

**12 DCNE2007/1536/F - "WHOLE FARM APPLICATION"  
FOR THE ERECTION (AND RE-ERECTION) OF  
POLYTUNNELS AT WITHERS FARM, BURTONS LANE,  
WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE,  
HR8 1NF**

**For: Mr G. Leeds Antony Aspbury Assoc. Ltd 20 Park  
Lane Business Centre Park Lane Basford Nottingham  
NG6 0DW**

**Date Received:**

**14th May 2007**

**Ward:**

**Hope End**

**Grid Ref:**

**70202, 40440**

**Expiry Date:**

**13th August 2007**

Local Members: Councillor RV Stockton & Councillor R Mills

## **1. Site Description and Proposal**

- 1.1 The application site relates to the entirety of 'Withers Farm'. This Farm is located to the north of Ledbury, east of the B4214. The total area of the Farm amounts to some 152.01 hectares. To the north, the Farm is bounded by Hollow Lane. To the south the Farm straddles Burtons Lane. The safeguarded route of the Herefordshire and Gloucestershire Canal runs through the site in a south to north direction. There are a series of public rights of way through the site.
- 1.2 There are a series of dwellings set off Hollow Lane and Burtons Lane. The pattern of their development is sporadic in nature. Several of these dwellings are important listed buildings.
- 1.3 The River Leadon lies to the west of the B4214 at the southern end but does cross the north-western section of the site.
- 1.4 The topography of the Farm is basically such that the land rises from south-west to north-east. The Farm is easily sub-divided into three distinct zones. Zones 1 and 2 are located to the north of Burtons Lane and are separated by the safeguarded route of the canal (Zone 1 being to the west of the canal and Zone 2 being to the east of the canal). Zone 3 lies to the south of Burtons Lane.
- 1.5 Soft fruit, comprising of stawberries and blueberries, are grown under polytunnels at Withers Farm. As Members will be aware, the Council operated a voluntary code of practice for soft fruit producers between 2003 and 2006, under which growers submitted annual checklists and plans indicating the areas where polytunnels would be used. That voluntary code of practice has now been discontinued and the law with regard polytunnels has been clarified. It is considered that, taking into account the three critical factors of size, permanency and physical attachment, the polytunnels at Withers Farm represent buildings or structures as defined by Section 55 of the Town and Country Planning Act 1990 (as amended). This is not disputed by the applicant or his agent.

- 1.6 In response to a request from the Council, the applicant seeks to regularise the position at Withers Farm.
- 1.7 The maximum height of any polytunnel at Withers Farm is 4.25 metres.
- 1.8 The application submitted is a "whole farm application" which seeks permission in respect of the whole farm holding. In other words it seeks to clarify where the applicant can and cannot erect polytrunnels and under what restrictions. The application has been the subject of negotiations over a nine month period and has evolved. The resultant proposals will be described in the appraisal section of the report with reference to the coloured plan that accompanies this Agenda.

## 2. Policies

- 2.1 The Central Government advice of relevance to consideration of this application is:-

Planning Policy Statement 1 - 'Delivering Sustainable Development'  
Planning Policy Guidance Note 4 - 'Industrial, commercial development and small firms'  
Planning Policy Statement 7 - 'Sustainable Development in Rural Areas'  
Planning Policy Statement 9 - 'Bio-Diversity and Geological Conservation'  
Planning Policy Guidance Note 13 - 'Transport'  
Planning Policy Guidance Note 15 - 'Planning and the Historic Environment'  
Planning Policy Statement 25 - 'Development and Flood risk'

- 2.2 The Regional Spatial Strategy for the West Midlands is of relevance – Policy PA15

- 2.3 The following policies of the Herefordshire Unitary Development Plan are considered to be of relevance to consideration of this planning application:-

S1 – Sustainable Development  
S2 – Development Requirements  
S4 – Employment  
S6 – Transport  
S7 – Natural and Historic Heritage  
DR1 – Design  
DR4 – Environment  
DR6 – Water Resources  
DR7 – Flood Risk  
E13 – Agricultural and Forestry Development  
LA2 – Landscape character  
NC1 – Bio-Diversity and development  
NC5 – European and nationally protected species  
NC6 – Biodiversity Action Plan priority habitats and species  
NC7 – Compensation for loss of biodiversity  
NC8 – Habitat creation, restoration and enhancement  
NC9 – Management of features of the landscape important for flora and fauna  
HBA4 – Setting of listed buildings  
RST9 – Herefordshire & Gloucestershire Canal

