Application to modify the Elevations for the

Port of Barry Renewable Power Plant

VISUAL IMPACT ANALYSIS

in support of an application under

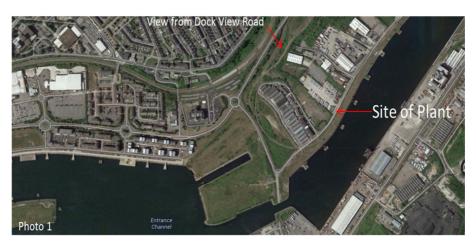
the Town and Country Planning Act 1990

9th January 2015



Stoketon House Windmill Hill East Sussex BN27 4RS Tel 01323 833824

- 1. UK Power Development Partners is representing the Applicant, Sunrise Renewables (Barry) Limited, which is developing a renewable energy plant based on an advanced conversion technology.
- 2. The principle of establishing a wood fuelled power plant on land at Woodham Road, Barry, CF63 4JE within the Port of Barry was established by planning permission reference 2008/01203/FUL as approved by appeal reference APP/Z6950/A/09/2114605, subject to conditions, on 2nd July 2010 (the "2010 Permission").
- 3. The Applicant has submitted an outline planning application to amend the layout and elevations in order to accommodate a change in technology for the project. This Document addresses issues relating to the Visual impact of the proposed changes by way of update of the previous Visual Impact Assessment for the Project prepared for the 2010 Permission, a copy of which is annexed to this report.
- 4. The 2010 Permission was for a Renewable Power Plant fuelled by waste wood. In this regard it contributes to the Vale of Glamorgan meeting its renewable energy obligations, set out in the (current) Unitary Development Plan, notably those required in response to the National Planning Guidance in respect of renewable energy (contained within Chapter 12 of Planning Policy Wales 2002, supplemented by Planning Policy Wales Technical Advice Note (Wales) 8: Planning for Renewable Energy (2005)). In particular TAN 8 highlights the environmental implications and seeks to promote the use of renewable energy technologies.
- 5. A further contextual consideration is that, as required by Planning Policy Wales Edition 7 July 2014 (at para 2.1.2), "LDPs should provide a firm basis for rational and consistent decisions on planning applications and appeals". In this connection the Applicant requests the Planning Authority to proceed in its review of the present application in a manner that is consistent with its past decisions on such matters.
- 6. The Sunrise Renewables project itself is located within Barry Port at the centre of an industrial and commercial area (see Photos 1 to 3 below). To the east of the site are large modern warehouse/industrial buildings and a scrap yard. Further east is a large chemical factory and on the opposite side of the Dock an 8 storey grain store. Immediately to the west is a series of large Nissen Huts which house a range of uses.
- 7. To the south, the site is bordered by David Davies Road and a railway track which serves the Docks. 300 metres to the south-west lies the site for the renewable energy plant at Atlantic Way, previously approved under Planning Reference 2009/00021/FUL.

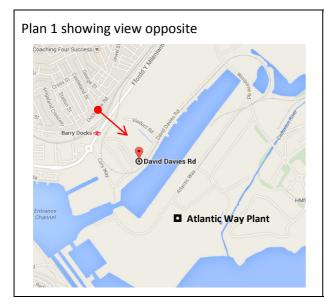




8. As was observed by Planning Inspector Thickett during the planning appeal in respect of the 2010 Permission:

"8. <u>Local residents may wish otherwise but the site lies in an industrial area</u>. The Council conceded at the Inquiry that it had no objection to the appearance of the proposed building. <u>Looking down from Dock View Road the new building would be seen in the context of the development within the Docks and, in my view, would sit comfortably in its industrial surroundings."</u>

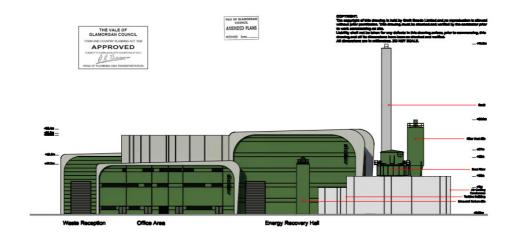
While Planning Inspector Thickett was not considering the layouts and elevations which are the subject of the present application his comments, underlined above, apply equally to such proposal. The view he was referring to is that in Photo 2 below.



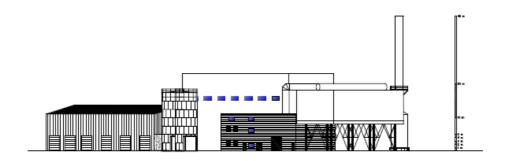


- 9. The plant in which the proposed chimney stack will be incorporated, located at David Davies Road, is less than 300 metres from the site proposed for the Atlantic Way Plant which was also to form part of the industrial landscape seen by any onlookers in Photo 2.
- 10. In respect of what is considered by relevant stakeholders including the Vale of Glamorgan Council as being acceptable for a renewable power plant adjacent to the Barry Dockyards, the decisions taken in respect of the Atlantic Way Power plant are determinative and can be seen from the elevations filed

by the developers of that plant, extracted below (Elevation A) and compared to the plant within which the proposed chimney stack will be incorporated (Elevation B).



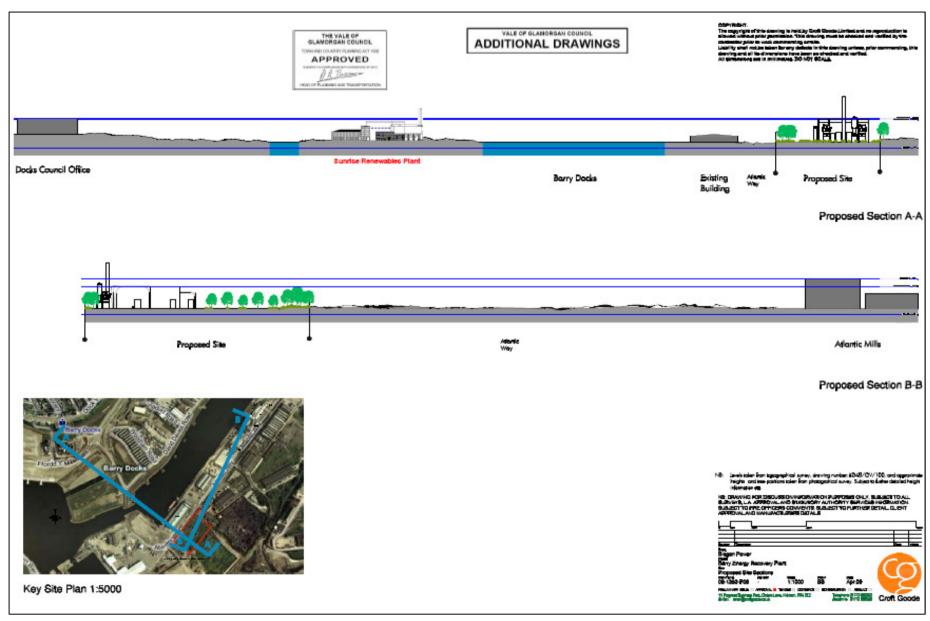
Elevation A: Atlantic Way Renewable Power Plant



Elevation B: Sunrise Renewables Renewable Power Plant (Proposed Chimney Stack)

- 11. The Schematic reproduced on the next page is taken from the submissions under Planning Reference 2009/00021/FUL in support of the approved application for planning consent for the Atlantic Way gasification power plant. Superimposed on this is the Sunrise Renewables Plant since this falls on the same sightline A-A. This shows that in all material respects the Sunrise Renewables plant is within the envelope established by the approved Atlantic Way application including as to sightlines.
- 12. As is clear from this, the layout, elevations and sightlines for the present outline application are remarkably similar to those which were considered acceptable and approved for the dock-side area in the case of the Atlantic Way Renewable Energy Plant. In particular, it should be noted that the Energy Recovery Hall, at 24 metres, is slightly higher.
- 13. It is therefore submitted that implementing the Applicant's renewable power plant using a layout and elevations similar to those previously approved for Atlantic Way would have been considered acceptable in the dockside context at the time of the original application and related appeal and that this remains the case.
- 14. It is therefore reasonable to assume that the Council would have "conceded at the Inquiry that it had no objection to the appearance of the proposed building" had it been presented with the currently proposed layouts and elevations since they are not materially different from those approved separately by the Council for the Atlantic Way project.
- 15. In conclusion, the visual amenity afforded by the changes now proposed to the project layouts and elevations are consistent with decisions taken and views expressed both during the Appeal relating to the 2010 Permission and the granting of planning permission for the Atlantic Way plant.

