

9 DCCW2009/0161/F - APPLICATION (PART RETROSPECTIVE) TO ERECT FIXED (NON ROTATING) SPANISH POLYTUNNELS OVER ARABLE (SOFT FRUIT) CROPS GROWN ON TABLE TOPS AT LAND AT BROOK FARM, MARDEN, HEREFORDSHIRE HR1 3ET

For: S & A Produce (UK) Limited per Antony Aspbury Associates, 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW

Date Received: 28 January 2009

Ward: Sutton Walls

Grid Ref: 52564, 48342

Expiry Date: 29 April 2009

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 Brook Farm is located on the eastern side of the C1120 road that runs north from Marden to Bodenham. The site contains a large number of portacabins used as temporary offices and administration centre for S. & A. Davies.
- 1.2 The proposal is to retain 36.5 hectares of Spanish polytunnels located in the fields to the east and north of Brook Farm, Marden. The tunnels are 7.5 metres wide with a maximum height of 4.5 metres. They are constructed of galvanised steel and covered with a clear plastic membrane. Underneath the tunnels raised beds have been constructed within which strawberries and other soft fruits are grown.
- 1.3 The planning application is amended from the dismissed appeal by removal of fields adjacent to the village. The loss of these fields is compensated for by inclusion of additional fields to the north.

2. Policies

2.1 National Guidance:

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007:

S1 - Sustainable development
 S4 - Employment
 S7 - Natural and historic heritage
 DR2 - Land use and activity
 DR3 - Movement
 DR4 - Environment
 DR6 - Water resources
 DR7 - Flood risk
 DR11 - Soil quality
 DR13 - Noise

E6	-	Expansion of existing businesses
E8	-	Design standards for employment sites
E10	-	Employment proposals within or adjacent to main villages
E13	-	Agricultural and forestry development
T6	-	Walking
LA2	-	Landscape character and areas least resilient to change
LA3	-	Setting of settlements
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscape schemes
NC1	-	Biodiversity 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 fauna and flora
HBA4	-	Setting of listed buildings

3. Planning History

- 3.1 DCCW2004/0804/F Proposed erection of permanent polytunnels. Withdrawn 18 January 2005.
- 3.2 DCCW2005/0698/F Siting of polytunnels in connection with raised bed strawberry production. Withdrawn 18 August 2005.
- 3.3 DCCW2006/2534/F Retention of polytunnels in connection with raised bed strawberry production. Refused 24 October 2006. Appeal dismissed 6 February 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection subject to imposition of a condition to ensure all surface run-off is limited to Greenfield run-off rates with attenuation for 1% plus climate change storm event in accordance with the Flood Risk Assessment submitted with the application.
- 4.2 River Lugg Drainage Board: No objection in principle subject to controls on surface water run-off.
- 4.3 Natural England: Regulation 48 of the Habitat Regulations requires your Authority, before deciding to give any consent to a project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects, and (b) not directly connected with or necessary to the management of the site, to make an appropriate assessment of the implications for the site in view of its conservation objectives.
- 4.4 Ramblers' Association: I note the time and effort which have been allocated to the preservation of the Public Rights of Way, within the application site. The only point which gives me concern is the separation of the footpaths from the agricultural activities. On the one hand this seems reasonable from a safety aspect. The down

side of this action, which I have found through experience, is that the alleyway where the footpath exists soon becomes overgrown and then due to the enclosing fence difficult to maintain. I would seek a commitment regarding the upkeep of the footpaths in these fenced areas as a condition of this Planning Application.