### 3. Planning History

- 3.1 Whilst Withers Farm has an extensive planning history the only applications to be considered of relevance to this case are:-

DCNE/2007/1540/F - Retention of a block of permanent polytunnels to be used for plant propagation - Permitted

DCNE/2007/1544/F - Retrospective application for the retention of a seasonal agricultural workers hostel - Undetermined

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 English Heritage has no objections to the development
- 4.2 Ledbury Town Council object to the development on the following summarised grounds: -

Visual impact and resultant harm to the landscape

- 4.3 Wellington Heath Parish Council has not objected to the development but has made the following comments: -

- a) The surface water drainage issue requires addressing
- b) Additional landscaping is required
- c) The extent of polytunnel coverage must be controlled, the Parish Council recommend a limit of 40 hectares
- d) Issues of ecological impact, adequacy of the local highway network to cater with the amount & type of traffic generated, impact upon residential amenity and impact upon Public Rights of Way need addressing

- 4.4 The Environment Agency has no objections to the negotiated development subject to the imposition of recommended conditions.

#### Internal Council Advice

- 4.5 The Transportation Section has no objections to the development subject to the provision of an appropriately sited passing bay along Burtons Lane.
- 4.6 The Environmental Health Section has no objections.
- 4.7 The Council's Land Drainage Engineer does not raise objections to the negotiated scheme
- 4.8 The Planning Ecologist has no objections to the negotiated scheme subject to conditions that are recommended.
- 4.9 The Conservation Section has no objection to the development subject to the setting of the listed buildings known as 'Uplands' and 'Pegs Farm' being satisfactorily safeguarded.

## 5. Representations

5.1 The occupiers of four dwellings in the vicinity object to the development on the following summarised grounds:-

- a) The visual impact of the development especially when sunlight is upon the polytunnels
- b) The impact upon the setting of listed buildings
- c) The ecological impact
- d) Surface water flooding
- e) Impact upon residential amenity
- f) Impact upon Public Rights of Way
- g) Impact upon tourism
- h) Inadequacy of local highway network to cater with the amount and type of traffic generated.

5.2 The occupiers of four dwellings in the vicinity have stated that whilst they do not object to the development they have the following summarised concerns:-

- a) Additional landscaping is required
- b) Impact upon residential amenity
- c) Adequacy of Burtons Lane to cater with the quantity and type of traffic generated
- d) Surface water drainage problems in Hollow Lane

5.3 Occupiers of two dwelling in the local vicinity have written in support of the development, as have sixteen local firms that supply services to Withers Farm. These letters stress the employment benefits and the other economic benefits that accrue to the local rural economy.

5.4 The Herefordshire & Gloucestershire Canal Trust have not raised objections to the development.

5.5 The Council for the Protection of Rural England express concern as to the visual impact of the development and would not wish the Council to approve this application unless they are satisfied that this matter has been satisfactorily addressed.

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

## 6. Officer's Appraisal

6.1 It is considered that when considering any application for the erection of polytunnels one needs to balance the economic benefits against the environmental impacts. Normally the main environmental impact is the visual impact upon the landscape.

### Economic Benefits

6.2 Polytunnels have enabled greater quantities and better quality of soft fruit to be produced. The success and viability of businesses such as that at Withers Farm have made a positive contribution to the rural economy.

6.3 Planning policies at national, regional and local levels recognise the importance of the agricultural sector. Planning Policy Statement 7 advises authorities to support development proposals that enable farming to become more competitive, sustainable and environmentally friendly and to adapt to changing markets. Herefordshire is part

of a Rural Renaissance Zone defined in the Regional Spatial Strategy for the West Midlands. Policy PA15 seeks to promote agriculture and farm diversification, including new and innovative crops, on-farm processing and local marketing.