5th December 2014



Schematic taken from the submissions under Planning Reference 2009/00021/FUL

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by SUNRISE RENEWABLES LTD

PROPOSED RENEWABLE ENERGY PLANT AT WOODHAM ROAD, BARRY

PROOF OF EVIDENCE OF DAVID APPLETON NDH MA MLI CHARTERED LANDSCAPE ARCHITECT

APRIL 2010



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1.0 INTRODUCTION AND TERMS OF REFERENCE

1.1 Qualifications and Experience

My name is David Appleton. I am a Chartered Landscape Architect and horticulturist with 34 years professional experience of working in both the public and private sectors. I have gained a college diploma in horticulture from the former Essex Institute of Agriculture (now Writtle College), a National Diploma in Horticulture from the Royal Horticultural Society and a Masters Degree in Landscape Design from the University of Sheffield. I am a Chartered Member of the Landscape Institute, which is the professional body in the UK for landscape design, management and science. I am a Director of a firm known as The Appleton Group, which has offices in England and Northern Ireland.

- 1.2 I have considerable experience of environmental and landscape assessment, both in relation to industrial developments, housing, leisure and major infrastructure projects including major highway projects. I have recently been involved with the landscape issues relating to a regional energy from waste project in Staffordshire. My firm is a member of The Institute of Environmental Management and Assessment and I have given evidence as an expert witness at numerous public inquiries.
- 1.3 My company was commissioned by Sunrise Renewables Ltd in October 2009 to prepare a landscape and visual impact assessment of a proposed renewable energy plant to be located at Woodham Road, Barry. The need for the assessment arose from the preparation of a voluntary Environmental Statement of which the assessment formed a part.
- 1.4 My evidence addresses the landscape and townscape reason for refusal 1 in respect of the alleged 'general adverse impact on the character of the area' of the proposals and the alleged non compliance with related

planning policies, and also the assertion in reason for refusal 2 that 'the siting of the proposed energy plant in its proposed location would represent a retrograde step for the Council's aspirations for the Waterfront, adversely affecting the amenities of the area and the future attraction of the development.' Given that context my evidence is largely based on the findings of the assessment which has already been submitted to the Local Authority. In addition, however, I make reference to a proposed development also located in Barry Docks which is similar in nature, being an energy from waste plant, but of a much greater scale, that was granted full planning permission by The Vale of Glamorgan Council on 23rd of December 2010.

1.5 **Methodology**

The landscape and visual impact assessment on which much of this evidence is based was prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment prepared jointly with IEMA and The Landscape Institute (2002). The site was visited and an assessment was made of baseline conditions in terms of the landscape quality and character of the site and its surroundings. Potential viewpoints were established and photographs were taken. A desk top review of National and Local Planning policies related to landscape issues was undertaken. An assessment of the potential impact of the development was made of both the construction and operational phases, covering landscape effects, visual impact and landscape character.

1.6 Landscape effects or impacts are those which as the result of the development might alter the vegetation structure, topography, land use or soils. Visual impacts are those perceived by human receptors as the result in a change of appearance of land as the result of development impacts on character refer to the external visual influence of the development on adjacent landscape and land use.

1.7 Proposals for mitigation were made and any residual impacts assessed. The criteria used for evaluating the impact are set out in **Appendix 1** to this document. The predictions and assessments of effects were made in the context of the proposed development as set out on drawing number SRB/03 Revision A and SRB/04 Revision A, prepared by Oaktree Environmental Ltd and dated September 2008. In preparing this evidence I have also referred to the Local Authority committee report which recommended approval for the appeal proposal and various technical documents and the local authority committee report related to the application submitted by BioGen Power. I have also referred to the Barry Development Guidelines which forms supplementary planning guidance to the Vale of Glamorgan Adopted Unitary Development plan.

2.0 THE APPEAL SITE, BASELINE ENVIRONMENT

2.1 Location and Context

The location and context of the site is shown on **Plan TAG 1** appended to this evidence. The site is located within the Barry Dock complex within an area of existing employment uses and disused industrial sites. The town centre is located to the northwest at higher level. The site itself is 8 metres above sea level. Access to the site is gained from a network of industrial estate roads accessed from Millennium Way, a new road to the north of the site serving the docks and new development further west. The Cardiff to Bridgend railway line is located to the north of that road, and between the road and the site is disused and overgrown land and the dock railway spur line. Immediately adjacent to the site to the site to the west of Woodham Road are a row of Nissen type industrial buildings accessed from Woodham Road that are in active use. Woodham Road itself is used for lorry parking (Photograph 1). To the immediate east of the site is open, unused land and a number of fairly modern warehouse or industrial buildings, a scrap metal yard and a haulage depot (Photographs 2 and 3). To the south of the site beyond David Davies Road, a railway line and a grassed area is located adjacent to the Dock. Across the dock itself is an 8 storey high grain mill building operated by Rank Hovis, other substantial industrial buildings and open storage of containers and pallets (Photograph 4). A large chemical works complex is present to the north east, within a distance of 1 km. The nearest residential development is located on Dock View Road to the north and at a distance of 370 metres. The road lies at approximately 30 metres A.O.D at that point, beyond Millennium Way and the railway line.

2.2 Site Characteristics

The site extends in area to 0.77 ha (1.86 acres). It is flat and open with no formal boundary enclosures other than some mounding to prevent vehicular access to the west and south, and steel palisade fencing to the east. There are no buildings present on the site. The characteristics of the site in terms of vegetation and ecology are described in a specialist report prepared by RSK Carter Ecological Ltd. In summary the site consists of either bare ground or ruderal (colonising) grassland, with some scrub vegetation. In landscape terms it is derelict and strewn with litter and fly tipping. **Photograph 1** shows the nature of the site itself and a plan showing the site as existing is attached to the report as **TAG 2**.

2.3 Landscape Policy and Designations

Neither the site nor adjacent land is subject to any National or Local designation in landscape terms. It does not fall within an AONB or an Area of Special Landscape. An Area of Special Landscape is located to the north of Barry (The Dyffryn Basin & Ridge Slopes SLA), but there is no intervisibility between the two as Barry town is set on a ridge and lies between the two areas. The location of the Area of Special Landscape is shown on a plan within the Vale of Glamorgan Unitary Development Plan Supplementary Planning Guidance 'Design in the Landscape'. An extract from the SPG is attached to my evidence as **Appendix 2.** The site does not either fall within or adjacent to a designated urban conservation area.

2.4 Landscape Character Assessments

The Special Landscape Area described above, together with others within the Vale of Glamorgan was designated as the result of a landscape assessment prepared as part of the UDP process. The assessment was based on data known as 'Landmap', a GIS system developed by the Countryside Council for Wales in conjunction with other partners. The

system covers the whole of Wales and allows a location based evaluation of land in terms of a variety of factors including visual and sensory geology, history, cultural landscape, and landscape habitat.

2.5 The Appeal site falls within the 'Barry' landscape area. The Landmap classification for the site and its surroundings for visual and sensory factors is rated as '**Urban**' and the evaluation is '**Low**'.