Internal Council Advice

- 4.5 Traffic Manager: As the traffic generation in respect of the proposals is less than the current situation, my recommendation for both applications is approval with conditions, the condition being H30 Travel Plan.
- 4.6 Conservation Manager (Ecology): I can also confirm that we are satisfied with the proposed mitigation and enhancement measures for great crested newts, and that a planning condition to secure further details of this is appropriate.
- 4.7 Conservation Manager (Landscape): The nature of the two applications makes it appropriate to confine my comments to a single response. As the subject of the applications has been previously considered and tested, the issues related to landscape and visual impact have already been, to some extent exercised. In brief, the following points arise:

The applications are accompanied by Landscape and Visual Impact Assessments (LVIA) carried out in accordance with adopted guidelines. The studies recognise national and local landscape character assessments, and also include specific baseline assessments of the site and surroundings. The degree of impact of both proposed developments on both the character of the landscape and the identified visual envelope is reasonably and fairly assessed. The studies go on to propose suitable measures, including new planting and management of existing vegetation that will mitigate the identified negative impacts.

I am satisfied that the assessments have been carried out in a manner that properly recognises the visual impact of the proposed development, but fails to acknowledge that the development will bring about a 'permanent' change in the pattern and use of the land under consideration.

I am satisfied that the proposed landscape mitigation measures represent the minimum necessary to negate the impact of the development. I would suggest that a strongly worded condition is attached to any permission given, requiring all landscape measures proposed to be implemented before 1st April 2010, and for the provisions included in the proposed landscape and ecological management plan to be extended to a minimum of ten years (currently five years).

I suggest it would be appropriate to attach a condition to any permission given, particularly in relation to the seasonal workers' accommodation, requiring a detailed landscaping scheme to be prepared, submitted and approved for ground within the setting of the listed buildings on and adjacent to the site.

- 4.8 Conservation Officer (Historic Buildings): No objection.
- 4.9 Public Rights of Way Manager: The proposed erection of fixed (non rotating) Spanish polytunnels will affect the use and enjoyment of public footpaths MR22A and MR21, which cross the application site as shown on the attached plan.

However, this proposal will be a significant improvement over the way the site has been managed in the past. During the years 2002-2006 in particular, the PROW

Manager received dozens of reports relating to problems experienced by members of the public attempting to walk these two footpaths. The rate at which reports have been received has dropped considerably during the last couple of years so that in 2007 no reports were received on either footpath, and since then just four reports have been logged regarding these two footpaths.

The PROW service has been working closely with the applicant to resolve problems when they arise, and in formulating the detail of the treatment of PROWs in this application.

The sections and plans showing the layout shown in the drawings LO9A, LO9B and LO9C are testament to this. There is clear separation of the PROW from vehicle movements and polytunnel structures, and a minimum path width of 3 metres has been provided, much greater than the minimum width of 1.5 metres for a field edge path, and minimum 1 metre width for a cross field path specified in the Highways Act 1980 for fields under a growing crop. The 3 metre width will also allow vegetation alongside each path to be maintained by machine on a regular basis, and the PROW service will continue to monitor this using its powers under the Highways Act 1980. The PROW Manager requests that the treatment of PROWs shown in these plans be made a condition of any approval.

Whilst the immediate visual impact of the polytunnels will remain, its significance will be reduced by the smaller total area under polytunnels, greater separation of the tunnels themselves from each of the paths, and a planting regime to soften visual perspectives.

The public bridleways along the outside of the north boundary (MR20) and along the outside of the east boundary (MR19) will not be significantly affected by the proposal.

The PROW Manager has no objections to this application, but asks for a condition to reinforce UDP Policy T6 and SPD supplementary guideline 16, as follows:

There shall be no polytunnels erected within 2 metres of the centre line of a public right of way and no polytunnels sited within 3 metres of the centre line of a bridleway.

This will ensure that an enforcement regime exists to protect the public's enjoyment of their right to walk along these footpaths and bridleways particularly if any changes be proposed in the future.

5. Representations

- 5.1 Marden Parish Council: Objects to the above planning application. It is noted that the description of the proposal is very similar to that which was refused on appeal dated 6th February 2008 (Ref: APP/W1850/A/07/2041947).

The key question in considering the application is the material difference between both schemes. The site area proposed is 40% larger than that refused in the appeal. The Parish Council considers that the proposed scheme would have a considerable impact on the character and environment of the village.

