

DCNC2009/0167/F - APPLICATION (PART RETROSPECTIVE) TO ERECT FIXED (NON ROTATING) SPANISH POLYTUNNELS OVER ARABLE (SOFT FRUIT) CROPS GROWN ON TABLE TOPS AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU

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

Date Received: 28th January 2009 Ward: Leominster South Grid Ref: 49238, 56182

Expiry Date: 29th April 2009

Local Member: Councillor R Hunt

1. Site Description and Proposal

- 1.1 The application relates to an area of land to the west of the village of Brierley, amounting to 67 hectares of Grade 1 and 2 agricultural land. The land lies to the north and south side of the u/c 93600 road and is largely flat, although it does begin to rise at its most southerly fringes towards Brierley Wood
- 1.2 The site does not benefit from any special landscape designation and the Landscape Character Assessment defines the site as lying within an area of Principal Settled Farmlands, a landscape that is resilient to change.
- 1.3 The scheduled Ancient Monument, Ivington Camp Hillfort, lies approximately 1 Km to the south-west. The rivers Arrow and Little Arrow approximately 1 Km and 0.5 Km to the north. A number of public rights of way cross the applicant's land and also bound it to the east and west from which the site would be visible.
- 1.4 The proposal is to erect 67 hectares of Spanish polytunnels on the land described above. 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. Suspended beds are to be hung from the frame, within which strawberries and other soft fruits are grown.
- 1.5 The premise of the application is that the tunnels are to be fixed permanently in one position rather than rotated as has previously occurred. The application site as identified by the red line encompasses all of the applicant's land and the planning statement supporting the application advises that there is a willingness to accept a condition precluding the siting of polytunnels on any other field parcels other than those applied for.
- 1.6 The application is accompanied by a range of supporting documents and these are listed as follows:
 - Design and Access Statement

- Town Planning Statement
- Statement of Community Engagement
- Economic Appraisal of the S&A soft fruit business at Brook Farm, Marden and Brierley Court Farm, Brierley
- Landscape and Visual Appraisal
- Ecological Impact Assessment
- Outline Landscape and Ecological Management Plan
- Flood Risk Assessment
- Water Resources Evaluation

- 1.7 A Unilateral Undertaking was also submitted by the applicant and received by the local planning authority on 3rd June 2009 in relation to a woodland management plan relating to the area that is currently a Poplar plantation. The plan seeks to ensure the retention of a belt of woodland that will continue to screen the proposal whilst increasing the bio-diversity of the area.
- 1.8 The Council has also issued a Screening Opinion as to whether the proposal constitutes EIA (Environmental Impact Assessment) development. The Screening Opinion concludes that the proposal does not constitute EIA Development and therefore an Environmental Statement has not been requested.

2. Policies

National Guidance

PPS7 - Sustainable Development in Rural Areas
Rural Spatial Strategy (RSS)

- PA14 – Economic Development and Rural Economy
- PA15 – Agricultural and Farm Diversification

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

Supplementary Planning Documents

Polytunnels – Adopted 5th December 2008

3. Planning History

3.1 This is one of three applications currently being considered. The other two are for the retention of a sewage treatment plant (DCNC2009/0166/F) and for the provision of seasonal workers accommodation (DCNC2009/0168/F).

3.2 The following applications are all considered to be relevant to the determination of this application as they show the planning history in relation to the entirety of the applicant's land in relation to the development of their soft fruit growing business:

NC2004/0224/S - Construction of new access roads - Prior approval not required - 06/02/2004

NC2004/0321/F - Construction of amenity building, toilet buildings and site works for 300 unit caravan standing (change of use) for farm workers accommodation - Refused 12/05/2004 and dismissed on appeal.

3.3 In dismissing the appeal the Inspector concluded that the proposal would have an unacceptably damaging impact on the quality of the landscape, particularly in that its regimented layout would result in a harsh, imposing and alien form of development, and that the increased level of noise and activity of the inhabitants of the site would intrude upon the peaceful nature of the location, harming the tranquillity of the countryside.

3.4 Furthermore, whilst the Inspector concluded that there was a need to accommodate a temporary workforce within a reasonable distance of the site used for strawberry growing, she was not convinced that the proposal was fully justified due to the fact that the appellant had failed to consider whether there were any other alternative solutions. Without any such special justification, the Inspector concluded that a development that would seriously damage the character and appearance of the countryside was unacceptable.

NC2004/0902/F - Proposed sewage treatment plant and pumping station – Refused 12/05/2004 and dismissed on appeal.

NC2007/1801/S - Proposed general purpose storage building for the housing of irrigation equipment - Prior approval required - 06/07/2007

DCNC2008/0155/F – Proposed use of land for the siting of seasonal agricultural workers accommodation (caravans and pods), construction of amenity building and associated works at The Fisheries, Elm Green, Brierley Court Farm – Refused 07/05/2008

3.5 The application was refused for the following reasons:

The need for this development is dependent upon the use of the land at Brierley Court Farm for soft fruit production under polytunnels. At the time at which this application has been determined, no planning permission exists for the siting of polytunnels on the land, and those which are currently on the site are subject to enforcement proceedings. In the absence of any lawfully sited polytunnels, the long term use of the land for the production of soft fruit is not assured and therefore the siting of 576 caravans, accommodation pods, service pods and an amenity building cannot be justified. Accordingly the proposal is contrary to Policy H8 of the Herefordshire Unitary Development Plan.