2.6 Visual Amenity and Prominence

The site is open to view from the immediately adjacent road network (Photograph 1). Scrub vegetation adjacent to the eastern boundary gives some low level screening from that direction (Photograph 2). Distant views are possible from higher ground to the north along Dock View Road (Photographs 5, 6, 7 and 8). These views are all gained in the context of the Dockland as a whole with large buildings and open storage and the chemical works to the south east. For context I have marked the approximate location of the approved BioGen energy recovery plant on relevant photographs. The guide lines on the photographs are indicative of location only and not of comparative scale or massing. The views of the Appeal Site from the north are not constant. Vegetation adjacent to the railway line gives some screening, and progressing along the road to the north east the views become oblique and the site is difficult to identify. Views may be possible from the upper storey of the Dock office, which being a substantial building and located at a higher level obscures views from further west in that direction. Lower level views from the west are obscured by adjacent industrial buildings. Views from Barry Town further north are obscured by the buildings located on Dock View Road itself. Views cannot be gained from the new Millennium Way port access road due to intervening vegetation. Views cannot be gained from the railway or from Barry Dock Railway Station for the same reason (Photograph 9). Longer distant views can be gained from a residential road (Dyfrig Street) located on the eastern edge of Barry Island at a distance of 0.7 km. These views are gained in the context of existing industrial buildings to the west and east of the site, and the chemical works in the distance (**Photograph 10**). Views from this direction will also be gained of the approved BioGen Energy Recovery Plant, seen in the foreground. Views of the site from the east/south east are not possible due to intervening dockside development.

2.7 Zone of Visual influence

Figure TAG 3, attached to this evidence shows the photograph viewpoints described above together with a zone of visual influence (ZVI) within which views of the site may be gained. The map does not imply that views will be possible from all points within the zone due to localised screening, but it sets the outer limits of potential views within a 1 kilometre distance. Longer distance views may be gained from higher ground in the location of Victoria Park to the north east but this is at a distance of nearly 1.5 kilometres and over a foreground dominated with other port uses.

2.8 Sensitivity of Receptors

From the baseline studies the following sensitive receptors are identified.

Landscape

The quality of the site itself in terms of ecology and visual appearance is such that it is not considered to be sensitive in respect of any change that might take place.

Visual Impact

Views from within industrial areas are not considered to be sensitive. Views from dwellings are normally considered to be sensitive though this has to be tempered with the understanding that there is no right to a view in planning law. Views from roads are not normally considered to be sensitive as they are transient in nature. Views from public footpaths are

considered to be sensitive if they are used for recreational purposes or are part of the civic realm.

2.9 Baseline Projection

If the site were not to be developed it is likely to remain either in its present condition (i.e. derelict and unused) or it would be redeveloped for some form of acceptable use within the use classes order. Air photograph coverage for the site shows that it was previously used for the storage of large vehicles and containers. The Unitary Development plan shows the site within an existing employment site and within land designated as 'Developed Coast'. The site does not fall within the area known as The Barry Waterfront which is located to the west of the site at a distance of 0.3 km. The location of this development area is identified on plan **TAG 3**. If the site remains un-used it will gradually colonise with maritime scrub vegetation.

3.0 THE APPEAL SITE, IMPACT ASSESSMENT AND EVALUATION

3.1 Construction Phase

3.1.1 The construction phase of development would involve the clearance of the site of existing vegetation, levelling, the excavation of ground for foundations, and the construction of an industrial building with flue stack and external parking areas. It is understood that there will be no external storage. The building size is proposed to be 60x45 metres in plant and 14.08 metres to the ridge. The flue stack indicated on the application plans is 20 metres high though it is understood that this will be lower. The colour of cladding and means of enclosure of the site are as yet undetermined.

3.1.2 Landscape Impacts

In landscape terms it is not anticipated that any impacts of significance will arise. This assessment is based upon the lack of any landscape features on the site worthy of retention, and its current derelict appearance. During the application process a consultation response from the Economic Development and Leisure Department of Vale of Glamorgan Council drew attention to the potential presence of a protected plant species (Rough Marsh Mallow, Althea hirsuta). An ecological survey of the site was undertaken by specialist consultants in January 2009 to establish presence or absence of the species. No specimens were found on site and the consultants considered that the habitat was not in general suitable for the establishment of the species though it was acknowledged that the survey was seasonally constrained. The Countryside Council for Wales having studied the report, were also of the view that the timing of the survey was such that the presence of the species could not be ruled out, but were of the view that the presence of the plant on the site would not prevent the development going ahead. They recommended that the site should be searched at the appropriate season and that if plants were discovered that they could be relocated to a receptor area within the site. The council's view over the matter was that there was no ecological objection to the proposal and that it could be dealt with by condition.

3.1.3 Visual Impact

In terms of visual impact, views of the construction activity including on site plant and possibly cranes will be present for a period of 12 months. Such activity might be seen from properties located on Dock View Road, but mainly from the upper floors of properties. Longer distance views would be gained from residential properties located on Barry Island. These views will be gained in the context of adjacent industrial and dock activity. My assessment of this impact is that it will be negligible.

3.2 Operational Phase

3.2.1 The operational phase refers to the period after the plant has been commissioned and is actively working.

3.2.2 Landscape Impacts

In my opinion there will be no adverse landscape impacts during the operational phase since there are no natural site assets of significance that will be removed. Should the protected species described in my paragraph 3.1.2 above be discovered on the site during the construction phase it would be relocated within the site and managed appropriately.

3.2.3 Visual Impacts

In my opinion the only significant views of the site will be views from domestic property located on Dock View Road and Dyfrid Street. I do not agree that the site is prominent in views from the Waterfront since screening is afforded from views to the west by the ridge of higher ground on which the Dock office is sited, and also by the Nissen huts on Woodham Road itself. In any event the change in visual impact would

amount to the introduction of a new industrial building into a highly industrialised setting. The scale of the new building would be no greater than industrial units constructed to the east of the site. This observation is endorsed by the opinion of the case officer who in preparing the report to Planning Committee stated that

:'as a consequence, the proposed industrial building, while some 14 metres tall would nevertheless relate to the character of nearby use and buildings and have no adverse visual impact on the amenity of the locality. Indeed the only element of the proposal which distinguishes it from any other large industrial building is the proposed 20m (possibly 16 m) high stack. Within its industrial context, however this would similarly have no adverse impact, appearing neither unacceptably prominent or out of character'. An extract from the officer's report is attached to my evidence as **Appendix 3.**

3.2.4 The flue stack would be a maximum of 20 metres high, which is only 6 metres higher than the building itself. Views gained from the properties described above would be gained in the context of substantial structures located on the dockside (Photographs 5, 6 and 7), and a major chemical complex with numerous tall and prominent chimneys (Photograph 10). The overriding element of the view is however the sea and on clear days the distant coastline of North Somerset. Even without mitigation I would assess any visual impact as negligible (i.e. imperceptible) assuming that the colour of the building and flue stack is appropriate to its surroundings. The flue will not emit any plume of smoke or water vapour and will cause no visual impact as the result.

3.2.5 Impact on Landscape Character

The existing character of the site and its surroundings is that of an industrial dockside landscape. It is described within the Unitary Development Plan as being within the 'developed coast'. The proposed development is considered therefore to be appropriate within its setting and I consider that there will be no adverse impact on landscape character. The site is not located within the Waterfront Regeneration area which is located to the west, and there is no inter-visibility between the two. In support of my assessment of the impact of the development on local character was the conclusion formed by the planning officer in his report to committee where he states:

'It is thus considered that the physical impact of the use and building would neither appear out of character or (be) unacceptably overbearing to the extent that it would cause demonstrable harm to the amenities of those residential properties living near the area'.

3.3 Mitigation

The planning application drawings show the building elevations to be coloured green though it is understood that the choice was indicative. In my opinion, given the location of the building, a palette of mid to dark grey would be more appropriate and we would recommend that the flue stack colour be graded from dark adjacent to the building to light grey above the roof line. Boundary treatments should be simple and be coloured black. On-site soft landscape is not considered necessary for screening purposes, but if required to satisfy bio-diversity objectives could be achieved by simple blocks of salt tolerant native shrubs located immediately adjacent to the boundaries of the site. This matter could be dealt with a standard planning condition.

