

**6 DCSE2006/3267/F - ERECTION OF (SPANISH) POLYTUNNELS TO BE ROTATED AROUND FIELDS AS REQUIRED BY CROPS UNDER CULTIVATION AT PENNOXSTONE COURT, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX.**

**For: Mr N J Cockburn per Antony Aspbury Assoc. Ltd,  
20 Park Lane Business Centre, Park Lane, Basford,  
Nottingham, NG6 0DW.**

**Date Received: 11th October, 2006      Ward: Old Gore      Grid Ref: 55963, 28531**

**Expiry Date: 10th January, 2007**

Local Member: Councillor J.W. Edwards

**1. Site Description and Proposal**

- 1.1 Kings Caple is located some eight miles south of Hereford. It is positioned on the higher ground within a large bend in the River Wye with Hoarwithy being on the opposite (west) bank of the river. Pennoxstone Court is a farm at the west end of the village and comprises a house together with a range of buildings, one of which (the Stables) is Listed. None of the buildings are of the scale normally associated with modern agriculture. The buildings themselves have integrated into the local landscape. The principal area of land associated with Pennoxstone lies to the west and south where it is bounded by the River Wye.
- 1.2 This proposal relates to some 116 ha of land both owned and rented by the applicant. The land owned is all that land directly adjacent to Pennoxstone (some 86 ha) with the rented areas in two blocks - one to the north of the Church (some 22.6 ha) and the other at Poulstone Court at the eastern end of the village (some 8 ha).
- 1.3 The application is for the erection of (Spanish) polytunnels to be used for the growing of soft fruit and to be rotated around the holding. The polytunnels comprise curved and interlinked metal frames the legs of which are inserted into the ground and typically their width is 6.5 - 8 metres with the height 3 - 3.7 metres. Their length varies. The frames are covered with clear polythene during the harvesting period. The application proposes that any planning permission should cover a total area of some 67 hectares but that at any one time only some 30 hectares would be used for polytunnels.
- 1.4 The site is within the Wye Valley Area of Outstanding Natural Beauty and Area of Great Landscape Value. Pennoxstone Court and the land adjacent to it and extending on its south side is identified as an historic park and garden. The Council's Landscape Character Assessment identifies the land as "Principal Settled Farmlands". The River Wye is an SSSI/SAC. Parts of the site are within the flood plain of the River Wye.
- 1.5 The application is supported by a covering letter and a number of reports, which will be referred to later in this report.

**2. Policies****2.1 Planning Policy Statements**

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG21	-	Tourism
PPG25	-	Planning and Flood Risk

**2.2 Regional Spatial Strategy for the West Midlands**

Policy PA14	-	Economic Development and the Rural Economy
Policy PA 15	-	Agriculture and Farm Diversification
Policy QE1	-	Conserving and Enhancing the Environment
Policy QE5	-	Protection and Enhancement of the Historic Environment
Policy QE6	-	The Conservation, Enhancement and Restoration of the Region's Landscape
Policy QE7	-	Protecting, Managing and Enhancing the Region's Biodiversity and Nature Conservation Resources
Policy QE8	-	The Water Environment

**2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

## Part I

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage

## Part II

Policy DR1	-	Design
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR6	-	Water Resources
Policy DR7	-	Flood Risk
Policy E13	-	Agricultural and Forestry Development
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA2	-	Landscape Character
Policy LA4	-	Protection of Historic Parks and Gardens
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Biodiversity and Development
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy HBA4	-	Setting of Listed Buildings

**2.4 Hereford and Worcester and Structure Plan**

Policy CTC1	-	Areas of Outstanding Natural Beauty
Policy CTC2	-	Areas of Great Landscape Value

Policy CTC3	-	Sites of National and International Importance
Policy CTC4	-	SSSI's
Policy CTC6	-	Landscape Features
Policy CTC7	-	Development and features of Historic Importance
Policy CTC9	-	Development Requirements
Policy A3	-	Agricultural Buildings

## 2.5 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C1	-	Development within open countryside
Policy C4	-	AONB Landscape Protection
Policy C5	-	Development within AONB
Policy C6	-	Landscape and AONB
Policy C8	-	Development within AGLV
Policy C9	-	Landscape Features
Policy C10	-	Protection of Historic Parkland
Policy C12	-	Protection of Nature Conservation Sites
Policy C12A	-	SAC Protection
Policy C20	-	Protection of Historic Heritage
Policy C29	-	Setting of a Listed Building
Policy C44	-	Flooding
Policy C45	-	Drainage
Policy C46	-	Water Abstraction
Policy ED9	-	New Agricultural Buildings
Policy T3	-	Highway Safety Requirements

## 2.6 Other Policy and Guidance

Code of Practice for the Temporary Agricultural Use of Polytunnels  
 Landscape Character Assessment  
 Kings Caple Parish Plan – 2006  
 Wye Valley Area of Outstanding Natural Beauty Management Plan 2004-2009

## 3. Planning History

- 3.1 There have been no previous planning applications at this site. However in November 2005 an Enforcement Notice (EN2005/0090/ZZ) was served with regard to the erection without planning permission of polytunnels for the protection of soft fruit. The Notice required the demolition and removal of the polytunnels. An appeal has been lodged which is due to be heard at a Public Inquiry in February 2007.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency - OBJECTS to the proposed development, as submitted, on the following grounds:

Water Resources:

Proposed Method of abstraction

Whilst the application form states that there will be mains water supply to the development, it is understood that the Applicant is likely to abstract water by a method known as 'trickle irrigation'. It should be noted that this method of irrigation is currently exempt from requiring a water abstraction licence. The Water Act 2003 ends this exemption and will bring trickle irrigation into the licensing system. However, we do not expect the new controls on trickle irrigation to be implemented before April 2008.

Habitats Directive (abstraction from the river Wye)

The river Wye, adjacent to the site, is a Site of Special Scientific Interest (SSSI) and has been designated a Special Area of Conservation (SAC) under the Directive for the presence of a range of internationally important species. The Environment Agency is carrying out a Review of Consents (RoC) as part of its statutory duty to implement the European Union Habitats Directive. There are concerns that abstractions from the river Wye, and its tributaries have the potential to cause an adverse effect on SAC features through flow depletion and resultant loss of marginal habitat.

Although the applicant is abstracting water lawfully within current legislation, exempt abstractors will be treated as being similar to other licensed abstractors whose licences are being reviewed under the Habitats Directive.

We are therefore seeking more information to enable us to:

- \* Assess with better confidence the amount of water abstracted by lawful users;
- \* Assess with better confidence how much of the river flow we need to protect for SAC species;
- \* Accurately assess the amount of water available for future abstraction.