- 6.4 Policy E13 of the Unitary Development Plan deals with agricultural development and the supporting text refers to the need to balance landscape impact against the operational needs of agriculture, recognising that necessary developments are often prominent in the rural landscape.
- 6.5 Polytunnels have two main benefits to British growers:-
- They protect developing fruit from rain damage, thereby greatly reducing losses from rot and fungus whilst allowing continual picking at harvest-time, unconstrained by the weather; and
  - They extend the growing season, allowing fruit to be harvested from May to November instead of being limited to the traditional June / July period. No additional heating or lighting is used to extend the growing season.
- 6.6 According to the national soft fruit trade association and a fruit marketing company, British strawberry and raspberry production has increased more than five-fold since 1996; most of that growth being attributed to the use of polytunnels. Ninety per cent of strawberries and 98% of raspberries are now grown under polytunnels, compared with no raspberries and 4% of strawberries ten years ago. The use of polytunnels has allowed the applicant and other growers to supply a growing demand for fresh fruit in response to national healthy eating campaigns.
- 6.7 A further indication of the transformation that has taken place in British soft fruit growing is that in 1996, 60% of UK sales were supplied by domestic growers, whereas in 2007, 95% of all berries sold in the UK were grown in the UK. The substitution of local fruit for imported fruit has therefore resulted in significant sustainability benefits of reducing the international transportation of fruit by air and road (the food miles issue). For instance, until recent years fruit was air-freighted from California as the main source of late summer and early autumn soft fruit, but those imports have been eliminated. Nationally, it is calculated that import substitution in 2007 is valued at £110 million. The contribution of Withers Farm must be a small percentage of this national figure, but nonetheless, it is considered that weight can be attributed to its share to the overall success.
- 6.8 Soft fruit picking and packing is a labour intensive activity, and it is accepted that the expansion of the business at Withers Farm has made a positive contribution to the rural economy. The Farm currently employs some 290 staff, of which 10 are permanent positions and 280 are seasonal jobs from March to November. Clearly such employment levels could not be generated by, say, arable farming. Seasonal labour is recruited mostly from Eastern European Countries under the Home Office approved Seasonal Agricultural Workers Scheme. The seasonal workers are accommodated in a purpose built hostel which is the subject of an undetermined planning application. It would be premature to determine that application in advance of this one as the need for seasonal worker accommodation only arises from the polytunnels. Clearly the seasonal workers spend a proportion of their wages locally making a positive contribution to the local economy.
- 6.9 In addition, to the above it is clear that the business at Withers Farm must purchase goods and services in the UK, helping to support jobs in supplier companies. Whilst some of these suppliers may be national businesses, the planning application is

accompanied by letters of support from local agricultural suppliers that benefit directly from the success of the soft fruit at Withers Farm.

- 6.10 Therefore it is concluded on the first issue that the benefits of polytunnels, in enabling the production of increased quantities and qualities of soft fruit; the sustainability benefits of reducing food miles and the positive contribution to the rural economy are all matters to which considerable weight should be accorded in the balance of considerations. This conclusion is supported by the comments of the Inspector on the recent appeal decision on a soft fruit enterprise at Kings Cople who stated that: "the benefits of the polytunnels is enabling the production of increased quantities and quality of soft fruit; the sustainability benefits of reducing food miles, and the positive contribution made to the rural economy are all matters to which considerable weight should be accorded in the balance of considerations".