3.4 Residual Impact of the Development Proposals.

In my opinion the residual landscape and visual impact of the development assuming appropriate attention to building and flue stack colour would be described as 'major beneficial'. It would bring about the development of what is at present an unused and unattractive parcel of land.

4.0 COMPARISON OF IMPACT, APPEAL PROPOSALS AND BIOGEN PROPOSALS

- 4.1 In December 2009, Vale of Glamorgan Council approved a planning application for a gasification waste to energy plant to be accessed from Atlantic Way within the Barry Docks complex. The proposal is relevant to this inquiry in as much as it would be a similar land use though at a much larger scale, and the Local Authority's handling of the application covered similar issues to the Appeal Site in terms of analysing potential visual impact and assessing the impact of the proposal on the character of the area and in particular the Barry Waterfront. The BioGen site is located to the south east of the Appeal Site at a distance of approximately 400 metres across the number 2 dock and immediately adjacent to an Associated British Ports building occupied by Scott Timber. The location of that site in relation to the Appeal Site and The Waterfront is indicated on my figure **TAG 1** which is a 1:10,000 scale extract from an Ordnance Survey plan.
- 4.2 The BioGen site incorporates four main elements consolidated into a structure with a maximum height of 27.6 metres high to the ridge of the energy recovery hall. In addition dust filters and 2 silos for dust and lime/carbon will be constructed with heights varying from 15 to 23.8 metres. Turbine and air cooler condenser units will be located outside the main building in an area 26x17 metres and with a height of approximately 10 metres. There will also be an emissions stack 45 metres high and 2.45 metres in diameter. The main building will be 76 metres long and 52 metres wide and have a footprint (excluding condenser units) of approximately 3952 square metres. By contrast the Appeal proposal will be 9.97 metres to the eaves, 14.08 metres high to its ridge, have a chimney of 20 metres height and 0.96 metres diameter, be 60 metres long and 45 metres wide and have a footprint of 2700 square metres. There will

be no external structures within the site. In summary the Appeal proposal has a volume of 47,522 cubic metres and the BioGen main building has an estimated volume of 84,500 cubic metres.

- 4.3 In reporting the proposal to planning committee the planning officer assessed the impact of the BioGen development on the regeneration of the Waterfront. An extract of the report forms **Appendix 4** to my evidence. The report states that:
 - "the development is considered to be a clean and high quality development which, while significant in terms of its size and scale, would respect its existing industrial context. Moreover the application is located approx 310m at its closest point from the Waterfront development (East Quay adjacent to Cory Way) and some 650m from 'South Quay' adjacent to the docks entrance with the site viewed against its industrial background in the majority of views from the waterfront development area'.
- 4.4 For comparison the Appeal Site is located 250 metres from East Quay and 440 metres from South Quay, but whereas there will be clear and uninterrupted views of the upper superstructure and chimney of the BioGen plant from these directions, (and from future phases of Waterside development), views of the building on the Appeal Site will be largely screened by the existing industrial units located on Woodham Road. Any views gained of the Appeal Site will also be seen in the context of an adjacent industrial background. The planning officer's reports were supportive in both cases, but given the context of a ground for refusal on the basis of adverse impact on the Barry Waterfront in respect of this Appeal it is surely an unsustainable premise that a building of nearly twice the bulk and greater prominence can be considered to be acceptable whereas the Appeal site proposals cannot.

- 4.5 The greater visual impact of the BioGen proposals, acknowledged as such by the Council, will be south facing views from higher ground to the north including Dock View Road. From that location the building and chimney will be seen silhouetted against the skyline. This will not be the case with the Appeal proposals, however, with only the roof being visible from certain viewpoints and in the context of adjacent industrial buildings of similar stature. Again the refusal of planning permission for one development on the basis of impact on the amenity of local residents cannot surely be sustained when set against the approval of another development that will cause (albeit acceptable) greater impact.
- 4.6 Cumulative Impacts of the Appeal Proposal and the BioGen proposal It might be considered that whereas the development of the BioGen site on its own would be acceptable, the additional development brought forward on the Appeal Site would be such to lead to adverse cumulative impacts in landscape terms. I do not agree with that premise for the following reasons.

4.7 Visual Impact and impact on character in relation to residential development to the north

The views from the north are panoramic and take in a matrix of existing industrial buildings within an area of land allocated for industrial and port related uses. The character of the landscape is that of industrial development, the landscape classification is that of 'Developed Coast'. In planning terms the expectation of residents has to be that any vacant site will at some time be developed for a use compatible with its land use designation. The entire area of land between the dock and Millennium way has an employment allocation. The scale of any other development that could take place is unlikely to be less than proposed for the appeal site. The BioGen and Appeal sites are not, in any event physically related.

They are separated by the dock itself and other existing industrial buildings. The larger BioGen site will be seen in the context of the Atlantic Mills building, which is similar in scale to the that proposal, the Appeal site will be seen in the foreground again related to buildings of a similar and much smaller scale. There is no obvious visual linkage and association between the two sites, both lie within an industrial setting though the BioGen site is, as I have already stated, much larger in scale. It is not feasible therefore that any cumulative impacts could arise.

4.8 Cumulative Impact on perceptions and confidence in the aspirations for the waterfront

The same parameters exist in predicting the cumulative impact on the developments on the 'Waterfront' as on residential development to the north. Both developments sit within a land use framework of industrial and dock related development and adjacent to employment allocations. The Waterfront is identified, however, as a separate discrete allocation on the UDP map. (My **Appendix 5**) and the allocation was presumably made in the expectation that the two separate areas could co-exist in land use planning terms. Within the UDP policy framework the visual impact of new industrial development on its surroundings is a material consideration and in the case of the BioGen site the particular scale of that development on the Waterfront was an issue considered by the Local Authority when approving that development. The Local Authority were content that no such impact would arise and had no reservations in that respect about the Appeal Site until formulating the reason for refusal. Taking the two sites together again, in views from the Waterfront the two developments do not sit side by side and there is no visual linkage between the two. Both will be seen in the context of their immediate adjacent surroundings, not as directly associated development.

It would be possible of course for the Waterfront scheme to take account of its location next to the dock area by the introduction of landscaped buffer zones between the two or indeed by the location of employment uses in that area to act as a transition.

5.0 PLANNING POLICY MATTERS – LANDSCAPE ISSUES

5.1 In their refusal notice The Local Authority refer to various Local Planning Policies with which they consider the Appeal Proposals do not comply. Planning policy matters in general are dealt with in a comprehensive manner in the evidence of my colleague Mr Sedgwick. Several of these policies refer to landscape related issues, however, and I set out below my observations on this alleged non-compliance from the viewpoint of my discipline.

5.2 Reason for Refusal 1 – Adverse Impact on the character of the Area

The Local Authority refer to 6 UDP policies in support of their refusal of which 4 have landscape or character related elements.

5.2.1 WAST 2 - Criteria for assessing waste management facilities

Among the criteria is one (vi) that requires a high standard of layout, landscaping and design. The council did not however identify any shortcoming in this respect in their assessment of the application as presented to the planning committee. The proposed building is similar in design to a unit recently constructed to the north east of the site as identified on my figure TAG 3 and my photograph 3. The colour of the cladding and boundary treatments can all be subject to planning condition. My own opinion is that the context of the site is such that a landscape scheme is unnecessary in a predominantly hard dockside environment but again this could be conditioned if thought appropriate.

5.2.2 ENV 27 Design of New Developments

Within this policy is a requirement (i) that new development complements the local character of buildings and open space. Clearly this would be the case as the site is located within an existing industrial area and indeed the redevelopment of the site would lead to an enhancement of character in replacing a previous open storage use and removing fly tipping and dereliction. Criterion iv) requires that development should minimise any detrimental impact on adjacent areas. As I have demonstrated in my evidence, in respect of potential visual impact, such impact would be minimal. Criterion v) require new development to ensure that existing soft and hard landscape features are protected and complemented by new planting, surface or boundary features. The only soft landscape feature that may be present is the Mallow. A survey at the appropriate season in advance of development commencing would allow the relocation and protection of any species identified and this could be dealt with by a planning condition. If thought appropriate native species shrub vegetation could be established on the boundaries of the site. There are no hard landscape features worthy of retention, but it is proposed to establish new secure boundaries that would be appropriate to the context of the site.