The applicant, of this planning application, is one of many in the industry we have contacted to assist with the collation of data. Once we have collated as much data as possible we will then be able to assess whether the activity alone and in-combination has a potentially adverse effect on the integrity of the SAC.

Assessment -

Notwithstanding the above, an assessment would be required, at this stage, under section 48 of the Habitats Regulations (1994). The Local Authority are the competent authority under the Habitats Regulations. Natural England should also be consulted on the above aspect and be made aware of the potential issues.

Proposed Water Use and Water management

In the context of the River Wye being a designated SSSI and SAC, we would seek clarification, as part of the planning application, on the proposed water use and water management. The applicant should carry out a Water Audit.

The Water Audit could include identification of a number of water efficiency measures, which, for example, may include rainwater harvesting from water run-off from the polytunnels and/or re-circulation programmes. We recognise from supporting documentation that local watercourses and ponds would benefit from water run-off (which we support in line with PPS9) and so a balance between harvesting/re-circulation and environmental enhancement will need to be carefully considered within any audit. The issues arising from the above submission may be a material planning consideration.

Upon review of the above information and reassurance on water use and management, if there is uncertainty over the potential impacts at this stage, it is likely that we may recommend appropriate planning conditions.

#### Surface Water Flood Risk:

We have considered the Drainage Appraisal, as produced by JDIH (Water & Environment) Ltd, dated October 2006, as submitted in support of the above planning application.

We normally recommend, as best practice that polytunnels are aligned across the principal slope direction. However, there are instances where this is not feasible due to the steep gradient of the topography and the likelihood of machinery slips or overturns as a result.

Where the polytunnels are aligned with the slope direction there will be an increase in the peak runoff rate, which potentially may cause erosion of the land, transport large quantities of sediment and exacerbate flooding downstream of the site. In this case, the proposal is a combination of the two.

It is noted within the report that the rainfall runs off the polytunnels instantaneously to the ground surface. Therefore, in order to reduce the impacts of this in terms of the concerns mentioned above, the proposals are to provide storage and reduce erosion within each of the leg row channels. This is achieved by lining the channels with straw to increase runoff depth and reduce the slope/overland flow velocities. This is considered an acceptable practice in reducing rapid run-off. We would recommend that at the locations of the leg row stands a straw bale is placed immediately upstream within the channel, as this should help to maintain the integrity of the lining between each support. It is also noted that at the downstream extents/open ends of the polytunnels, the runoff from each leg row will be further dispersed through wide vegetated grassed headlands or along heavily vegetated tree lined hedgerows as shown in Figure 4. This is also considered as acceptable practice to reduce rapid runoff.

Finally, successful management of drainage from the polytunnels is dependant on proactive management of drainage through the leg row channels and the dispersal of drainage across meadows (grassed areas).

We note that the report has satisfactorily considered the 1 in 100 year storm period (for rainfall) and that a 20% increase has been included to take into account the effects of climate change. We would recommend that surface water runoff within this catchment is discharged at a rate no greater than 10 litres/sec/hectare. It would appear from Table 1 and 5 of the report that the discharge rates from Areas B, C, D, E and G comply with this runoff requirement.

For example: Area of Polyunnel (Area B) 52,950 m<sup>2</sup> divided by 10,000 = 5.29 hectares. 5.29 hectares x 10 litres/sec/hectare = 52.9 litres/sec maximum allowable runoff rate. This is greater than the actual designed rates in the range of 44 - 47 litres/sec/hectare for this area as indicated in Table 5.

Areas A and F do not comply with the 10 litres/sec/hectare, so we would recommend that the Applicant incorporate additional storage with the leg row channels within these areas (A and F) to balance this deficit. It is recommended that this is confirmed at this stage, as part of the FRA, however it is likely that we will recommend a suitably

worded planning condition to secure surface water is undertaken in accordance with the above, upon the resolution of other material planning considerations. We also note that the proposed discharge from the other areas as indicated within Table 5 suggests an overall net reduction/betterment.

Provided that the drainage of the polytunnels is actively managed as suggested within this report, we would have no objection to this aspect of the proposal.

#### Fluvial Flood Risk:

Parts of the area edged red are located within the high-risk, 1% floodplain, based on the Flood Zone 3 map (copy as enclosed).

Part of the site (including some of the areas edged red) are located within the historic floodplain (1947 event) of the River Wye. I have enclosed a copy of the historic map, for your information. It is understood that the historic floodplain tracks alongside the western edge of the site, along the 40 metre contour line. Parts of the site also lie within the indicative high risk Flood Zone 3 (1% annual probability floodplain).

To clarify the extent of 1% (high) flood risk, to the site, we would expect the submission of a Flood Risk Assessment (FRA) including a topographical survey, in line with PPG25, to demonstrate the modelled 1% flood level (for the River Wye). However, in the absence of a hydraulic model (to ascertain the 1% level) we would use the alternative equivalent historic (1947) floodplain level of 40.0m AOD.

In policy terms, we would not wish to see polytunnels on land which falls within the 1%, floodplain, as polytunnels would be likely to effect flood flows. There may also be an increased risk of flooding elsewhere if polytunnels are washed out during a flood event, with the potential for blockages downstream.

Whilst the FRA, as submitted, has not considered this fluvial flood risk, the letter (planning statement) dated 11 October 2006, from Anthony Aspbury Associates addresses this point. Page 2, of the letter dated 11 October, which outlines that the Applicant seeks permission "to locate polytunnels anywhere within the application site area". However, it acknowledges that there are areas of the site which are located within the floodplain, where it is "neither operationally possible, nor desirable to site tunnels". The letter states that the Applicant is "willing in principle, therefore, to agree (with your authority) to define areas where tunnels may, or may not be positioned", through a planning condition and/or legal agreement.

On this basis, following resolution of other material considerations, as outlined above, we would recommend use of an appropriately worded planning condition. This should ensure that there are no polytunnels (subject to this permission) sited on land lower than 40.0 m AOD (extent of the historic floodplain).

The following condition would be recommended to secure no polytunnel development within the floodplain.

#### CONDITION:

There shall be no polytunnels sited on land lower than 40.0m AOD, as indicated upon Plan Ref. P:/Aspbury (5606)/Pennoxstone Court. Fig 1, dated 25/8/06, unless otherwise agreed in writing by the Local Planning Authority.

REASON - To maintain the conveyance of flood flows and to prevent the increased risk of flooding elsewhere.

CONDITION:

There shall be no new buildings, structures (including polytunnels, gates, walls and fences) or raised ground levels within 7 metres of the top of bank of the River Wye (Main River), inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

REASON: To maintain access to the watercourse for maintenance or improvements.

Consent note to above -

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of The Agency is required for any proposed works or structures in, under, over or within 7 metres of the top of the bank of the main river (River Wye).