#### Environmental Impacts

- 6.11 Although it is considered that economic benefits accrue, this does not mean that polytunnel developments should be allowed at any environmental costs. The various planning considerations need to be balanced.
- 6.12 In assessing the environmental impacts and to assist in the negotiation process the case officer dealing with this application applied what is best described as a "sieve map analysis" to this site. Again Members attention is drawn to the coloured plan that accompanies this Agenda.
- 6.13 The first issue that has been considered is whether the site has any special landscape designation which means that priority would normally be given to the landscape over other planning considerations. The site is not with a designated Area of Outstanding Natural Beauty.
- 6.14 The second issue that has been considered is whether there are any fields upon the holding in which polytunnels should not be sited. In this respect, it is considered that the answer to this question is yes. These areas are highlighted on the coloured plan accompanying this Agenda and explained below:-
- It has been concluded in discussions with the Environment Agency that due to potential flood risk from the River Leadon there should be no polytunnels sited on land lower than 55 metres above ordnance datum. This not only takes into account the historic flood zone but also models in climate change predictions. This approach ensures compliance with policy DR7 of the Herefordshire Unitary Development Plan 2007. This area is cross-hatched with blue lines on the plan.;
  - When walking Public Rights of Way across the Farm particularly good views are obtained of the listed houses known as 'Pegs Farm' and 'Uplands'. When walking along footpath WH8 in a north-westerly direction and public footpath WH4 in a northerly direction a particularly good public view of the front façade of Pegs Farm which is sited on the northern side of Hollow Lane is achieved. The open agricultural setting of 'Pegs Farm' is maintained and it is considered that this area should be kept devoid of any polytunnels. Similarly when walking along footpath WH7 in a north - westerly direction and footpath LR16 in a northerly direction a particularly good public view of the front façade of 'Uplands' which is sited on the northern side of Burtons Lane is achieved. The open agricultural setting of 'Uplands' is maintained and it is considered that it should be kept devoid of polytunnels. It must be recognised that

the Local Planning Authority has a statutory duty to safeguard the setting of listed buildings in addition to the provisions of policy HBA4 of the Herefordshire Unitary Development Plan 2007. These areas are cross-hatched in red on the plan;

- Other than when walking on public rights of way across the site, Withers Farm is not that visible from short distance public vantage points. The immediately surrounding roads are relatively well landscaped with roadside hedges and / or are sunken. However, Withers Farm is readily visible from long-distance public vantage particularly from the south-west (e.g. the A438 in the vicinity of the Verzons Hotel), the west, the north-west and the north (e.g. in the vicinity of Fox Hill, Bosbury). When viewed from long-distant public vantage points certain fields are highly visible due to their open nature and / or elevated positions. It is considered that these fields should not accommodate any polytunnels due to the visual impact of such development and to comply with policy LA2 of the Herefordshire Unitary Development Plan 2007. This issue is referred to as the individual landscape impact. These areas are cross-hatched in green on the plan.
  - It is considered that there should be no polytunnels within 2 metres of the centre line of any Public Right of Way upon the Farm. This not only ensures that the public rights of way are not obstructed but ensures a development free corridor either side. This ensures compliance with policy T6 of the Herefordshire Unitary Development Plan 2007. The Public Rights of Way are shown with black dots on the plan.
  - To ensure compliance with policy with policy RST9 of the Herefordshire Unitary Development Plan 2007 there should be no polytunnels sited upon the safeguarded route of the Herefordshire and Gloucestershire Canal. This route is shown with blue dots on the plan.
  - The grey cross-hatched areas on the plan are those areas where the applicant is not wishing to erect any polytunnels either for operational reasons or due to private agreements that he has with local residents in the vicinity.
- 6.15 The above leaves a considerable number of fields and a considerable area where it is considered that polytunnels could be satisfactorily accommodated. However, this does not mean that they should all accommodate polytunnels, as it is considered that whilst individually each field may be able to satisfactorily accommodate polytunnels, if they all did at the same time the cumulative visual impact would be too great. It is considered that a “sea of polythene” should be avoided and that such polytunnels should appear in the landscape as a “series of spordic ponds or lakes”. In this regard it is considered that a limit should be imposed with regard the total area of the entire application site / Farm that can accommodate polytunnels. It is considered that a limit of 50.7 hectares should be imposed. This amounts to 33% of the application site / Farm. It must be stressed that this is a limit considered appropriate to this particular site and should not be regarded as a universal rule to be applied to all sites.

In addition, it is considered that this 33% coverage of the entire holding / Farm should not be concentrated in one particular area. Therefore it is recommended that the local planning authority should place an individual limit upon each of the three landscape zones outlined above (see Zones 1, 2, and 3 shaded with small green, yellow and blue dots respectively on the plan). The respective limits recommended are: -

- Zone 1 – limit of 16.2 hectares;
- Zone 2 – limit of 25.9 hectares; and

- Zone 3 limit of 8.6 hectares.

In this way the cumulative landscape impact can be satisfactorily controlled.