5.2.3 EMP 2 Proposals for New Business and Industrial Development

This policy sets out the criteria that need to be met for new business and industrial developments to be permitted. Criterion iii) requires the size and relationship of any new building and/or alteration or extension to be in proportion to its size and setting. As discussed earlier in this evidence, however, the proposed building is similar in scale to adjacent industrial buildings. Criterion v) requires adequate landscape to be provided. A suitable planning condition could deal with this issue though as previously noted the need for landscape treatment in this particular location is debateable.

5.2.4 EMP 3 – General Industry

Policy EMP 3 deals with General Industry. Criterion i) requires the proposal to be compatible with existing business/industrial/warehousing uses. In terms of visual impact and design the officer's report to committee states that: 'in terms of its wider context it clearly relates primarily to the

wider industrialised area of Barry Docks'. And 'the area is indisputably industrialised in character and the addition of a new industrial building would, in this context, not appear out of place.' Criteria iii) requires that the nature and scale of the proposed development should not unacceptably affect surrounding uses. Since the surrounding uses are all industrial, with the exception of disused land and a railway to the north, this criterion does not apply.

5.3 Reason for Refusal 2, - Adverse Impact on the Waterfront Developments

5.3.1 The Council refer to Policies ENV 25, ENV 27 and the Barry Waterfront Development Principles, Supplementary Planning Guidance in this reason for refusal.

5.3.2 Policy ENV 25- Regeneration of Urban Areas

This policy seeks to improve the quality of the urban fabric, particularly within the former dockland of Barry and Penarth. Paragraph 3.9.4 of the reasons and explanation for the policy states that:

'Special attention has been paid to the regeneration of the former dockland at Penarth and Barry for residential, retail, leisure and business use. Schemes for the regeneration of both docklands have commenced and it is envisaged will be completed during the plan period.'

The location of the Barry Waterfront in relation to the Appeal site is shown on my Figure TAG 1 which is included within my appendices. It can be seen that the Appeal Site does not fall within the Barry Waterfront. The Appeal Site is located within an area designated within the adopted Unitary Development Plan as 'Developed Coast', and as an existing Industrial development Site. I attach as **Appendix 5** an extract from the Vale of Glamorgan UDP map annotated to show the Appeal Site Location. It can be seen that the Appeal Site is separated from the Waterfront by

existing industrial units. It is difficult to understand how the Appeal proposal can conflict with this policy. The site was previously used for the storage of containers and this use could be continued without the need for planning permission. The Appeal proposals will lead to enhancement of the site which will benefit the Waterfront rather than detract from it.

5.3.3 ENV 27 Design Of New Developments

The relevant criteria in respect of this policy are discussed in paragraph 5.2.2 above.

5.3.4 The Barry Waterfront Development Principles

I have studied this document which is a design brief for the Waterside itself. It does not refer to the adjacent working docks other than in terms of general context, nor does it even suggest the need for buffer landscape between the two elements, though of course given the large extent of the Waterside development this would be entirely possible. I note also that the current proposals for the Waterfront include areas closer to the existing industrial dock side uses than indicated on the adopted Unitary Development Plan and presumably the selection of the areas concerned was made in the knowledge and understanding that the existing uses would be compatible with those proposed.

6.0 SUMMARY AND CONCLUSIONS

6.1 Location and Context

The location and context of the site is shown on **Plan TAG 1** appended to this evidence. The site is located within the Barry Dock complex The town centre is located to the northwest at higher level. Adjacent to the site to the site to the west are a row of Nissen type industrial buildings. To the east of the site is open, unused land and a number of fairly modern warehouse or industrial buildings, a scrap metal yard and a haulage depot. To the south of the site is the number 2 dock and beyond the dock is a grain mill, substantial industrial buildings and open storage of containers and pallets. A large chemical works complex is present to the north east, The nearest residential development is located on Dock View Road to the north and at a distance of 370 metres..

6.3 Site Characteristics

The site extends in area to 0.77 ha. It is flat and open with formal boundary enclosure only to the east. There are no buildings present on the site. An ecological survey of the site was undertaken by specialists. In landscape terms it is derelict and strewn with litter and fly tipping. **Photograph 1** shows the nature of the site itself and a plan showing the site as existing is attached to this evidence as **TAG 2**.

6.4 Landscape Policy and Designations

Neither the site nor adjacent land is subject to any National or Local designation in landscape terms. An Area of Special Landscape is located to the north of Barry, but there is no intervisibility between the two. The location of the ASL is shown on **Appendix 2**. The Appeal site falls within the 'Barry' landscape area. The classification for the site and its surroundings for visual and sensory factors is rated as '**Urban**' and the evaluation is '**Low**'.

6.5 Visual Amenity and Prominence

The site is open to view from the immediately adjacent road network Distant views are possible from higher ground to the north along Dock View Road (Photographs 5, 6, 7 and 8). The views of the Appeal Site from the north are not constant. and are in the context of existing industrial buildings. Views from Barry Town further north are obscured by the buildings located on Dock View Road itself. Longer distant views can be gained from a residential road (Dyfrig Street) located on the eastern edge of Barry Island at a distance of 0.7 km. These views are gained in the context of existing industrial buildings to the west and east of the site, and the chemical works in the distance (Photograph 10). Views from this direction will also be gained of the approved BioGen Energy Recovery Plant, seen in the foreground. Views of the site from the east/south east are not possible due to intervening dockside development. Figure TAG 3, shows the photograph viewpoints described above together with a zone of visual influence within which views of the site may be gained.

6.6 If the site were not to be developed it is likely to remain either in its present condition (i.e. derelict and unused) or it would be redeveloped for some form of acceptable use within the use classes order. The Unitary Development plan shows the site within an existing employment site and within land designated as 'Developed Coast'. The site does not fall within the area known as The Barry Waterfront which is located to the west of the site at a distance of 0.3 km.

6.7 Impact Assessment and Evaluation- Construction Phase

6.7.1 The construction phase of development would involve the clearance of the site of existing vegetation, levelling, the excavation of ground for foundations, and the construction of an industrial building with flue stack and external parking areas. It is understood that there will be no external storage. The building size is proposed to be 60x45 metres in plan and

14.08 metres to the ridge. The flue stack indicated on the application plans is 20 metres high though it is understood that this will be lower. The colour of cladding and means of enclosure of the site are as yet undetermined.

6.7.2 In landscape terms it is not anticipated that any impacts of significance will arise. This is based upon the lack of any landscape features on the site worthy of retention, and its current derelict appearance. The ecological survey of the site was undertaken to establish presence or absence of a protected species. Neither the Countryside Council for Wales, nor the Council considered that if the species were present that it would prevent the development proceeding.

6.7.3 Visual Impact

Views of the construction activity including on site plant and possibly cranes will be present for a period of 12 months. Such activity might be seen from properties located on Dock View Road, Longer distance views would be gained from residential properties located on Barry Island. These views will be gained in the context of adjacent industrial and dock activity. My assessment of this impact is that it will be negligible.

6.7.4 Operational Phase

In my opinion there will be no adverse landscape impacts during the operational phase since there are no natural site assets of significance that will be removed. In terms of visual impact the only significant views of the site will be views from domestic property located on Dock View Road and Dyfrid Street. My assessment of impact is shared by the Local Authority planning officer who stated in his report to committee that the only element which distinguished it from any other large industrial building was the stack and that within its industrial context there would be no adverse impact. An extract from the officer's report is attached to my

evidence as **Appendix 3.** Even without mitigation I would assess any visual impact as negligible.

6.7.5 Impact on Landscape Character

The existing character of the site and its surroundings is that of an industrial dockside landscape. The proposed development is considered therefore to be appropriate within its setting and I consider that there will be no adverse impact on landscape character.