It is clear from the applicant's cover letter that the company is seeking to draw a line under previous 'town planning difficulties'. However, it must be noted that the applicant's proposals have been through a thorough assessment by the Secretary of

State and have been deemed by a Planning Inspector not to comply with the development plan. Significant revisions would need to be made to the scheme to overcome the reasons for dismissal of the appeal. The letter simply repeats the economic arguments which were duly considered at the Public Inquiry.

It is proposed to extensify the use of the 'table top' method of cultivation which will increase yields and reduce the need for additional areas of polytunnel. The Parish Council notes that the applicant refers to addressing the polytunnels closest to the village, that linear block 31 - 33 which are considered at Paragraphs 183 and 184 of the Inspector's report. It is also noted that the Planning Inspector states that Blocks 34 and 35 are at the bare limit of acceptability. The site plan forming part of the application proposal indicates that the most offending blocks 31 - 34 will be removed and 34 and 35 retained. The parish council is concerned about the impact of the whole development, but particularly that blocks 34 and 35 on the nearby houses, particularly from noise of machinery, workers, and polythene in windy conditions. It is also concerned about the impact of these blocks on the nearby public footpath.

The removal of blocks 31 to 33 is a small concession given the scale and impact of the operation.

Herefordshire Council has recently adopted a Supplementary Planning Document (Dec 2008) in respect of polytunnels and it is obviously very relevant in the consideration of the above planning application. Policy SG3 'Cumulative Impact - limits to polytunnel coverage' is related to policies S1, S2, S7, LA1, LA2, LA3, E13 and SG4 of the adopted Unitary Development Plan. The applicant states that the consolidation of the enterprises at Marden and Brierley through moving to table top production will enable the proposal to conform to policy SG3 of the SPD.

It is acknowledged in the SPD that there are undoubted economic benefits arising from polytunnels used in agricultural production and this is a crucial part of the economic structure of Herefordshire. Notwithstanding this, it is evident that the proposal would harm the landscape contrary to Policy LA2 of the UDP.

Policy SG3 of the SPD states that 'The local planning authority will normally seek to secure, via an appropriate legal mechanism (usually a planning condition), a limit as to the total area of an agricultural holding or unit that may accommodate polytunnels'. There is no explanatory text to this policy but it is considered that the policy cannot be applied to the proposal which is retrospective in nature.

Marden Parish Council considers that the position and scale of polytunnels in the landscape is an important consideration and has made this clear in its submission during the consultation period of the SPD. Policy SG4 of the SPD states that the scale of polytunnels will also be limited within each distinct landscape character zone. Marden Parish Council have serious concerns in respect of the feasibility of any planning conditions imposed which would seek to limit polytunnels around the village (in accordance with the SPD). This is especially true of polytunnels which are not in the ownership of the applicant. The Parish Council would like to seek assurances from the Local Planning Authority that there would be appropriate conditions imposed in this respect and that these can be effectively enforced to ensure that the landscape and environment around Marden is protected from further encroachment arising from polytunnels. The SPD also requires the polythene of the polytunnels to be removed within the annual growing cycle but the applicant does not appear to comply with this in any of the reports submitted.

The network of footpaths and bridleways needs to be protected and it is considered that the scale of the scheme proposed would have a negative effect on the network of public footpaths and bridleways through the site. The Parish Council would like to see a more proactive and comprehensive policy for the protection of footpaths and bridle paths in the polytunnel area.

The Parish Council is also concerned that the information provided on rainfall run-off and water abstraction and management is historical and not relevant to the proposed area of polytunnels. Any permission should therefore include a clear condition requiring submission of a detailed water management and flood protection policy that is approved by the Environment Agency.

Overall, the concept of 'table top' production is supported by members of the Parish Council. Notwithstanding this, there are serious reservations regarding the scale of this application and the imposition of sufficiently robust conditions and around the feasibility of the enforcement of these conditions with any consent.