4.2 English Heritage - It appears that the polytunnels would have an adverse visual impact on the setting of this historic settlement as a whole.

4.3 Natural England:

- We welcome the examination of this proposal through a planning application as we believe substantial areas and sensitive locations of polytunnels should be dealt with through the planning system. (It is our view that polytunnels' complex environmental ramifications would be best appraised by amending the Town and Country Planning Environmental Impact Assessment Regulations to bring them within the scope of Schedule 2. In this case the applicant has supplied much of the information that would be required for an EIA).
- We are concerned about the intrusive visual impact of polytunnels on the landscape character and quality of the Wye Valley Area of Outstanding Natural Beauty (AONB).
- We are concerned about the management of water and soil associated with polytunnel cultivation given the potential risks of runoff and pollution entering and harming surface waters, including in this instance the River Wye SAC. (A primary reason for the unfavourable nature conservation condition of the Wye section below Hereford is the excess phosphate and sediment generated by diffuse agricultural pollution).
- We recognise there are economic and other environmental considerations pertaining to polytunnel cultivation, and appreciate there is potential for alleviating and compensating for visual and ecological impacts.

SAC advice

The development outlined in the current application is or directly connected with the management of the above site for nature conservation.

It is the opinion of Natural England that the proposed development is not likely to have a significant effect on the European site, either along or in combination with other plans or projects. On this basis, we would advise the Council that Natural England has no objection to the proposal subject to the proposal being implemented in accordance with the submitted plans and descriptions.

SSSI advice

The conservation features under consideration are the same as those considered for the European site impact appraisal. Natural England's advice on this site also applies in relation to the SSSI.

European protected species advice

We agree with the drainage appraisal consultant's report that Pond 2 (where great crested newts exist) is unlikely to be damaged by the development. Managed flows of drainage water, filtered by a grass buffer will help the pond ecology, but if the buffer is inadequate, soil-laden runoff would be damaging. Enhanced hedge and grass margin links between the ponds will also assist new conservation.

AONB advice

Natural England is now responsible for designating AONBs and advising government and others on how they should be protected and managed. The primary purpose of AONBs is to conserve and enhance natural beauty. AONBs share equal status with National Parks in terms of scenic beauty and landscape protection. This was clarified by a ministerial statement and an amendment to Planning Policy Guidance (PPG) 7 in 2000. Planning Policy Statement 7 Sustainable Development in Rural Areas states that AONBs have been confirmed by Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas.

Policy LA1 of the Herefordshire UDP places the correct onus on scale and affects on intrinsic natural beauty as the primary determinants of acceptable development.

As another expression of local authority policy, the Wye Valley AONB 2004-2009 Management Plan makes several references to polytunnels, that recognises them as a potential threat to the visual integrity and landscape value of the AONB.

Due to the potential conflicts between visual impact and issues such as farm viability and the local economy, Natural England considers that Herefordshire Council's adoption of a voluntary code for the assessment and duration of use of polytunnels is inappropriate, and that where substantial polytunnels are proposed they should require planning permission for development for any length of siting. It is hoped that when the voluntary code is reviewed, this view will be taken into account and that all applications for polytunnels in AONBs will be taken through the planning system. This view is based on a number of appeal cases that have looked at particular aspects of polytunnels and the requirement for planning permission. The use of a voluntary code challenges these rulings as it effectively places polytunnels outside of the planning system and the tests applied to General Permitted Development Order in these appeal decisions. It also restricts democratic involvement in the planning decision as compliance with the code removes the obligation to undertake full public consultation and the requirement to take into account the full range of material considerations.

Natural England appreciates the applicant's economic and social arguments and acknowledges the provisions for enhancement of field boundary features – a scope that exists with or without planning consent, however our response focuses on the visual impact of the polytunnels on the AONB.

The applicant states that tunnels are already on the site lawfully and a refusal will only lead to them being moved about more frequently. This would, he argues, in turn, make



landscaping to mitigate negative visual effects more difficult. It would probably also discourage – in the short term at least – the necessary investment to foster water and soil conservation measures and prevent/minimise diffuse agricultural pollution. However, Natural England would not support an application for long term and large scale polytunnel use within the Wye Valley AONB because of the intrusive visual impact on the intrinsic natural beauty of the landscape. We are developing a national policy position which will need to consider if the very nature of extensive polytunnels cannot allow their effects, whether ‘temporary or permanent’ upon nationally-significant protected landscapes to be adequately mitigated.

The application recognises that the localised landscape impact is high and has proposed worthwhile measures to seek to offset and reduce impacts, which must be tested against the “adequate mitigation” element of UDP policy LA1.

While farm viability is important, we believe it should be ensured in a way which is consistent with the primary purpose of AONBs.

#### Natural England recommendations

In conclusion, given the adverse visual impacts of polytunnels on the intrinsic natural beauty of the AONB, and the conflict with the primary purpose of AONBs, which is to conserve and enhance natural beauty and amenity in the national interest, Natural England recommends refusal of this application at Pennoxstone Court.

If planning permission were granted, we would strongly advocate measures in the form of conditions and/or a planning agreement to address environmental protection and sustainable land use, namely:

- Detailed siting, including risk assessment of fields for diffuse agricultural pollution minimisation (Advice from Natural England’s Catchment Sensitive Farming Project Officer should be sought).
- Newt (pond and terrestrial) habitat protection and enhancement
- Landscape enhancement and a management scheme
- Best practice in the design, maintenance and operation of the site drainage system (employing/adapting the approach submitted with the application and drawing on Natural England advice).

#### Internal Council Advice

#### 4.4 Traffic Manager –

(a) Traffic/Highways -more information is sought with regard to traffic generation.

(b) Public Rights of Way - No public right of way recorded on the current definitive map crosses any of the land on which it is proposed to erect polytunnels. However, it should be noted that people using the public rights of way in the area may feel that their enjoyment of these paths is affected by the proposal

#### 4.5 Head of Community and Economic Development - no comments

#### 4.6 Head of Environmental Health - no objection

#### 4.7 Forward Planning Manager - It is considered that the advice of the Council's landscape officer along with the AONB management team are of significant importance as the main issue is in regards to the impact upon the landscape, which is protected through

a national designation recognising its outstanding natural beauty, and thus intrinsic qualities and character.

#### 4.8 Conservation Manager: -

- (a) Building Conservation Officer - Although a building of some distinction, Pennoxstone Court itself is not listed. However the holding also extends as far as the church of St. John the Baptist, a C13 Grade I listed building whose churchyard wall plus a number of monuments are also listed Grade II in their own right.

St. John the Baptist, in common with many medieval churches, was deliberately sited in isolation in a commanding position and despite the development of Kings Caple, this setting has survived largely intact. The presence, even intermittently, of large expanses of polytunnels within 100m of the churchyard boundary will have a detrimental impact on the setting of the church.