6.7.6 Mitigation

The planning application drawings show the building elevations to be coloured green. In my opinion, a palette of mid to dark grey would be more appropriate and we would recommend that the flue stack colour be graded from dark adjacent to the building to light grey above the roof line. In my opinion the residual landscape and visual impact of the development would be described as 'major beneficial'. It would bring about the development of what is at present an unused and unattractive parcel of land.

6.8 Comparison of impact, appeal proposals and BioGen proposals

6.8.1 In December 2009, Vale of Glamorgan Council approved a planning application for a waste to energy plant within the Barry Docks complex. The BioGen site is located to the south east of the Appeal Site across the number 2 dock. The BioGen site has a structure with a maximum height of 27.6 metres high, There will also be an emissions stack 45 metres high. By contrast the Appeal proposal will be 14.08 metres high, and have a chimney of 20 metres height. It will have a building footprint and mass much smaller than the BioGen proposal.

6.8.2 In reporting the proposal to planning committee the planning officer considered that the BioGen development would have no adverse impact on the regeneration of the Waterfront. An extract of the report forms Appendix 4 to my evidence. In comparing the location and scale of the BioGen site with the Appeal site it is my opinion that the Appeal site proposals would also have no adverse impact. In my opinion it is an unsustainable premise that a building of nearly twice the bulk and greater prominence can be considered to be acceptable whereas the Appeal site proposals cannot.

6.8.3 Cumulative Impacts

It might be considered that whereas the BioGen proposal would be acceptable on its own, the Appeal Site proposals would in some way 'tip the balance' and lead to an unacceptable impact, both on the amenity and character of local residential areas and also on the setting and perception of the Waterfront. I have addressed both issues in my evidence and I conclude that such cumulative impact will not arise, in particular because the two developments will not be viewed in any associative way, but as separate developments in an industrial context. I attach a relevant abstract from the UDP map on **Appendix 5**.

6.9 Planning Policy Matters- Landscape Issues

6.9.1 In their refusal notice The Local Authority refer to various Local Planning Policies with which they consider the Appeal Proposals do not comply. Several of these policies refer to landscape related issues, however, and I set out in my evidence my observations on this alleged non-compliance. It is my opinion that none of the 4 landscape related UDP policies cited by the Local Authority in support of their reason for refusal 1 are actually breached. All the issues raised can be dealt with by planning condition if necessary. In terms of Reason for refusal 2, the Local Authority refer to

Policies ENV 25, ENV 27 and the Barry Waterfront Development Principles. Again I set out in my evidence an analysis of those policies in relation to the Appeal site and conclude that no breach of policy would occur. In particular I highlight the lack of inter-visibility between the Appeal Site and the Waterfront development.

6.10 Conclusion

In conclusion I consider that there will be no adverse visual or landscape character impacts on either the adjacent residential areas or the Waterfront development arising from the Appeal site proposals and a refusal of planning permission on those grounds cannot be sustained.

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by SUNRISE RENEWABLES LTD

PROPOSED RENEWABLE ENERGY PLANT AT WOODHAM ROAD, BARRY

APPENDICES TO PROOF OF EVIDENCE OF DAVID APPLETON NDH MA MLI CHARTERED LANDSCAPE ARCHITECT

APRIL 2010



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Photographs, Sheets 1 and 2

Criteria used for determining the significance of impacts

Significance of Impacts

Landscape Criteria

The following criteria were used to determine the impacts on the landscape:

- 1. The quality and value of existing features.
- 2. The ability of the landscape to absorb new features.
- 3. The scale and degree of change.

The significance of landscape impacts is defined as follows:

Major (positive)

The proposed scheme would improve the quality of the landscape through the removal of damage caused by existing land-use and the introduction of new appropriate landscape features. It would strengthen the landscape character.

Moderate (positive) The proposed scheme would improve the quality and character and fit in well with the scale, land-form and pattern of the landscape. It would enable the restoration of valued characteristics partially lost through current and previous land uses.

Minor (positive)

The proposed scheme would improve the quality of the landscape through removal of damage caused by current and previous land-use. It would fit well with the landscape character.

Negligible

An imperceptible change in landscape character the proposed scheme would be absorbed into the wider landscape type and the existing landscape quality would be maintained.

Minor (adverse)

The loss of only a limited amount of valuable natural features. Changes in character of very local significance. The proposed scheme would not be easily absorbed into the land-form and the scale of the landscape impacts could be fully mitigated.

Moderate (adverse) The loss of vegetation/natural features considered to be over mature or lacking visual diversity. The proposed scheme would be out of scale and not fit into local landscape patterns and land-forms. Mitigation possible.

Major (adverse)

The loss of valuable mature vegetation with a life span or other natural features that cannot be replaced within a time-scale of 25 years. Proposals would be a complete variance with the land-form, scale and pattern of landscape. They would permanently degrade, diminish or destroy the integrity of valued, characteristic features, elements and/or their setting. Impacts would cause a very high quality landscape to be permanently changed and its quality diminished. The proposed scheme could not be fully mitigated and may cumulatively amount to a severe effect.

Visual Amenity Criteria

An assessment was made in terms of the significance of perceived impact by the following criteria:

- The receptor's sensitivity and activity type. Receptors that have a
 greater awareness of the view such as residential occupiers and
 walkers will notice the introduction of new features more than those
 who are not absorbing the view.
- The distance of the viewpoint from the proposed site. The greater
 the distance of the viewpoint from the feature the less detail is
 observable and it becomes more difficult to distinguish the feature
 from the background.
- 3. The duration of the perceived impact. The number of potential receptors will increase as the duration of the impact increases.
- 4. The scale and degree of the proposed scheme. The greater the proportion of the view that is taken up by the proposed feature the greater the impact.
- 5. The elevation of the proposed feature from the viewpoint. If the proposed feature is viewed against the sky then the impact will be greater than if the feature is viewed against a background.

The significance of the visual amenity impacts is defined as follows:

Major (positive) Improving visual amenity of highly sensitive receptors. Improvement of a view from recognised

and important viewpoints, several public views and

at close quarters.

Moderate (positive) Improvement of visual amenity of sensitive

receptors at some distance.

Minor (positive) Improvement of visual amenity to a limited number

of receptors or inconsequential viewpoints. A view

that would be transient in nature or the proposed

scheme would only be partially seen from viewpoints.

Negligible

Only a very small part of the proposed scheme would be discernable and/or at such distance that it would scarcely appreciated.

Minor (adverse)