It is respectively requested that the points raised above are duly considered before the application is determined.

5.2 Arrow Valley Residents Association: I write on behalf of AVRA to object to this application for permanent polytunnels over such a large area at Marden for the following reasons:

1. Table top growing does not need prime agricultural land
2. The environmental impact is unacceptable
3. The amount of fruit grown will need around 2000 pickers causing an overload on local services
4. No amount of screening prevents the visibility of plastic from the higher ground in the area such as the Queenswood viewpoint, Croft Ambrey, Wapley and large parts of the Mortimer Way and Herefordshire Trail.

5.3 Campaign for the Protection of Rural England: On behalf of the Committee of the Herefordshire Branch of CPRE (Campaign to Protect Rural England) I am writing to object to this application.

We have objected to the scale and prominence of the polytunnels around Marden on several occasions, and made representations at the Appeal Inquiry in December 2007. I note that much of the area of polytunnels that was under discussion at that Inquiry is within the area delineated in this application. The most southerly area has been excised but further hectares of land have been added to the northern part of the land refused at that Inquiry.

It seems to us that all the arguments made to defend damage to the landscape and visual amenity made by the Planning Consultants acting for Herefordshire Council (at that Appeal Inquiry, in December 2007), still apply. Many viewpoints were detailed and several photographs submitted but the Inspector decided that... the landscape impact is acute in both long and short range views. ... Any mitigation measures on the appellant's own evidence would take 20 - 30 years to establish so as to significantly lessen the impact.

It would be towards the end of this time period before the impact from important long distance views, for instance from Dinmore Hill, were lessened.

The main policies in the UDP which would be contravened if this application was successful are E13, LA2 and LA3. It is important to note that Policy LA2 provides for surrounding valuable countryside to be particularly protected.

The Secretary of State noted additionally that the development under discussion in December 2007 had affected ...'the notably domestic character of the landscape as defined by the scale of the field pattern'.

It would seem to be the case that this argument applies to this application also.

We hope that you will consider our views on the need to protect the landscape from this proposed permanent damage when you decide on this application.

5.4 Campaign for Polytunnel Control: My objection to this application is as follows:

- This development is against Planning Policy Guidance 7 and the objectives of the UDP.
- The scale is large, unsightly and impacts adversely upon the landscape and public rights of way.
- There will be adverse effects to the local economy, creating a slump in residential devaluation of property.
- The history of the applicant indicates that further expansion at Marden is likely therefore in the event that this application is approved a Section 106 Agreement should be imposed restricting development.
- The future lies in tabletop production and should therefore use brown field sites that do not impact on rural communities.

5.5 Thirty five letters of objection have been received, the main points are:-

1. The installation of permanent table top growing system and fixed polytunnels are inconsistent with the beautiful countryside, peace and tranquility of Herefordshire.
2. The land is good quality and should be used to grow crops not cover in plastic.
3. The development is not in the long term interest of Herefordshire.
4. We were promised that the number of workers would be reduced and the area of polytunnels reduced, yet this is for a bigger area than before.
5. This development goes against the long term interests of Herefordshire as a rural county with a growing and vibrant tourist industry and sets a precedent for the further destruction of the English countryside.
6. Table top growing does not need prime agricultural land.
7. The environmental impact is unacceptable.
8. No amount of screening prevents the visibility of plastic from higher ground such as Queenswood viewpoint and Sutton Walls making the visual impact very considerable and incongruous in its surroundings.
9. As we go into a recession the mass production of a discretionary food item is too vulnerable to the cyclical market to be viable. Hence Herefordshire Council could be left with a large collapsed polytunnel infrastructure.

