

4.17 The West Sussex Minerals Local Plan identifies Kingston Wharf as a "Safeguarded Wharf". Under the safeguarding procedure, District Councils are required to consult the County Council about any planning applications they receive to give the County Council an opportunity to comment.

4.18 Policy 40 confirms that:

> **"Wharves with current or potential mineral use will be safeguarded from inappropriate development. The improvement, modernisation and increase in capacity of aggregate wharves will be encouraged provided that such operations would not have an unacceptable impact on the environment and would not cause a significant increase in disturbance due to factors including increases in noise, dust and traffic."**

4.19 Policy 47 sets out that where planning applications are considered, account will be taken of the numbers, type and routing of vehicles likely to be generated.

4.20 Policy 48 requires adequate access to mineral sites from the highway and adequate manoeuvring around the site. Wheel cleaning facilities may be required.

4.21 The Day Group operation makes good use of the wharf as it includes landing of aggregates which are then bagged close by prior to distribution. The HGVs can easily manoeuvre around the site and the wheel cleaning facilities are in place.

c) Local Planning Policy

i) Adur District Local Plan (1996 as saved 2007)

4.22 The Local Plan is now somewhat outdated and a number of the policies are no longer saved. However, it is the statutory development plan and therefore the saved policies must carry significant weight.

4.23 The Local Plan Proposals Map designates the site as being located within an area of "Business, Industry and Warehousing".

4.24 Policy AT4 sets out that planning permission for business or warehousing development on the north side of the Harbour will be granted provided that it would not significantly add to the environmental disadvantages suffered as a result of heavy goods vehicle traffic in the area and neither will it exacerbate existing traffic conditions.

4.25 Policy AE7 confirms the primary function of Shoreham Harbour as a commercial port. Development within the Port area will be approved if it does not affect the operation of the Port or prejudice its economic viability, subject to Policy AT4.

4.26 Policy AE8 confirms that permanent development unrelated to the commercial Port of Shoreham-by-Sea will be permitted where port-related use is impracticable without unacceptable impact, or where wider benefits may be secured as a result.

4.27 Policy AE9 confirms that where there is no berthing or wharfing facilities and, where the provision of such facilities is not practicable, the following will be required:

- that the land or buildings on it are used in conjunction with adjoining land that has berthing and wharfage space, or
- that any new development does not prohibit future use in conjunction with adjoining facilities with such uses.

4.28 Policy AP3 concerns flood risk and requires new development in areas at potential risk from flooding to be appropriately designed.

4.29 Policy AP7 seeks to control planning permissions by conditions to deal with air, water and land pollutants, and minimise disturbance from dust, vibration, heat, light or noise. Proposals that are likely to have unacceptable environmental effects will be refused.

4.30 Policy AG1 sets out that within the built-up area as shown on the proposals map, development will normally be permitted, subject to other policies in this Local Plan and to it not detracting from the existing local urban environment.

4.31 The aggregates bagging plant has recently been considered to be acceptable in terms of the Local Plan and the current application is simply to regularise an

extension of this operation to allow for additional storage of bagged material and parking. The site complements the operations at Shoreham Port and a temporary period is proposed which will allow redevelopment of the site to come forward in the future. The site will be operated in accordance with dust and noise management plans and will have an acceptable impact on residential amenity. It therefore complies with the saved policies.

ii) Draft Adur Local Plan

4.32 Adur is preparing a new local plan and a public consultation took place in September – November 2013, the next consultation is expected later this year. The current draft of the plan carries little weight but has been reviewed for comprehensiveness.

4.33 Revised Draft Policy 8: Shoreham Harbour Regeneration Area sets out that the area is identified as a broad area for change. The aim is to deliver 1050 new dwellings within the regeneration area in Adur district up to 2031. The Council will work closely with existing site owners and businesses to identify their needs, support their future aspirations and facilitate relocations to suitable sites either within the consolidated harbour or elsewhere in the local area.

4.34 The draft Local Plan goes on to set out that the priorities for Character Area 7: Western Harbour Area including facilitating the comprehensive redevelopment of the waterfront area in accordance with the guiding principles of the adopted Western Harbour Arm Development Brief (2013).