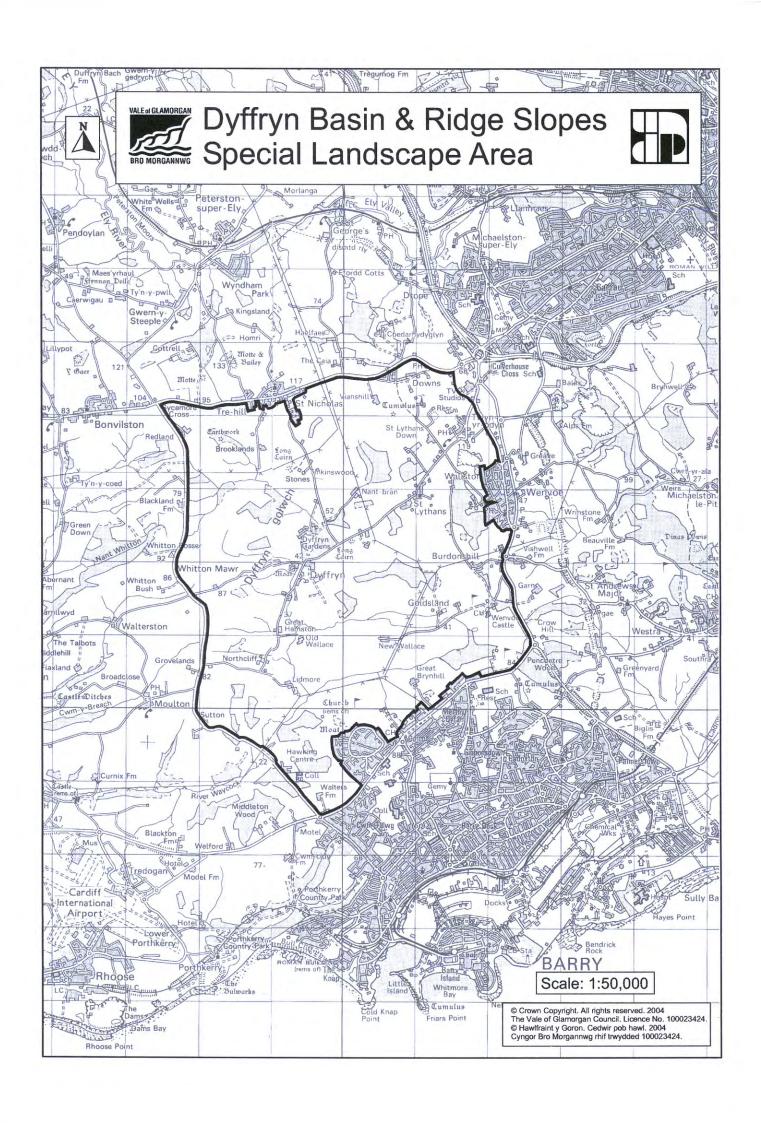
The proposed scheme constitutes only a minor component of the wider view, which might be missed by the receptor. Awareness of the proposed scheme would not have a marked effect on the overall quality of the view.

Moderate (adverse) Proposals may form a visible and recognisable new intrusive element within the overall scene and be readily noticed by receptor. Deterioration of the visual amenity to a limited number of receptors, or inconsequential viewpoints. View that would be transient in nature or only partly seen from viewpoints.

Major (adverse)

The proposed scheme would form an intrusive and immediately apparent part of the scene which changes and affects the entire view. Significant deterioration of visual amenity of highly sensitive receptors or deterioration to views from recognised and important viewpoints.

Extract from 'Design in the Landscape' SPG



Extract from Officer's Report to Committee

4. Visual Impact / Design.

The application site is located to the immediate east of the industrial/ commercial units within the old Nissen huts on Woodham Road, and has most recently been occupied by an industrial use with storage containers etc. (such use having recently been cleared).

The site is clearly visible from Fford y Milleniwm and higher ground (Dock View Road etc) to the north, and (up close and at a distance) from Barry Island and the Waterfront in general to the west, as well as generally from the Docks.

Nevertheless, in terms of its wider context, it clearly relates primarily to the wider industrialised area of Barry Docks.

As a consequence, the proposed industrial building, while some 14 metres tall, would nevertheless relate to the character of nearby use and buildings, and have no adverse visual impact on the amenity of the locality. Indeed, the only element of the proposal which distinguishes it from any other large industrial building is the proposed 20m (possibly, 16m) high stack. Within its industrial context, however, this would similarly have no adverse impact, appearing neither unacceptably prominent or out of character.

While it is appreciated that the Docks are overlooked by houses from an elevated height in and around Dock View Road – with the visual impact of the proposal on residential amenity having been raised in local representations, including matters relating to the impact on or loss of view - the area is indisputably industrialised in character and the addition of a new industrial building would, within this context, not appear out of place.

In addition, the industrial process would take place entirely within the building, other than the delivery/ off loading of timber (which would be to the southern side of the building, and therefore primarily screened from views from the north) and the majority of the site would be open/ landscaped.

Conditions would be required on matters including materials, landscaping, no open storage, and external lighting (of site and building).

For those reasons discussed in greater detail above, it is thus considered that the physical impact of the use and building would neither appear out of character or unacceptably overbearing to the extent that it would cause demonstrable harm to the amenities of those residential properties living near the area. Accordingly, it is concluded that the proposal would not have any unacceptable visual impact, and would accord with the objectives of the policies listed in the policy section above, including WAST2, ENV27, COMM8, EMP2 and EMP3.

5. Traffic Management / Access.

The application has been accompanied by a Transport Assessment and a Green Travel Plan (GTP), with the Transport assessment (and accompanying Planning Statement) advising as follows:

BioGen Energy Recovery Proposals

In response to the above concerns, the overall heights of the building have been reduced, and a more 'curved' solution offered to the fins on the building, which have somewhat softened the impact of the building, if not providing a wholly new or outstanding example of industrial architecture. Nevertheless, although the building's design is not dramatically contemporary or unique, it is considered to satisfactorily respect its prominent location and relationship between the light/heavy industrials areas and the predominantly residential areas nearby (including the waterfront development area).

In considering the physical impact of the development, on request, the applicants have also provided figures and cross-sections demonstrating the height of the buildings compared to local landmarks, in order to contribute to an assessment of such landscape impact. In this respect it is notable that the ridge height to the proposed Energy Recovery Hall is 27.6m AOD, compared to 29.2m to the ridge of the Council's Dock Office, and 34.9m to the ridge of the Atlantic Mills building. This is considered to demonstrate that the building will undoubtedly become a landmark insofar as it would exceed all but the Dock Office and Atlantic Mills buildings in the immediate area, while its 45m stack would clearly exceed all but the stacks on the chemical works to the east. This in itself, however, does not make the development unacceptable.

Impact on Regeneration of Waterfront

A number of representations have raised concerns about the impact of allowing such substantial (and in their eyes harmful) development so close to the waterfront redevelopment area, considering that this would have an adverse effect on its regeneration and general visual amenity.

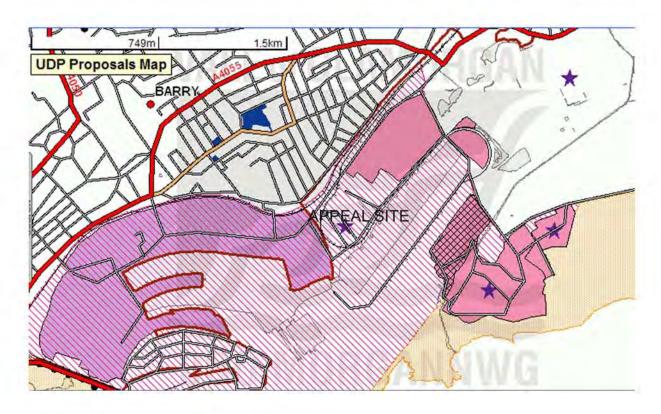
These views are acknowledged, and clearly the impact of such a substantial new development in the area upon the waterfront is a material consideration.

Nevertheless, for the reasons given above, the development is considered to be a clean and high quality development which, while significant in terms of its size and scale, would respect its existing industrial context. Moreover, the application site is located approx 310m at its closest point from the Waterfront development (East Quay adjacent to Cory Way) and some 650m from 'South Quay' adjacent to the docks entrance, with the site viewed against its industrial background in the majority of views form the waterfront development area.

Accordingly, although the proposed development would undoubtedly stand out in local views, it is considered that the relationship of the site and development to the Waterfront as a whole is such that it would not unacceptably detract from either the prospects of such regeneration going ahead (an application for outline consent for mixed use is due to be submitted shortly), nor would it detract form the high quality mixed use development the Council will be actively requiring through such submissions. In this respect, it is also noted that the applicant has submitted a letter of support from the consortium developing the Waterfront

Furthermore, the development has the potential to make a positive contribution to the regeneration of Atlantic Way and the Atlantic Trading Estate as a whole, given the investment in a high quality, visually-appealing development, which may also attract other higher quality developments to the locale.