10. Local facilities, infrastructure and local authority finances could be overloaded.
11. No account appears to have been taken of the public footpaths and bridleways and the damage caused by this type of development. There has been a complete disregard of these rights of way.
12. This flies in the face of the Secretary of State's recent decision.
13. The economic gains to the county of £50 million is very dubious.
14. The proposed development would not maintain or enhance the environment as required by PPS7.
15. It would be contrary to the objections of the Herefordshire Unitary Development Plan which seeks to encourage sustainable development and enhance and protect the natural environment.
16. The tunnels are taller than those used to grow crops from the ground making them more conspicuous in the landscape.
17. The applicant's intention to scale down the coverage of polytunnels is not accepted.
18. There will be very little benefit to the local economy.
19. Permanent permission for development of this type is inappropriate. The structures can easily be dismantled and there may well be changes to production methods and the market for the crop.
20. If permission is granted restrictions preventing further polytunnels should be imposed.
21. Pesticides used could contaminate local water supplies.
22. Marden is turning into an industrial area with damage to the road network and verges as a result of the heavy lorry usage. Sooner or later a serious accident will occur.
23. There is excessive traffic generation from daily operational movements of works traffic in and out from 0400 daily from April. Far in excess that can be deemed acceptable in a rural community.
24. They create localised flooding, soil erosion, the complete loss of any insects and bird life.
25. Excessive water extraction from the River Lugg.
26. A direct threat to the quality of life of local residents.
27. The whole operation is too big and completely surrounds and overwhelms Marden.
28. Mud on roads.

29. Every approach into Marden is blighted by polytunnels.
30. The appeal noted that had fields 31, 32 and 33 not been included there would have been a better chance of approval. Whilst these fields have been removed, reference was also made to fields 34 and 35 as being on the edge of acceptability - these are included within this application and the concerns raised then still remain, namely impact on the Public Right of Way.
31. The Council previously considered the site unacceptable, therefore a larger area must also be unacceptable and it would be quite illogical to consider otherwise.
32. The employment generation is considered superficial given that no posts are identified for the 100 permanent positions and the majority of temporary workers are secured outside of the UK. Therefore few are taken by local people from the village.
33. Planning conditions could not be placed on other land around Marden to prevent polytunnels as suggested - this would be done by the planning system.
34. Polythene is proposed to be in place all year - in conflict with the SPD.
35. It is difficult to see how a reduction in traffic will occur when the applicants still have other fields remote to Brook Farm and not accessible by internal tracks.
36. Spray drift alongside Public Rights of Way is unacceptable and would impact detrimentally.
37. The water abstraction data is out of date and contradictory.
38. There will be greater water run-off possibly flooding the area.
39. The landscape and visual impact report claims no landscape impact after 15 years. This is not acceptable and mean that Marden would be expected to live with this eyesore of polytunnels.
40. PROW MR22a will be enclosed due to existing and proposed hedgerows which will impact upon the quality and enjoyment of the PROW.
41. The application is unnecessarily large and intrusive when considered in the natural landscape.
42. If permission is granted it should only be for a temporary period.

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

6. Officer's Appraisal

- 6.1 PPS7 recognises the important and varied roles of agriculture, including the maintenance and management of the countryside. It also acknowledges that policies should support development that enables farming and farmers to
 - i) become more competitive, sustainable and environmentally friendly

- ii) adapt to new and changing markets
- iii) comply with changing legislation and associated guidance
- iv) diversity into new agricultural opportunities
- v) broaden their operations to 'add value' to their primary produce.

It is under this set of guidance together with UDP policy and the recent appeal decision that the planning application will be considered with the key identified issues being:

- 1) Visual Impact
- 2) Vehicular Movements and Capacity of Local Highway Network
- 3) Local Jobs and Economic Development
- 4) Ecological Interest and Habitat Regulations
- 5) Hydrological and Flooding Issues
- 6) Footpaths and Bridleways
- 7) Tourism