4.35 The proposals for the Western Harbour Arm are long term and the temporary period proposed will therefore not conflict with the policies in the emerging draft plan.

d) Shoreham Specific Guidance

i) Shoreham Port Masterplan (2010)

4.36 The Port Masterplan sets out that the Port will be central to the regeneration of the area. The masterplan identifies the Western Harbour Arm as a development opportunity for a mix of residential, business and leisure uses. However, it recognises that this area will come forward in the long term, stating at paragraph 6.50:

> **"The redevelopment of the Western Arm from the current uses is a relatively long term proposal that is likely to require significant public sector investment"**

4.37 The proposals will not conflict with the Masterplan's vision as only a temporary period is proposed which will tie in with the permitted temporary period for the bagging plant. Therefore the long term plans will be unaffected.

ii) Interim Planning Guidance for Shoreham Harbour (2011)

4.38 The Interim Planning Guidance (IPG) has been produced to provide a tool to aid decision making with regard to planning applications which are submitted within the Shoreham Harbour area prior to the adoption of the Joint Area Action Plan for the area. Although the IPG is not a formal Supplementary Planning Document forming part of the LDF, it is a material consideration.

4.39 The document confirms that the long term aim for the area is to create a high-quality exemplar sustainable development at Shoreham Harbour potentially comprising a mix of residential, employment, community, education, leisure and ancillary retail development; to support the regeneration objectives of increasing housing and employment opportunities and skills in the area, whilst also raising environmental quality.

4.40 The interim policy guidance sets out that development may not be supported if it is likely to prejudice the emerging Shoreham Harbour policies and the regeneration objectives set out in section 3 and/or is inconsistent with the Port Masterplan and relevant national and local policies.

4.41 The guidance goes on to explain that B2 and B8 uses not requiring a port-side location will not normally be supported, unless it is for a temporary period which will not prejudice future redevelopment plans. In considering proposals for development in the harbour area, the impact of development on safeguarded wharves and existing waste facilities and the extent to which the development contributes to meeting future needs for minerals imports and waste management will be taken into account.

4.42 In response to this the Day Group are operating the site for importing aggregates under permitted development rights for Port operations. The additional use of the site for storing bagged material and parking is temporary, makes efficient use of the

land and helps meet the needs of an existing business. It is therefore in accordance with the interim guidance.

iii) Western Harbour Arm Development Brief (2013)

4.43 The Western Harbour Arm Development Brief is one of a series of planning documents which has been prepared to underpin the Shoreham Harbour Joint Area Action Plan (JAAP). It is a material consideration although it does not form part of the statutory development plan.

4.44 The Development Brief sets out a vision for the area including residential led mixed use development. The brief explains that the Western Harbour Arm is a valuable waterfront site and has potential for a vibrant mix of new uses. It is envisaged that new residential development will be instrumental in delivering the sustainable transformation of the Western Harbour Arm, enabling the creation of an attractive and distinctive new setting and creating a greater sense of vibrancy and activity along the waterfront

4.45 However, the brief also recognises that the existing uses at the Western Harbour Arm make a significant contribution to the local economy and their needs should be taken into account when planning for the area. Guiding principle WH12 'Impact on existing business operations' states that:

> **"The development of the Western Arm is a long term ambition. In the short to medium term (5-10yrs), it is essential to ensure that the initial phases of development do not compromise the operations of businesses on sites which are unlikely to come forward until later in the process. The Partnership including the SPA is committed to continuing this process of dialogue to ensure a mutually appropriate scenario as sites come forward.**
>
> **In accordance with the Shoreham Harbour Interim Planning Guidance, prior to sites coming forward for redevelopment to alternative uses, planning permissions for continuation of current employment uses may be granted for temporary periods on a case by case basis"**

4.46 In this case, consent is sought for an existing business to continue to operate from the site for an additional three years. The proposals therefore do not conflict with the principles of the draft development brief.

iv) Draft Shoreham Harbour Joint Area Action Plan

4.47 The draft Shoreham Harbour Joint Area Action Plan (JAAP) is not yet adopted and therefore cannot be afforded significant weight. However, it recently underwent a round of public consultation and is expected to be adopted in 2015, after an examination in public has taken place.

4.48 The draft JAAP proposes residential led redevelopment of the area. However, Part iv of draft Policy JAAP 20 confirms that further temporary consents for current employment uses may to be granted on a case by case basis.

SECTION 5: PLANNING CONSIDERATIONS

a) Acceptability in Principle of the Development

5.1 The principle of the Day Group aggregate bagging operation was recently accepted in September 2013. The committee report confirmed that officers considered that the development would make temporary use of a vacant site, unsuitable for many other uses. The proximity of other processing plants in the area would provide sustainability benefits in reducing minerals transportation for bagging further afield.

5.2 The application now submitted is for an extension of this permitted operation. The importing of aggregate from the wharf and the bagging of this material by the mobile plant takes place under permitted development rights and the additional uses for bagged storage and car parking make efficient use of the site.