(b) Landscape Officer - Pennoxstone Court lies approximately half a kilometre to the south-west of Kings Caple. There are three sites included in this application. Area 1, the largest area, comprises a group of fields on land that slopes down from Pennoxstone Court to the River Wye, area 2 comprises a group of fields to the north-west of Kings Caple and area 3 comprises a field to the east of Poulstone Court. All three sites fall within the Wye Valley Area of Outstanding Natural Beauty and an Area of Great Landscape Value. The fields above the floodplain within area 1, and the whole of areas 2 and 3 are described as Principal Settled Farmlands in Herefordshire Council's Landscape Character Assessment. The fields bordering the River Wye within area 1 are described as Riverside Meadows.

I note that in the Landscape and Visual Assessment prepared by Davies Light Associates, no reference is made to Herefordshire Council's Landscape Character Assessment, there is only reference to the character assessments 'The Character of England' by the Countryside Commission and 'An Assessment of the Area of Outstanding Natural Beauty' commissioned by The Countryside Commission and Countryside Council for Wales. This omission is unfortunate, because some relevant issues have not been addressed and also some of the landscape proposals set out in the Landscape and Visual Assessment are not in accordance with the management guidelines for Principal Settled Farmlands set out in Herefordshire Council's LCA. I will discuss these issues later in this report.

I have a query about the inclusion of the fields described as Riverside Meadows in the application site for area 1. It should be noted that Herefordshire Council's LCA does not support development within Riverside Meadows: 'Built development should be actively discouraged as it will always lead to a conflict with flood water as well as being contrary to the landscape character. Similarly, arable cropping not only leads to loss of landscape character but also to erosion and river pollution through silt and nitrate rich run off, particularly in flood conditions'.

I acknowledge that it appears that at the present time that there are no proposals to place polytunnels within the zone described as Riverside Meadows. This is stated in paragraph 7.1.1 of the Landscape and Visual Appraisal. However, given that the Riverside Meadows zone is included within the application site for area 1, I am concerned that if permission was granted for this application, then polytunnels could be erected in this zone in the future. This would be contrary to

the recommendations for the conservation of Riverside Meadows, set out in Herefordshire Council's LCA. From a landscape perspective, therefore, I would not support the inclusion of Riverside Meadows within the application site for area 1.

#### Visual Impact Assessment

I visited the site on 3rd November 2006 in order to assess the visual impact of the proposed development and to evaluate the findings of the Landscape and Visual Appraisal by Davies Light Associates. With regard to this Appraisal, I have considered first whether all the relevant viewpoints have been identified and secondly whether I agree with the assessment of the visual impact of the development.

With regard to area 1, I am in agreement with the general findings regarding views into the site. These are that there are views into the site from the north, south and west but not from the east, because of the topography of the area - the elevated ground on which Kings Caple is situated blocks views from the east.

However, with regard to middle distance views (which I define as 0.5 - 2km distance), a very significant viewpoint appears not to have been considered in the Landscape and Visual Appraisal. I found that there are panoramic views of areas 1, 2 and 3 from the northern section of footpath HN9. Footpath HN9 runs across the slope above Red Rail Farm. Neither this footpath, nor footpath HN12, that links HN9 and HN10, are shown on the Site Context or Visual Analysis drawings.

I am in agreement with the general findings regarding views into areas 2 and 3.

However, with regard to the section 'Visual and Sensory Qualities', I think that some of the discussion in the Appraisal has been framed in such a way as to downplay the visibility of the sites from both the western side of the River Wye corridor - the Hoarwithy and Red Rail area and from parts of Kings Caple. The first paragraph of section 4.0 'Visual and Sensory Qualities' reads: 'The landscape around the site is a complex mixture of use and scale, which is contained by undulating topography limiting the sensory experiences to an approximate 1km strip running from Sellack to Hoarwithy'. With regard to the general findings for all three sites, the discussion of the long, middle and close distance views is framed as 'views are restricted to' (My italics). These descriptions give the impression that there are only a limited number of viewpoints of the three sites and that the adverse impact of the polytunnels would affect only a small area of the Area of Outstanding Natural Beauty.

However, if the application site is considered in a wider context, for example, in the context of the county of Herefordshire, the fact is that the topographical position of the application sites, on rising ground on the eastern side of the river Wye, overlooked by the higher land on the western side of the river, means that these polytunnel sites are far more visible in the wider landscape, than polytunnels that are sited on much flatter areas in other parts of the county.

I do not concur with certain aspects of the assessment of the effects of the development upon the landscape character set out in the Landscape and Visual appraisal. In my view the most damaging aspect of the proposed development is the cumulative adverse visual impact of all three areas of polytunnels on the character of the Area of Outstanding Natural Beauty. The actual experience of

people who either live within the Kings Caple and Hoarwithy area or who are visiting this region, is that as they travel through the area, they will see one, two or all three areas of polytunnels from multiple viewpoints (both private and public viewpoints, in the case of local residents). I feel that the way in which the Landscape and Visual Appraisal is structured - looking at each area in turn, rather than all three areas together, means that the cumulative harmful impact of all three areas of polytunnels has not been not adequately addressed.

I do not feel that the issue of the impact of the polytunnels on the historic landscape character of the Kings Caple area has been give sufficient consideration. The historic pattern of hedgerows in the Kings Caple area is a key characteristic of the landscape type Principal Settled Farmlands. A comparison of the Tithe Map for Kings Caple (1839) with the current map of Kings Caple shows that relatively few hedgerows have been lost from the parish of Kings Caple. With regard to the application sites, it appears that two hedgerows have been lost from area 1, 7 hedgerows have been lost from area 2 and 3 hedgerows have been lost from area 3. This loss of hedgerows may have happened a long time ago - I am not suggesting that the applicant removed these hedgerows. The amalgamation of fields and resulting change to larger field compartments has already started to erode the character of Principal Settled Farmlands.

Paragraph 4.2.5: 'Landscape Scale' states that 'Impacts can increase as a result of developments being out of scale with their surrounding landscape. The Areas are consistent with the shape and size of surrounding field patterns'. This analysis ignores the fact that the process of erosion of the historic pattern of hedgerows has already begun, particularly in the case of areas 2 and 3, as detailed above. It is the case that the proposal is to site polytunnels within the field boundaries that remain. However, when polytunnels are erected in adjacent fields, if they are covered in plastic, then when viewed from a distance, the perception of the viewer is of a large mass of plastic coalescing across the group of fields. The scale of the individual fields is lost - it is the scale of the amalgamated mass of polytunnels that predominates. This erodes the historic character of the landscape, as defined by the pattern of hedgerows and this is detrimental to the Area of Outstanding Natural Beauty.