Visual Impact

- 6.2 Polytunnels are an emotive issue with the potential damage to the countryside a typical response to their erection. However from a farmer's perspective they elongate the growing and harvest potential of the crop. As with all planning applications they must be treated on their own individual merit and one polytunnel site can be distinctively different from another. This particular site is relatively well concealed being generally located within the fold in the landscape and fields 31, 32 and 33 have been removed from the previous dismissed appeal. The Inspector noted that had they not been included then the balance of issues may have been different with the balance of harm being significantly reduced. Accordingly these fields are not included in this application and the applicants have removed the polytunnels and all structures. Whilst also removing the visual impact it moves the activities of the operation further away from the village and therefore further reducing any impact on the setting of the village. The Landscape Officer has fully assessed the Landscape and Visual Impact Assessment submitted with the application and carried out in accordance with adopted guidelines. He is satisfied that the mitigation measures proposed are sufficient to negate the impact subject to suitable conditions to ensure proposed landscaping measures are implemented before April 2010 and that the maintenance period is extended to 10 years. In addition the polythene is removed from the tunnels by the end of October and not required to be replaced until the beginning of March. This ensures that the screening afforded to the site through hedges and trees when they are at their least effective due to lack of foliage is mitigated by no polythene, an arrangement that can be secured by condition. The Herefordshire lowlands are not an area of special designation but as identified by the Inspector it still merits the protection given to the countryside. However it was noted that the general setting of Brook Farm is relatively favourable with only modest effects on landscape character. It is therefore considered that in visual terms the proposal can be accommodated within the landscape.

Vehicular Movements and Capacity of the Local Road Network

- 6.3 The retention of permanent polytunnels on this site will reduce the need for farm vehicles on the adjoining public highways as all of this site can be serviced from internal farm tracks to the pack house at Brook Farm. A return to rotational cropping on this area would necessitate additional land being used with farm traffic inevitably increasing on the local road network. This, together with an extended harvesting period provides for a more sustainable development. Concerns regarding the HGVs

that access Brook Farm are noted, however the use of this site as a storage, processing and distribution plant was allowed on appeal in 1997 when it was then being used as a potato distribution centre. Whilst transport routing is not within the planning remit, it is suggested that discussions are held with the applicant to clarify a routing system for distribution of their produce.

Local Jobs and Economic Development

- 6.4 At its height in the summer months the applicant has previously employed approximately 2000 migrant workers. In addition nearly 100 full time jobs are provided together with 38 farmers who are employed by S&A Davies but also manage their own farms and enhance their income. The applicants therefore provide for significant employment opportunities in the local economy. In addition the workforce provides significant income back into the local economy through the local shops. The loss of this employment would have significant implications within this rural area.
- 6.5 The benefits arising from the table-top growing method including the quality and yield of product, the reliability of production, reduced transport and impact and better use of land and resources were given significant weight by the Inspector into the dismissed appeal. They are also supported by the objectives of PPS7, the RSS and the UDP all which seek to promote the rural economy. It should also be noted that soft fruit growing is a substantial part of the local agricultural economy and whilst concern over the concentration of this method of production have been raised it was not considered out of place by the Inspector.
- 6.6 Finally, over 30 letters of support were received with the application from local businesses whose services are used at the farm.

Ecological Interest

- 6.7 The ecological interests of the site have been fully assessed by the Ecology Officer and Natural England. The application has also been subject to a Habitat Regulations Assessment screening. Members will note that subject to appropriate conditions the proposal is acceptable. This will ensure protection of protected species and habitats.

Hydrological and Flooding Issues

- 6.8 The Environment Agency and River Lugg Drainage Board have assessed the water regime for the development and are both satisfied that subject to active management of surface water drainage that the proposal is acceptable. This can be imposed by means of suitable conditions to ensure any surface water run-off is discharged at Greenfield run-off together with climate change and storm events taken into account.

Footpaths (PROW)

- 6.9 Three footpaths/bridleways cross the site being MR20, MR21 and MR22. All are now free from polytunnel encroachment and acceptable separation distances are now proposed which as Members will see is supported by the Public Rights of Way Officer. These separation distances will be maintained by the imposition of conditions together with the suitable maintenance of the routes. This opinion is also supported by the Ramblers' Association.