#### Other Matters

- 6.16 Additional landscaping – notwithstanding the recommendation that the application site can satisfactorily accommodate a certain level of polytunnel coverage their visual impact still needs to be mitigated. In this respect landscaping proposals have been submitted which include the planting of wet woodland areas, the enhanced planting of existing hedgerows, new hedgerows /planting belts and the planting of a woodland copse. Species have been agreed. This will assist in mitigating any adverse impact on the landscape qualities of the area.
- 6.17 Residential Amenity - The siting of polytunnels in close proximity to neighbouring residential dwellings tends to give rise for concern. This is not only due to their visual impact but also due to noise and disturbance associated with the activity. In this regard and having regard to this specific case, it is considered there should be no polytunnels within 30 metres of any residential dwelling house that lies outside the confines of the application site / farm;
- 6.18 Surface Water Drainage – There is concern locally that both Hollow Lane and the B4214 frequently suffer from flooding due to surface water run-off. Both the Council's Land Drainage engineer and the drainage consultant engaged by the applicant have spent considerable time addressing this issue. There is no doubt that these roads have suffered from flooding associated with surface water run-off. It is not possible to directly attribute the entirety of flooding problems with the polytunnels at Withers Farm. However it is considered that on the balance of probability the polytunnels at Withers Farm are contributory factors. As a consequence the drainage engineer for the agent for the applicant has produced a comprehensive surface water mitigation and management scheme which includes the following measures: -
- The installation of a further underground field drainage pipe in the field opposite Pegs Farm to ensure flow into the pond rather than the road
  - The clearance of the Hollow Lane drainage ditch of unwanted sediment accumulation and blockages together with its subsequent monitoring and clearance;
  - Opposite Priors Court in Hollow Lane it appears that flows leave the site and join the adjacent road before entering the River Leadon. There is also a minor element of sediment near the road / field entrance. It is proposed to construct a drainage ditch incorporating a sediment trap directly to the River Leadon. This would by-pass the road ditch and would be down-gradient and downstream when any flooding occurs.
  - The flow from the disused canal area to culvert would be largely restricted or cut-off and the canal used to re-cycle water for irrigation purposes. This would attenuate storm run-off from the upper catchments and allow run-off down catchments of the canal to be handled sufficiently by the under road culvert. The use of water for irrigation purposes would be controlled by a pump and level control.

The Council's Land Drainage Engineer and the Environment Agency are satisfied with the proposed surface water mitigation and management strategy. A condition requiring its full implementation within a reasonable timescale is recommended.



- 6.19 Highway Matters – The local highway network is relatively good in that the distance of the Farm from the B4214 is limited. However, Hollow Lane and Burtons Lane are narrow country lanes. The vehicle movements associated with the employees are limited and the seasonal workers tend to be transported by mini-bus, if not walking or cycling. Deliveries of soft fruit to Wye Fruits, which is located along the Bromyard Road in Ledbury, tends to be way of tractors with trailers. Larger service vehicles deliver to the site. Visits to the site by the case officer over the last nine months and representations from local residents have highlighted a problem that occurs when one large motor vehicle meets another vehicle along Burtons Lane in the stretch between the main entrance to the Farm and the B4214. It is considered that this could be mitigated by providing an appropriately sited and designed passing bay. It appears that there may be a suitable location on the south side of Burtons Lane east of the property known as 'Uplands' and west of the property known as 'Burtons Bungalow'. This matter is dealt with by way of a recommended planning condition.
- 6.20 Ecological Issues – a full ecological appraisal has been submitted by an appropriately qualified ecologist engaged by the applicant. The Council's Planning Ecologist is satisfied with the proposed development subject to conditions that are reflected in the recommendation.
- 6.21 Water Resources – A Water Resources Risk Evaluation has been submitted and the Environment Agency is satisfied that the annual water abstraction rates from the River Leadon will not increase over that currently taken. They are also satisfied flow rates and volume will remain acceptable without adversely affecting flora and fauna. The Environment Agency supports the applicant's water efficient growing methods, which match irrigation to the plant requirements and his intentions to employ further rainwater harvesting techniques.
- 6.22 Tourism – Whilst the erection of polytunnels is a controversial issue within the County of Herefordshire, proportionally little of the County is covered with them. Having liaised with the Tourism Section of the Council there is no evidence to support the view that the growth in the number of polytunnels has led to a decline in tourists staying within the County and visiting its attractions.