I feel that the deleterious effect of polytunnels in area 2 on the setting of the church at Kings Caple, St. John the Baptist Church, which is a listed building is not fully acknowledged in the Landscape and Visual Appraisal. Viewpoint 25, a close view from the rear of St. John the Baptist Church shows how the polytunnels detract to a high degree from the setting of the church.

Having considered the Landscape and Visual Appraisal together with the findings from my own site visits I concur with the first part of the conclusion of the Landscape And Visual Appraisal. This is that the proposed development has a high impact on the character of the AONB. However, I do not agree that the impact of polytunnels is 'very localised'. I would argue that the zone of visual influence is actually increased not 'reduced' by the local topography, as asserted in the Landscape and Visual Appraisal, if the impact of polytunnels on this particular application site is compared with the impact of polytunnels on much flatter areas of land elsewhere in Herefordshire. I reiterate that the most damaging aspect of the proposed development is the cumulative adverse visual impact of the three areas of polytunnels on the character of the Area of Outstanding Natural Beauty - this issue is omitted from the Visual Effects Conclusion in the Landscape and Visual Appraisal.

### Landscape Proposals

With regard to planting to mitigate against the adverse visual impact, the topography of the Wye valley is again, a key factor - it will limit the efficacy of screening planting, because there are views both down onto and across the Wye valley to the three areas of polytunnels. The proposals for screening planting do not overcome my concerns about the adverse visual impact of the polytunnel sites on the AONB.

I am concerned that some elements of the landscape proposals are contrary to the management guidelines for Principal Settled Farmlands set out in Herefordshire Council's LCA and would also erode the historic character of the landscape. These elements are the belt of new native woodland planting in part of area 1, the small copses running through some of the fields in areas 1 and 2 and very high density hedgerow trees along the south-eastern and south-western boundaries of area 3.

These proposals are not appropriate for the landscape type Principal Settled Farmlands. The management guidelines for Principal Settled Farmlands state that 'New woodland should not be introduced as it is out of place and would compromise the landscape character'. I am concerned that planting small copses that run partway across fields would detract significantly from the historic pattern of field hedgerows. Planting dense lines of new hedgerow trees along field boundaries would also look artificial, given that the Herefordshire Council LCA emphasizes that 'scattered tree cover along hedgerows' is the characteristic tree cover pattern in Principal Settled Farmlands.

With regard to the proposed planting schedule for the woodland block, not all of the species selected are characteristic of Herefordshire, in particular, Lime, Aspen, Hornbeam and Birch. A mix more characteristic of Herefordshire would include Oak, Ash, Field Maple, Hawthorn, Hazel, Blackthorn, Holly and Dogwood.

### Recommendation

From a landscape perspective, I could not support this application because in my view it would be contrary to Policies LA1: Areas of Outstanding Natural Beauty and LA2: Landscape character and areas least resilient to change of the emerging Unitary Development Plan and Policies C.4: AONB landscape protection, C.5: Development within AONB and Policy C.8: Development within AGLV of the South Herefordshire District Local Plan (1999). Accordingly I recommend that permission be refused for this development.

If, however, contrary to my recommendation, permission is granted for this application, then the planting proposals will require some revision in order to be acceptable.

- (c) Ecologist - I visited the sites and met with the applicant. I have also received the accompanying herpetological report by Davies Light Associates showing the presence of great crested newts in pond 2, adjacent to Pennoxstone Court. This report contains very little in the way of recommendations, and I am also concerned that other protected species issues were not addressed, in particular badger and otter, given the proximity to the River Wye. Having spoken with Natural England with regard to the great crested newts, and given the small size

of the population, I am satisfied that they will not be impacted upon by the farming operations. I am aware that this pond would not be in existence were it not for the irrigation operations associated with the polytunnels, but I would like to see some limited management around it to enhance its value for the newts. One of the willows could be removed with the wood used to make a woodpile to create new hibernacula for the newts. Drivers of farm vehicles along the nearby track should be made aware of their presence.

I also note the presence of traditional orchards on the site, a Herefordshire Biodiversity Action Plan habitat, and would like to see the retention and management of these conditioned.

The hedgerows on the farm have been left to grow tall to act as windbreaks, which also have benefits for wildlife - strengthening the wildlife corridors. I would recommend the use of native species should further windbreaks be required to be planted.

I shall await further information about the abstraction of water from the River Wye for trickle irrigation, and confirmation that the Environment Agency are satisfied that there will be no impact upon the status of the River Wye SAC and its qualifying features as a result of the abstraction.

If there are no further issues with regard to the SAC, my recommendation will be for approval with the inclusion of the following non-standard conditions:

"An appropriately qualified ecological consultant shall be engaged to conduct surveys for protected species (notably otter and badger) other than great crested newts, to devise a management plan for the wildlife enhancement of ponds 1 and 2, and to include a future monitoring programme for the great crested newts in pond 2, to be submitted to Herefordshire Council's ecologist.

The areas shown as orchards on the OS map (adjacent to pond 1) shall be retained and managed as traditional orchards."

Reasons:

To comply with Herefordshire Council's Policy NC1, NC5, NC6, NC7, NC8 and NC9 and HBA9.8 in relation to protected species and Nature Conservation and Biodiversity.

To comply with the Habitats Regulations 1994 with regard to implications for European sites (SACs).

- (d) Archaeologist - Having considered the currently available details of this proposal, and the currently available archaeological information relating to it, including the county Sites and Monuments Record (SMR). I have the following comments to make.

The application area is within the boundaries of the former Pennoxstone Landscape Park (SMR - HSM 31681). Particular historic features of interest in the locality include (for instance) delves, fishponds and other landscape features.

Also, the component parts of the application area are grouped around the significant and prominent complex of the church and castle sites at Kings Caple (SMR - HSM 6831 and 921).

These features, taken in combination with relevant others, indicate the sensitivity of the locality in terms of the historic environment resource. In my view, insufficient information has been submitted to enable a proper view to be taken of the impact of the proposal on that resource.

Accordingly, I would advise that prior to the determination of this application, the applicants should submit the results of an Archaeological Desk-Based Assessment (PPG 16 Section 20, adopted Local Plan Policy C33, draft UDP Policy ARCH1).

Following the submission of such an assessment, there may, depending on the results, be further archaeological issues or requirements.