- 6.10 The enhanced treatment of the PROW is the result of extensive discussions and negotiations by the PROW Manager. Whilst this does not overcome the detrimental impact on the ambience of the PROW it does ensure that the impact is reduced to the extent that less weight is afforded when balancing of the impacts are considered.

Tourism

- 6.11 The concerns relating to tourism are noted however, as stated a precedent would not be set if permission is granted for this site. This site is relatively well concealed and the expansion of polytunnels across Herefordshire should not inhibit the development of this relatively constrained site. It is therefore considered that in this instance the benefits to agriculture and the local economy outweigh the limited harm of this site to tourism.

Conclusions

- 6.12 The concerns of the objectors are noted together with the impact of the polytunnels on the landscape. However this is a well-chosen site that together with further mitigation measures will, it is considered be acceptable and comply with the guidance afforded by PPS7 and SPD Polytunnels in supporting the rural economy. However due to the changing nature of agriculture and to enable the local planning authority to retain effective control over the site a temporary permission of 10 years is recommended.

RECOMMENDATION

That temporary planning permission shall be granted for a period of 10 years subject to the following conditions:

- 1. F20 (Temporary permission and reinstatement of land).**

Reason: In order to clarify the terms under which this permission is granted and in accordance with Policies DR1, LA4 and E13 of the Herefordshire Unitary Development Plan.

- 2. The polythene shall be removed by 31st October each year and not replaced until or after 1st March in the following year unless otherwise agreed in writing by the local planning authority.**

Reason: In order to protect the visual amenity of the area in accordance with Policy LA2 of the Herefordshire Unitary Development Plan.

- 3. G04 (Protection of trees/hedgerows that are to be retained).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

- 4. G05 (Pre-development tree work).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

5. **G11 (Landscaping scheme - implementation) – April 2010.**

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

6. **Within three months of the date of this decision, a full habitat management and enhancement scheme (based upon the Outline Landscape and Ecological Management Plan dated December 2008) shall be submitted to the local planning authority for written approval. This shall include mitigation and protection measures for protected species and in particular great crested newts. The scheme shall be implemented as approved and continued thereafter unless otherwise agreed in writing with the local planning authority.**

Reason: To ensure the protection of European and nationally designated sites and to comply with Herefordshire Council's Unitary Development Plan Policies NC2 and NC3.

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, & C) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Council's Unitary Development Plan.

To comply with Herefordshire Council's Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

7. **To ensure the footpaths and bridleways remain unobstructed appropriate signage, details of which shall first be submitted for approval in writing of the local planning authority, shall be placed in positions to be agreed and thereafter maintained to the satisfaction of the local planning authority while polytunnels remain on the land.**

Reason: In order to protect the Public Rights of Way.

8. **No polytunnels shall be erected within 2 metres of the centre line of a public right of way or 3 metres in the case of a bridleway.**

Reason: In order to protect the Public Right of Way in accordance with Policy T6 of the Herefordshire Unitary Development Plan.

9. **The Public Right of Way shall be maintained strictly in accordance with the submitted drawings L09A, L09B and L09C unless otherwise agreed in writing by the local planning authority.**

Reason: In order to protect the Public Right of Way in accordance with Policy T6 of the Herefordshire Unitary Development Plan.

10. **All surface water shall be limited to the relevant Greenfield run-off rate, with attenuation for the 1% plus climate change storm event, in accordance with the Flood Risk Assessment (Ref:P:\SAD multi (5540)) Polytunnels\Marden Nove 08\FRA vO.1doc), unless otherwise agreed in writing by the local planning authority.**

Reason: To prevent flood risk and ensure sustainable disposal of surface water run-off.