Extract from Vale of Glamorgan UDP

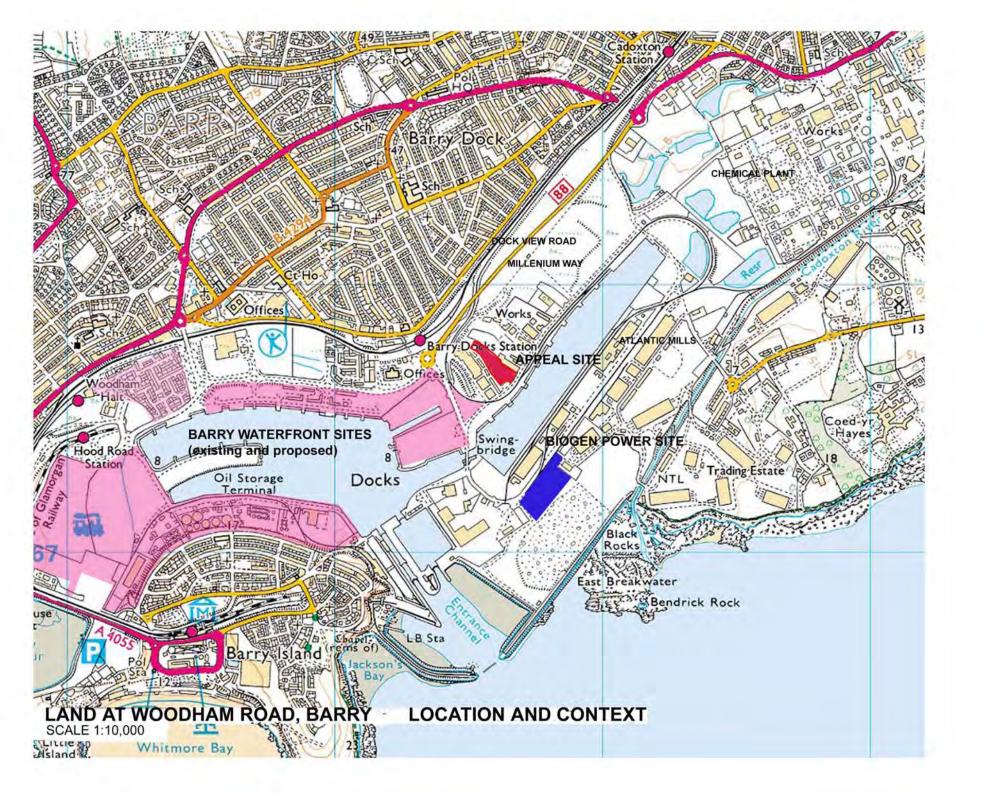


*	K	Existing Employment Site
	V	Employment Allocation
	V	Non Conforming Uses
	V	RAF St. Athan
[-] Enviro	onme	ent
	V	Developed Coast



KEY

WOODHAM ROAD, BARRY EXTRACT FROM UDP MAP

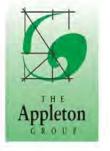




TAG 1

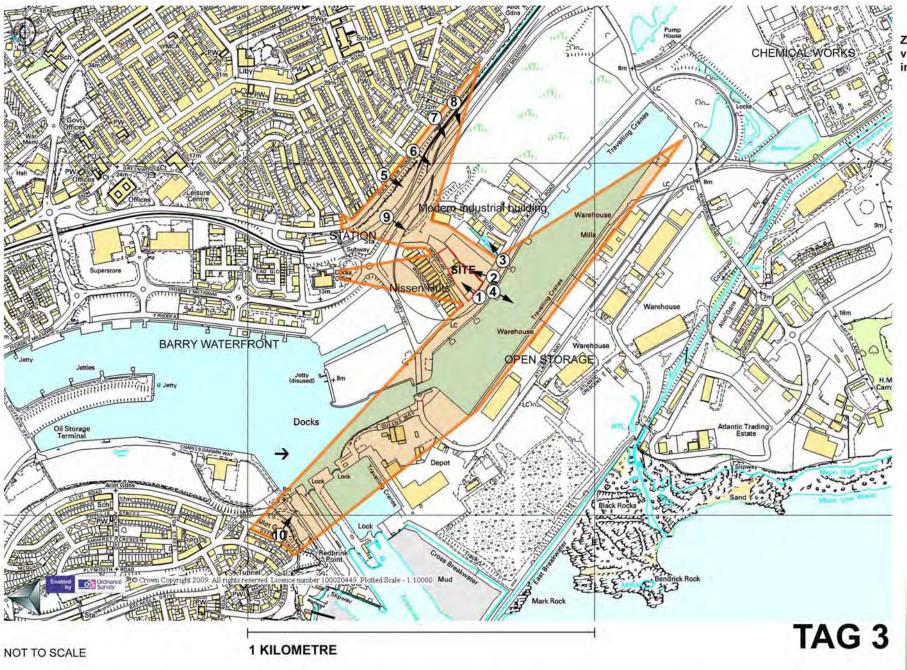


TAG 2



Land at Woodham Road, Barry

Site characteristics



Land at Woodham Road, Barry Photograph locations

KEY

Zone of visual influence





Photograph 1, Panorama of site from southern boundary



Photograph 2, Looking towards eastern boundary from adjacent site Photograph 3, Adjacent site to east and new industrial building



Photograph 4, Panorama of dockside south of site



Photographs sheet 1 Land at Woodham Road, Barry



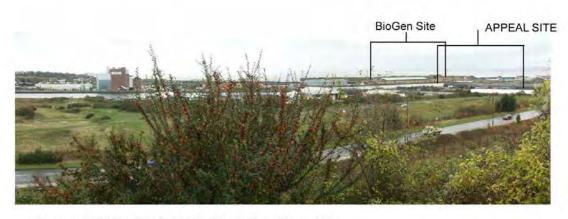
Photograph 5, View of site from Dock View Road/ Castleland Street Junction



Photograph 6, View from Dock View Road near Sea View Labour Club,



Photograph 7, View from Dock View Road, Lower Pyke Street Junction



Photograph 8 View from Dock View Road, Opposite no 162



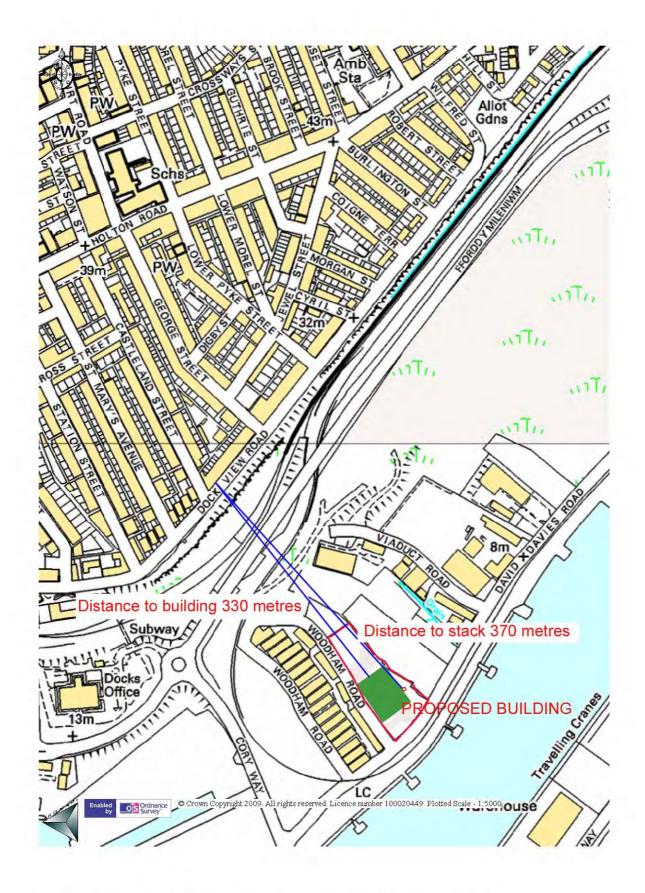
Photograph 9 View from Dock Railway Station (site not visible)



NOTE; SITE INDICATOR LINES ARE INDICATIVE OF LOCATION AND NOT COMPARITIVE SCALE OR MASSING



Land at Woodham Road Barry Photographs sheet 2



WOODHAM ROAD, BARRY SITE MEASUREMENTS

Scale 1:5000