## 5. Representations

### 5.1 The application is supported by a number of documents: -

- The agent's covering letter is attached as an Appendix
- Economic Assessment - This concludes that the soft fruit growing is crucial to the viability of the business, employment at the farm is 4 full-time and 120 casual/part-time, a substantial proportion of the workers income (some 325,000) is spent in the area, the business purchases some 1.3 million worth of goods and services annually supporting some 30 jobs of which 0.5 million and 15 jobs are in Herefordshire, the overall total contribution to the local economy is some 825,000 pa, and the viable operation ensures stewardship and management of the landscape.
- Design and Access Statement - This points out that the application is made as the intention is to have the tunnels in place for longer than two successive years, the tunnels are physically and functionally related to their agricultural use, the tunnels are temporary, they are of tubular steel with their legs wound into the ground to a depth of 0.6 to 2 m with their size varying but the width is 6.5 to 8 m and height 3 to 3.7 m, the tunnels are covered in clear plastic secured by rope, the polythene is in place for harvesting, up to six months in any year and usually April to November, the tunnels are designed to be moved easily, the plants require a period of cold weather, although the polythene is removed the frames can be left in place over winter and access to them is confined to able bodied agricultural workers.
- Landscape and Visual Appraisal - This provides a detailed appraisal with plans and photographs of the landscape and visual effects of the development. It concludes with regard to the landscape that there will be a high impact on the AONB, there will be no impacts on any SSSI, SAC or SIN, the compensatory enhancement measures offer a significant positive benefit, the tunnels reduce the need for pesticides and reduces the need for imports, the proposals incorporate management and enhancement of Herefordshire Farmlands which will benefit ecology and the landscaping will further screen the development. It concludes with regard to the visual effects that views of the tunnels are limited to a small visual envelope, the majority of the residential receptors are often at a slight elevation, long distance views are restricted, the views along the Wye Valley Walk are middle distance and filtered, the impact in the wider landscape varies and the landscaping will screen views of the tunnels.

- Drainage Appraisal - This considers the effect of the tunnels with regard to surface water runoff. It concludes that the tunnels will have no detrimental impact on drainage when compared to the alternative use, row crops, but it is important that the drainage system is actively managed.
- Ecology Survey. This concludes that a protected species, smooth and great crested newts, breed in a pond on the farm and that overall the use of the tunnels brings significant wildlife benefits not least through the landscaping and its maintenance and management.

5.2 Kings Caple Parish Council: -

The Parish Council support the application with the following two conditions:

The polytunnels are not less than 50 metres from any house.

The terms of the code of practice are adhered to excluding the clause relating to the two year maximum duration of polytunnels on that site.

The Parish Council kindly request that the above comments are taken into consideration for this application and that previous comments made and submitted to the Planning Department on 4th November, 2006 are no longer relevant to this application.

5.3 Ballingham, Bolstone and Hentland GPC -

We are mindful that this venture represents a substantial business employing a number of people but the proposed sites for polytunnels are within the Wye Valley AONB and it is our unanimous view that they constitute an unacceptable intrusion into the AONB. If permission were granted this would create a precedent for future developments. The proposals are contrary to both national and local planning guidance and the detrimental effect on housing and tourism within the area is enormous.

Our meeting to discuss the application drew one of the largest public gatherings at a Parish Council meeting and was almost unanimously against the proposals. There is no evidence that the economic arguments have been verified by an independent audit and my Council recommends that Herefordshire Council considers a survey into the economic effect on householders and businesses in tourism as we feel there is strong anecdotal evidence that this negates the arguments for such developments.

5.4 Sellack PC - Very oppressive to the eye when nearest the Hoarwithy Road, far too big and would be an eyesore

5.5 One hundred and fourteen letters of objection have been received. The grounds for these are as follows: -

- The proposal is contrary to Government Guidance and many of the policies of the Development Plan.
- The site is within an Area of Outstanding Natural Beauty, Area of Great Landscape Value, adjacent to a site of Special Scientific Interest (SSSI) and Candidate for Special Area of Conservation in Europe (cSAC). The development will cause significant harm to the area.
- Duty to insist on an Environmental Impact Assessment
- Due to the scale, location and topography it is virtually impossible to mitigate the damaging effect on the landscape
- Detrimental effect of siting polytunnels in the floodplain
- High levels of water run-off containing pesticides and fertilisers into water courses
- Permanent loss of habitat



- Local highway network is not capable of safely accommodating traffic generated by the proposal
- Adverse impact on users of the Public Rights of Way in the Area
- Adverse impact on, and the economy derived from tourism
- Noise nuisance from people working on site and equipment
- Large amount of waste plastic remains on site
- The process leads to soil destruction and soil erosion
- Use of large quantities of irrigation water
- It is contrary to the precedence of legal decisions
- There will be little work for local people but relies on poorly paid immigrant workers
- Workers are housed in a shanty town of old caravans
- Added strain on local infrastructure and services
- Object to the Council's Code of Practice
- A number of letters have been received from Wye Hill/Campaign for Polyunnel Control. These incorporate the above objections but also include detailed visual and policy assessments. Additionally they raise a number of legal issues
- No independent corroboration of the economic assessment

Fourteen letters of support have been received. The grounds for these are as follows: -

- Appreciate the importance of polytunnels to local farmers, employers and wealth creators to ensure the viability of their business
- Polytunnels are really no different from any other crop. They are not permanent structures; indeed they are uncovered for much of the year, and in any case move from field to field with crop rotation.
- Without a viable farming industry, the maintenance and husbandry of the countryside would be left to local government and ultimately taxpayer, with disastrous repercussions for employment and the biodiversity of our beautiful county.
- My job and that of many others depend on the tunnels being allowed to stay.
- Must appreciate that we do not buy the view along with our houses.
- Agriculture is an industry; those who cohabit with it should not expect better treatment than those who cohabit with any other industry.

5.6 Representations have been received from other organisations, as follows: -

Wye Valley AONB - express serious concern about the scale and landscape impact and that the application is contrary to policy.

Ramblers Association - Urge refusal as the site is within the AONB, AGLV and adjacent to an SSSI/SAC, the erection of the tunnels is contrary to Structure Plan policy and a halt shall be called to the desecration of the countryside.

CPRE Herefordshire - object for the reasons that it is contrary to national and local planning policy and there is an unacceptable impact on the landscape

Herefordshire Wye Valley AONB Society - object for the reasons that there will be a damaging effect on the landscape and the development is contrary to policy. Concern is raised with regard to environmental degradation through run-off, use of pesticides, destruction of soil and the consequences for wildlife. They consider there will be a negative impact on the local economy

Ross on Wye and District Civic Society - recognise the problems posed by polytunnels, acknowledge the economic case and suggest that permission could offer protection that the Code cannot. They do have strong reservations with regard to the monitoring of any permission, tunnels in one area for an indeterminate period could result in a permanent eyesore and it is difficult to see how screening will be effective in the future. They are not adamantly opposed to all polytunnels.

Wye Valley Tourism Association - urge refusal.