### Conclusion

- 6.23 It is recognised that the provision of polytunnels upon this site creates benefit to the local rural economy and that their environmental impact can be adequately controlled by way of a series of planning conditions.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1 - There shall be no polytunnels sited on land lower than 55 metres above ordnance datum.**

**Reason: To maintain conveyance of flood flows and to prevent the increased risk of flooding elsewhere in compliance with policy DR7 of the Herefordshire Unitary Development Plan 2007.**

- 2 - There shall be no polytunnels sited upon the areas cross-hatched in red and annotated as "No polytunnels: Setting of a listed building" as shown on the plan attached to this decision notice.**

**Reason:** To safeguard the setting of the listed buildings known as 'Pegs Farm' and 'Uplands' in accordance with policy HBA4 of the Herefordshire Unitary Development Plan 2007.

- 3 - There shall be no polytunnels sited within those areas cross-hatched in green and annotated as "No polytunnels: Landscape impact" as shown on the plan attached to this decision notice.

**Reason:** To ensure a satisfactory visual appearance of the development hereby permitted within the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 4 - No polytunnels shall be sited within 2 metres of the centre line of any public right of way.

**Reason:** To ensure that no public right of way is obstructed and to ensure that their enjoyment is safeguarded in accordance with policy T6 of the Herefordshire Unitary Development Plan 2007.

- 5 - No polytunnels shall be sited upon the safeguarded route of the Herefordshire and Gloucestershire Canal marked with blue dots and annotated as 'Safeguarded route of canal' on the plan attached to this decision notice.

**Reason:** To ensure that the safeguarded route of the Herefordshire and Gloucestershire Canal is safeguarded from development in accordance with policy RST9 of the Herefordshire Unitary Development Plan 2007.

- 6 - No more than 50.7 hectares of the application site shall be covered with polytunnels at any one time.

**Reason:** To ensure that the cumulative visual impact of the development within the landscape is satisfactorily controlled in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 7 - Notwithstanding the above conditions, no more than 16.2 hectares of Zone 1 shaded with small green dots on the plan attached to this decision shall be covered with polytunnels at any one time.

**Reason:** To ensure that the cumulative visual impact of the development within the landscape is satisfactorily controlled in accordance with Policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 8 - Notwithstanding the above conditions, no more than 25.9 hectares of Zone 2 shaded with small yellow dots on the plan attached to this decision notice shall be covered with polytunnels at any one time.

**Reason:** To ensure that the cumulative visual impact of the development within the landscape is satisfactorily controlled in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 9 - Notwithstanding the above conditions, no more than 8.6 hectares of Zone 3 shaded with small blue dots on the plan attached to this decision notice shall be covered with polytunnels at any one time.

**Reason:** To ensure that the cumulative visual impact of the development within the landscape is satisfactorily controlled in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 10 - No polytunnel shall be sited within 30 metres of the boundary of any residential curtilage of any dwelling house that lies outside the confines of the application site.

**Reason:** To safeguard the amenities of the occupiers of dwelling houses in the immediate vicinity in accordance with policy DR1 of the Herefordshire Unitary Development Plan 2007.

- 11 - No polytunnel shall exceed 4.25 metres above existing ground level.

**Reason:** To control the visual impact of the impact of the development within the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 12 - Notwithstanding the above conditions, the landscaping scheme detailed upon drawing number 1196/09 and species mix detailed within Section 6 of the Davies Light Associates Landscape and Visual Appraisal dated 1/12/06 shall be fully planted prior to 1st March 2009. Prior to 1st October 2008 the density (i.e. number of plants/trees, precise locations and spacings) of the proposed planting shown upon a metric scaled plan of at least 1:7,500 must be agreed in writing with the Local Planning Authority. Any trees or plants which prior to 1st March 2019 die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No polytunnels shall be sited upon these landscaped areas.