11. H30 (Travel Plans).

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N19 - Avoidance of doubt - Approved Plans.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

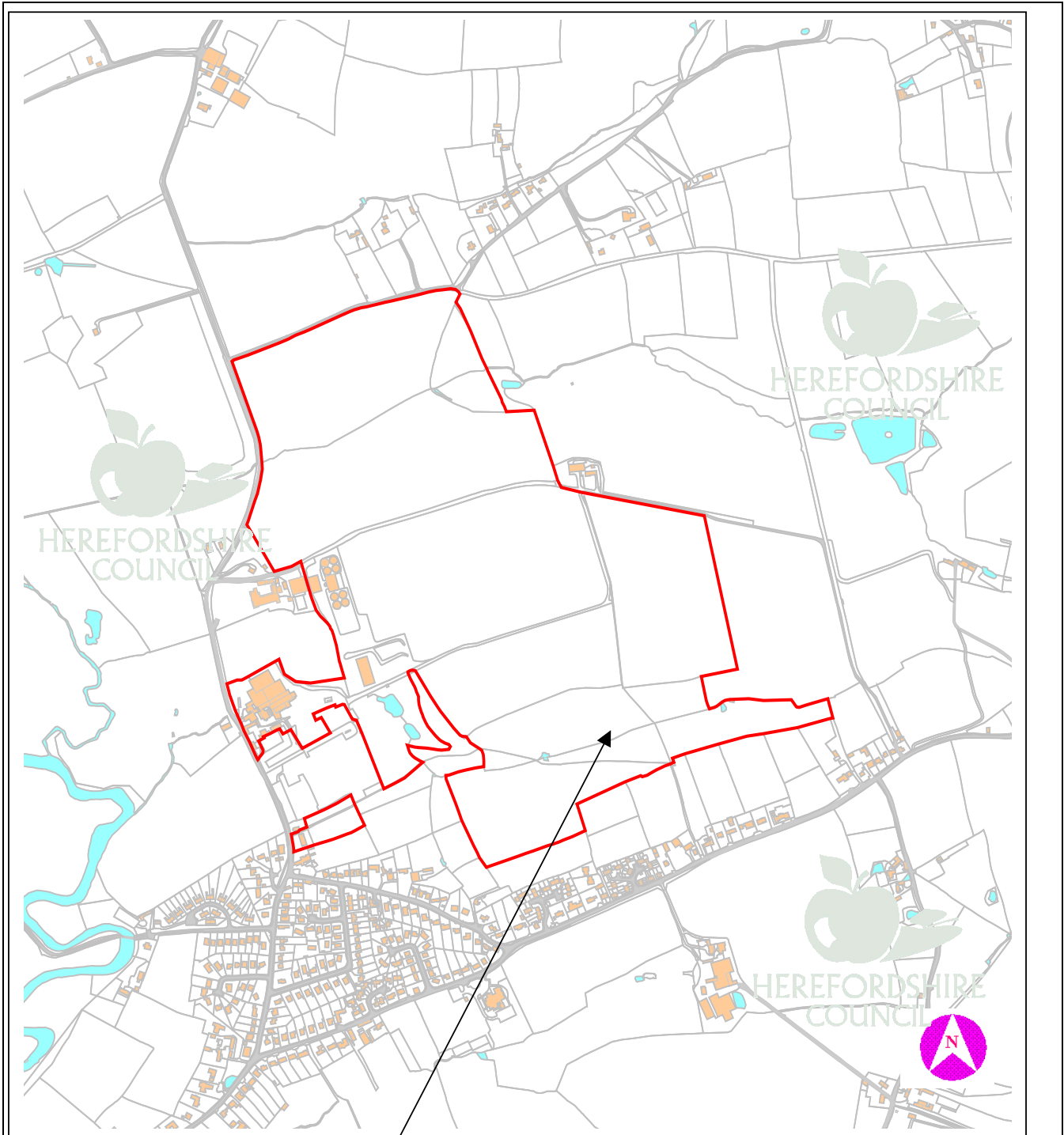
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2009/0161/F

SCALE : 1 : 10408

SITE ADDRESS : Land at Brook Farm, Marden, Herefordshire HR1 3ET

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