County Land and Business Association support the application. They point out it is a well established business supplying a high quality product, it is a land use rather than building development, the tunnels are a feature of the farming countryside, imports are reduced, less chemicals are used, the micro-climate is particularly suitable on this farm and strawberry production is a success story in Herefordshire.

National Farmers Union support the application. They point out that it is one of the largest employers in the area, the business benefits the local economy, the applicant has farmed the land since 1850 and the use keeps the farm economically viable.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

- 6.1 In recent years the production of soft fruit in Herefordshire has considerably expanded. In conjunction with this has been a consequential increase in the use of polytunnels as a method of improving the crop yield and lengthening the season. The applicant states that there have been polytunnels at Pennoxstone Court for some 14 years.
- 6.2 In 2003, revised in 2004, the Council introduced a Code of Practice for the Temporary Agricultural Use of Polytunnels. Under this the grower provides information on their intended polytunnels to enable a determination to be made as to whether planning permission is required. Under the Code the grower is expected to comply with certain terms one of which is that the tunnels should be removed after two years and then not return for a further two years. The applicant has submitted a number of Checklists that detail the locations and the periods of time within his holding where polytunnels would be located.
- 6.3 Recently following ongoing investigation it became apparent that within the holding there were polytunnels in existence for in excess of the two-year period as provided for in the Code. In these circumstances it was concluded that planning permission was required. The applicant at that time declined to submit a planning application and in November 2005 an Enforcement Notice was served requiring removal of the polytunnels. The Notice concerned an area some 7.5 hectares in extent and to the west of Pennoxstone Court. An appeal was lodged against this which is to be heard at a Public Inquiry in February 2007. Following further investigation other areas within the holding were identified where polytunnels had existed for in excess of two years. The requirement for planning permission was discussed with the applicant who ultimately submitted this application.
- 6.4 The application therefore seeks permission for the erection of polytunnels but with them to be rotated around the holding. Although submitted for the whole farm, which

is some 116 hectares, the application makes it clear that there is a requirement for coverage at any one time of 30 hectares but that this will be within an identified area of 67 hectares. The crops indicated to be grown within the ground are currently strawberries, raspberries and blueberries. The applicant suggests that conditions could be applied to any permission defining areas where polytunnels may or may not be located and with regard to the total area covered at any one time. The applicant does dispute that planning permission is required for (Spanish) polytunnels. Additionally it is suggested that a Lawful Development Certificate application for certain areas of the site will be submitted but to date one has not been received.

- 6.5 The application has been screened in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended). The conclusion was that the development does not fall within one of the categories of development listed in Schedules 1 and 2 of the Regulations and consequently an Environmental Statement was not required.
- 6.6 The application should be determined in accordance with planning policy. National Policy is expressed in PPS7: Sustainable Development in Rural Areas, in which one of the governments stated objectives is to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants. Regional Policy in the Spatial strategy reflects the national framework.
- 6.7 Local policy is expressed in the development plan. There are a large number of policies in both the current Local and Structure Plans and the forthcoming Unitary Development Plan that are relevant to the application. These are listed in Section 2 above. However I consider that the principle issue on which to focus is the impact of the development on the Wye Valley AONB. Whilst all current policy documents do include policies with regard to agriculture and particularly agricultural buildings (which is essentially the proposal) for which there is general encouragement, these policies do cross reference to landscape policies and the requirement to ensure that new buildings are not visually intrusive.
- 6.8 The most relevant policies with regard to the AONB are Structure Plan Policy CTC1, Local Plan Policy C5 and Unitary Development Plan Policy LA1. The UDP Policy was subject to a proposed amendment following acceptance of the Inspector's recommendation but there has been subsequently no further objection. The Policy can be given considerable weight in the determination of this proposal.
- 6.9 Policy LA1 (as modified) will read as follows: -

"Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty, priority will be given to the protection and enhancement of the natural beauty and amenity of the area in the national interest and in accordance with the relevant management plans.

Development will only be permitted where it is small scale, does not adversely affect the intrinsic natural beauty of the landscape and is necessary to facilitate the economic and social well being of the designated areas and their communities or can enhance the quality of the landscape or biodiversity.

Exceptions to this policy will only be permitted when all of the following have been demonstrated:

- (i) the development is of greater national interest than the purpose of the AONB;
- (ii) there is unlikely to be any adverse impact upon the local economy ;
- (iii) no alternative site is available, including outside of the AONB; and
- (iv) any detrimental effect upon the landscape, biodiversity and historic assets can be mitigated adequately and, where appropriate, compensatory measures provided.”

- 6.10 Council policy therefore places a paramount importance on the protection of the natural beauty of the AONB, which is of national importance. For this reason the policy is particularly restrictive and development should only be permitted when it meets the specific requirements of the policy. I will examine the proposal against Policy LA1.
- 6.11 The first policy issue is whether the development is small scale, but there is no specific further guidance on this. The basis of the application is that there is a minimum of 30 hectares coverage of polytunnels at any time. In my opinion this could not be considered to be a small-scale development.
- 6.12 The second issue is whether there is an adverse affect on the intrinsic natural beauty of the area. The application includes a detailed assessment by the applicant's landscape consultant (summarised in Section 5.1) and this issue has been assessed by the Landscape Officer (see Section 4.8). In addition one of the objectors has submitted a landscape assessment. Having considered this issue it is my opinion that the coverage of 30 hectares of land within a 90-hectare area although in three separate areas will have a significant impact. The site is clearly visible in the landscape particularly so from public viewpoints in Hoarwithy, Sellack and Kings Caple. In my opinion the development will have a significant adverse effect on the natural beauty of the AONB. I do not consider that the removal of the tunnels out of season, the use of conditions or the proposed mitigation would overcome this harm.
- 6.13 The third issue relates to the economic and social well being of the area. This is a difficult issue to assess. It is clear that the development provides employment and brings economic benefits to both the farm itself and the wider economy of the area. I do however have doubts as to whether the development is necessary for the economic and social wellbeing of the area.
- 6.14 The fourth issue is that of enhancement of the landscape and biodiversity. This has to a large degree been covered above. I consider that the enhancement of the landscape would be minimal particularly as the topography of the area militates against screening the development and that the landscaping proposals are not entirely appropriate. There will be some enhancement of biodiversity.
- 6.15 Policy LA1 does additionally allow for exceptions to be made to the general restriction on development but only in certain limited circumstances. With regard to the proposed development I do not consider that it is a national interest greater than the AONB, that there are no alternative sites outside of the AONB or that the suggested mitigation (landscaping and planting) will compensate for the harm to the AONB.

6.16 My conclusion is that the proposal is contrary to Policy LA1. The policies in the Local Plan (C5) and Structure Plan (CTC1) do only have slightly differences in their wording to Policy LA1. I would similarly conclude that the proposal is contrary to these policies.