**Reason:** To ensure that the development hereby permitted is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 13 - Within three months from the date of this planning permission a scheme for the provision of a motor vehicle passing bay along Burtons Lane between its junction with the B4214 and the main vehicular entrance to Withers Farm shall be submitted to the Local Planning Authority for their written approval. Such a scheme must be agreed and approved in writing by the Local Planning Authority within four months of the date of this permission. The approved passing bay scheme shall be implemented by 1st September 2008 and thereafter maintained free of obstruction.

**Reason:** To ensure the free flow of traffic along Burtons Lane.

- 14 - All surface water and mitigation management measures detailed in the Surface Water Mitigation and Management Report prepared by JDIH Envireau and received by the Local Planning Authority on 5th November 2007 shall be fully implemented prior to 1st January 2009 and thereafter maintained. Surface Water generated from the site shall be limited to the equivalent Greenfield run-off rate.

**Reason:** To safeguard against surface water flooding of both Hollow Lane and the B4212.

- 15 - The recommendations for habitats and protected species set out in the Ecological Appraisal dated 07/10/07 prepared by Davies Light Associates shall be followed unless otherwise agreed in writing by the Local Planning Authority. The implementation of the ecological mitigation works shall be overseen by an appropriately qualified and experienced ecological clerk of works.

**Reasons:** To ensure the protection of all species covered under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended), the Badger Act 1992 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To ensure that the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To comply with Herefordshire council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitats and to maintain the foraging area for protected species in accordance policies NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 9.

- 16 - Within three months of from the date of this permission, a habitat creation, enhancement and management scheme, to include specified timescales for implementation, based upon the FWAG Report dated 17th October 2007 and to include a nature conservation buffer zone along the northern section of the eastern side of the canal shall be submitted to the Local Planning Authority for their written approval. The approved scheme shall be fully implemented as approved and the implementation of the ecological mitigation works shall be overseen by an appropriately qualified and experienced ecological clerk of works.

**Reasons:** To ensure the protection of all species covered under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended), the Badger Act 1992 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To ensure that the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To comply with Herefordshire Council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitats and to maintain the foraging area for protected species in accordance policies NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 9.

- 17 - There shall be no buildings, structures (including polytunnels, gates, walls and fences) or raised ground levels within 8 metres of the top of bank of the River Leadon (Main River) unless otherwise agreed in writing by the Local Planning Authority.

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

- 18 - All existing trees and hedgerows upon the land shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development hereby permitted is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 19 - In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnels which includes the supporting structures shall be removed from application site within a period of twelve months.

Reason: To ensure that buildings / structures that are redundant for agricultural purposes do not remain in the landscape unnecessarily.

- 20 - None of the polytunnels hereby permitted shall be covered with polythene from 15th November until 31st December in any calendar year nor during the month of January in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing periods in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 21 - There shall be no polytunnels sited within the areas cross-hatched grey and annotated as 'No Poly tunnels: Proposed by applicant' as shown on the plan attached to this decision notice.

Reason: These areas do not form part of the proposal hereby permitted and as such the merits of siting polytunnels upon these areas of land have not been considered.

- 22 - Prior to the 1<sup>st</sup> February in each calendar year following the date of this permission, a plan to a metric scale of at least 1:7,500 shall be submitted to the Local Planning Authority showing the 50.7 hectares (maximum) of land to be covered with polytunnels and distributed in accordance with conditions 7, 8 and 9 above requiring maximum coverages in Zones 1, 2 & 3 of 16.2 hectares, 25.9 hectares and 8.6 hectares respectfully.

Reason: To enable the Local Planning Authority to practically monitor the development.

**Informatives:**

- 1 - The reason for granting planning permission in respect of the development is that it is considered by the Local Planning Authority that the development gives rise to benefits to the local rural economy and that the environmental impacts can satisfactorily be overcome by way of the imposition of appropriate conditions in compliance with the relevant Development Plan policies.