5.3 The use is a suitable use given the current industrial character of the area and makes good use of the safeguarded wharf. The use is temporary so will not prohibit the long term regeneration of the area.

b) Dust and Noise Considerations

5.4 In general terms all activities on the site are designed to minimise the potential for noise and dust emissions to ensure that the amenity of occupiers of properties in the vicinity of the site are not materially affected by the operation of the site.

5.5 Dust and Noise management schemes were approved as part of the permitted aggregate bagging operation and it is proposed that these management plans should also cover the current application site.

c) Hours of Operation

5.6 Operations are proposed between the hours of 7am and 6pm Monday to Friday and between 7am and 1pm on Saturdays. No machinery or plant shall operate on Sundays or Bank Holidays.

5.7 HGVs are also proposed to leave the site between 6am and 7am Mondays to Saturdays inclusive. However, no vehicles will be loaded outside of the operational hours to ensure that there is no impact in terms of noise.

d) Highways and Transportation

5.9 Day Group has several contracts for supplying bagged aggregate in the local area. Prior to the 2010 consent, this contract was met by transporting bagged aggregates from their existing operations at Tolworth, Crawley and Lydd. By locating locally this reduced the length of journeys and therefore vehicular emissions.

5.10 The use of the additional site now applied for seeks to regularise an existing operation. The importing of material by boat is sustainable and the use is well linked to the port.

5.11 The proposals include staff parking and Day Group vehicles parking areas. The aggregates bagging plant is a Sui Generis use and therefore the proposed parking should be assessed on an individual basis. The amount of parking is appropriate as it serves the staff working at the plant as well as the drivers who distribute the bagged material.

e) Flood Risk

5.12 A Flood Risk Assessment (FRA) is submitted in support of the application. The site is partially located within Flood Risk Zone 3 and Zone 2. The uses are associated with the protected wharf classified and can be classified as 'water compatible development' and 'less vulnerable' by the NPPF. The use is therefore appropriate in this area of flood risk. Site users will have the means to evacuate to areas outside the predicted flood zone within the site.

5.13 The site is currently hardstanding and the continuation of the use does not increase the risk of flooding elsewhere.

SECTION 6: DESIGN AND ACCESS STATEMENT

a) Use

6.1 This application proposes continued use of the site in connection with the adjacent permitted aggregate bagging operation.

b) Amount and Scale

6.2 The site area is 0.44 ha. The scale of operation means that the site can be used to store water bourne material, bagged material, allow a mobile bagging plant to be accommodated when required and provide parking areas.

c) Layout

6.3 The layout of the site has been determined by the nature of the process. For example, the water bourne material is located close to the harbour where boats arrive. The use of a mobile bagging plant on the west part of the site ensures that the water bourne material can be dealt with in a efficient way by minimising movements across the site.

d) Appearance

6.4 There are no permanent structures on the site. The appearance is appropriate for a safeguarded wharf and is largely screened from Brighton Road by the existing fence. Bulk bags provide a temporary barrier to the south.

e) Landscaping

6.5 There is no landscaping currently on the site and given the temporary nature of the proposal it would be inappropriate to provide any.

f) Access

6.6 The site is accessible by a variety of modes of transport including car, bus, cycling, and walking. The access is shared with the main aggregate bagging operation and there is a smooth flow of vehicles around the site. This is proposed to continue.

SECTION 7: CONCLUSIONS

7.1 This planning application is for continued use of the site in connection with the adjacent permitted aggregate bagging operation including parking, open storage and a mobile bagging plant.

7.2 The application is made entirely without prejudice to the permitted development rights afforded by Part 17B of the General Permitted Development Order (1995 as amended) which allows development required in connection with the embarking, disembarking, loading, discharging or transport of goods at a dock, pier or harbour.

7.3 The use is appropriate for the safeguarded wharf designation of the site. It is temporary and will not affect the long term regenerations plans for the area.

7.4 The dust and noise management plans for the aggregate bagging plant are proposed to be extended to cover the additional area and will ensure that there is no impact on nearby local residents.

7.5 We therefore respectfully request that planning permission is granted.

PHOTOGRAPHS OF SITE AND SURROUNDING AREA

Photograph 1: View from across harbour



Photograph 2: View from across harbour



Photograph 3: View from Brighton Road



Photograph 4: View of site looking west



Photograph 5: View of site looking north



Photograph 6: View of site looking south



Photographs 7, 8 and 9: Mobile bulk bagging plant

7.



8.



9.