6.17 There are a number of other issues.

With regard to traffic more information has been requested with regard to traffic generation in terms of vehicle types and number of trips. This information is awaited. However in its absence I would conclude that I am not satisfied that there would not be an unacceptable impact on the local highway network.

There are Listed Buildings in the immediate vicinity, the Stables at Pennoxstone Court and the Church of St John the Baptist. Whilst the polytunnels are in close proximity to the Stables they do not harm its setting. However with regard to the Church this is in a commanding position on elevated ground above an extensive area that would be used for polytunnels. I consider that the development would harm the setting of this Listed Building.

With regard to land drainage the Environment Agency having examined the submission appear generally satisfied that the proposal subject to conditions is acceptable. They do stress the importance of ensuring that there is no development in the flood plain, which the application acknowledges.

The Environment Agency are concerned with regard to water supply and possible effects on the River Wye. They request the submission of a water audit from which this impact can be assessed. The agent has confirmed that the water supply will as it is at present be taken from the River (the application form incorrectly states the main supply). In the absence of such information the Agency objection will stand.

6.18 I do not consider that there will be unacceptable harm to the amenity of any nearby residential property in terms of overbearing impact or overshadowing.

## RECOMMENDATION

**That planning permission be refused for the following reasons:**

- 1. The site is located within the Wye Valley Area of Outstanding Natural Beauty and within an Area of Great Landscape Value. Having regard to Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies LA1 and LA2, South Herefordshire District Local Plan Policies C4, C5 and C8, and Hereford and Worcester County Structure Plan Policies CTC1 and CTC2 the Local Planning Authority considers the proposal to be unacceptable. The proposed erection of polytunnels in the manner and extent proposed would result in harm to the landscape character of the area.**
- 2. The proposal includes the erection of polytunnels on land to the north of the Church of St John the Baptist, Kings Caple which is a Listed Building. Having regard to Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy HBA4 and South Herefordshire District Local Plan Policy C29 the Local Planning Authority considers the development to be unacceptable. The erection of polytunnels on this land would harm the setting of a Listed Building.**

- 3. In the absence of full details of the likely traffic generation and having regard to Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy DR3 and South Herefordshire District Local Plan Policy T3 the Local Planning Authority is not satisfied that the proposed development would not have a harmful impact on the local highway network.
  
- 4. In the absence of a Water Audit the Environment Agency objects to the proposed development. Having regard to Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies DR6 and NC1 and South Herefordshire District Local Plan Policies C12A and C46 the Local Planning Authority is not satisfied that the development would not cause harm to the River Wye, a Site of Special Scientific Interest/Special Area of Conservation.

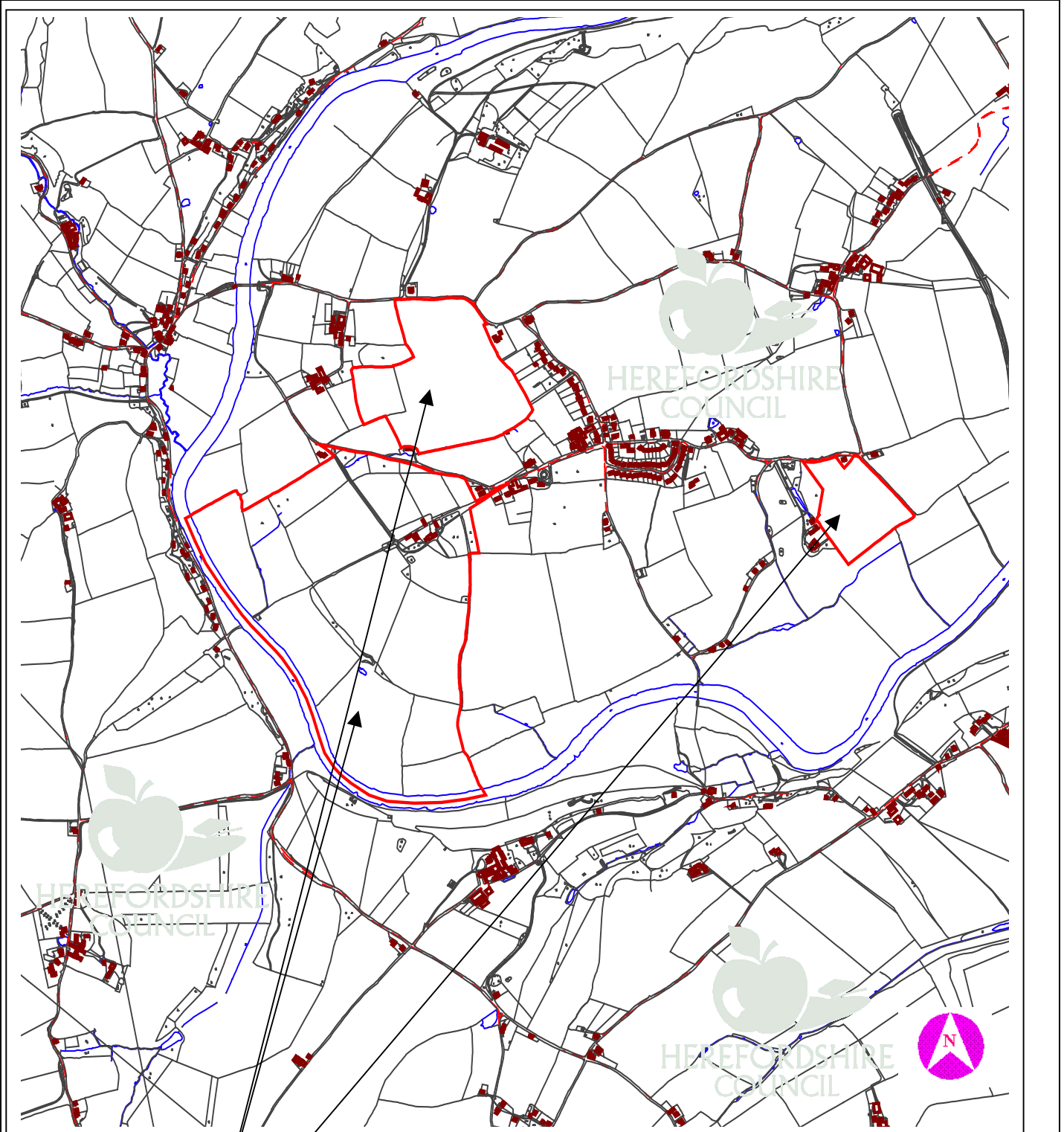
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2006/3267/F

**SCALE :** 1 : 20004

**SITE ADDRESS :** Pennoxstone Court, Kings Caple, Herefordshire, HR1 4TX

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