The documents to which the decision notice relates are: -

The plan attached to the decision notice  
 Drawing number 1196/09 and species mix detailed within Section 6 of the Davies Light Associates Landscape and Visual Appraisal dated 1/12/06  
 Surface Water Mitigation and Management Report prepared by JDIH Envireau and received by the Local Planning Authority on 5th November 2007  
 Ecological Appraisal dated 07/10/07 prepared by Davies Light Associates  
 FWAG Report dated 17th October 2007

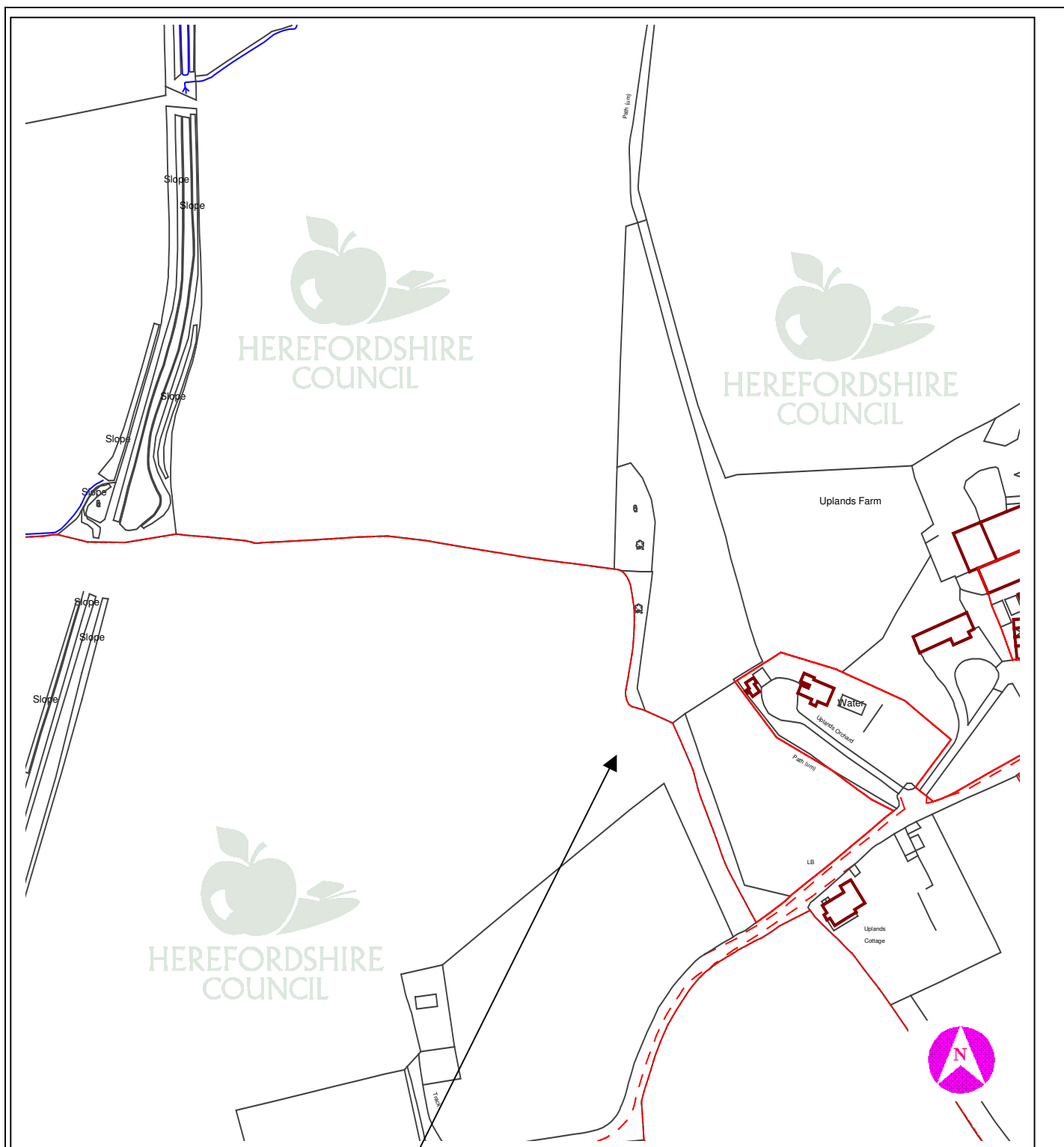
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNE2007/1536/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Withers Farm, Burton's Lane, Wellington Heath, Ledbury, Herefordshire, HR8 1NF

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