- 3.6 The site lies within an area defined by the Council's Landscape Character Assessment as Riverside Meadow. In the absence of an overriding need for the accommodation, the proposal has an unacceptably adverse visual impact which will detract from the character of this landscape particularly by virtue of the introduction of 576 caravans, accommodation pods and service pods and a large amenity building into a landscape characterised by its open nature and absence of built structures. The proposal is thereby contrary to Policy LA2 of the Herefordshire Unitary Development Plan.
- 3.7 In the absence of an ecological survey of the site, the local planning authority is unable to assess the impact of the proposal on its ecology, whether it will affect any recognised protected species and if so what mitigation strategies will be employed to ensure its acceptability. As a result the proposal is contrary to Policy NC1 of the Herefordshire Unitary Development Plan.

DCNC2008/0167/F – Retention of sewage treatment plant – Refused 14/05/08

4. Consultation Summary

Statutory Consultations

Natural England

- 4.1 We consider significant effects on the SAC to be unlikely. However, given the unfavourable condition of the River Lugg and the sites hydrological connections to it, we recommend the production of a Habitat Regulations Assessment screening report to formally assess the likelihood of any significant effects on the SAC.
- 4.2 Provided this recommendation is achieved and significant effects are not found to be likely we would have no objection to the application.

English Heritage

- 4.3 Has commented both in its capacity in relation to the historic built environment and that of archaeology. Their comments in relation to each are as follows:

Historic Buildings Inspector

- 4.4 Raises no objection to the proposal and advises that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

Inspector of Ancient Monuments

- 4.5 Considers that the proposal will affect the landscape setting of Ivington Camp and recommends that if the local planning authority is minded to approve the application that mitigation to remove the visual impact of the scheme is carefully designed.

Environment Agency

- 4.6 Raise no objection to the proposal. The Agency is satisfied that the sewage treatment plant has sufficient capacity to deal with the proposed occupancy levels and the site has a 'consent to discharge' which was granted in May 2005. A condition is recommended to ensure that surface water run-off shall be limited to the relevant Greenfield run-off rate in accordance with the submitted Flood Risk Assessment.

River Lugg Drainage Board

- 4.7 Raise no objection to the proposal as it will have no direct effect on its interests or operations, nor will it affect watercourses under the Board's operational control. A condition relating to the management of surface water drainage is recommended.

Internal Council Consultations

Transportation Manager

- 4.8 On the basis of the amended information raises no objection to the proposal.

Conservation Manager

- 4.9 Historic Buildings – Listed buildings are sufficiently remote and there will be no visual harm to their immediate setting. No objection.

- 4.10 Ecology – No objection to the proposal subject to the imposition of conditions.

- 4.11 Landscape – The landscape and Visual Impact Assessment submitted with the application is fair and accurate and is carried out in accordance with recognised guidance and good practice. The assessment identifies an impact on the character of the landscape and it is therefore reasonable to secure some form of mitigation.

- 4.12 It is not considered that the impact of the development is sufficient reason to refuse the application. The landscape proposals represent the minimum necessary to mitigate their impact and there remains an unresolved negative impact resulting from the potential felling of the Poplar plantation to the north of the site.

Public Rights of Way Manager

- 4.13 The proposal represents a significant improvement over the previous management of the site. No objections are raised on the basis of the submitted plans, which include plans and cross sections of the treatment of areas around the footpath, subject to condition.

Land Drainage Engineer

- 4.14 The surface water runoff for a range of storm events is proven to be no worse between this proposal and a scenario where the land is left as a meadow, hence the erection of polytunnels will have no effect on existing surface water drainage.

5. Representations

5.1 Leominster Town Council – Recommends approval and welcomes the proposals in so far that the area of polytunnels is to be reduced from its present extent, subject to conditions that their covering is translucent green, that permission is temporary for a three year period and that consideration is given to flooding.

5.2 Arrow Valley Residents Association (AVRA) – Object to the application on the following grounds:

- The application is flawed and incomplete
- Lack of an Environmental Impact Assessment
- Adverse landscape impact

The objection submitted by AVRA also includes a 170 signatory petition.

5.3 Leominster Civic Society – Object to the application on the following grounds:

- That it will adversely affect the landscape
- The proposed land use would waste large areas of agricultural land
- The proposal is unsustainable
- The development does not provide suitable employment opportunities for the County's teenagers
- It will damage small businesses dependent upon tourism
- Highway safety issues both in terms of high volumes of traffic and as a hazard for site workers walking along the road

5.4 CPRE – Object to the application. Concern is expressed about the scale of the proposal and that it will be out of character with the character of the agricultural rural scene. They also comment that the proposal is likely to give rise to traffic problems.

5.5 Campaign for Polytunnel Control – Object to the application. The proposal will be detrimental to the residential amenities of residents of Brierley and that residential development on this scale would not normally be permitted.

5.6 39 letters of objection have been received in response to the public consultation process. In summary the points raised are as follows:

- Adverse landscape impact
- Unnecessary use of high quality agricultural land
- The business could quite readily take place on brownfield or industrial land
- Concerns about highway safety
- Increased pressure on local services
- The proposal will not have the significant economic benefits suggested by the applicant
- The scale of the accommodation required does not equate to the need demonstrated on other sites in the county.
- The proposal will damage the local tourism economy
- Lack of an Environmental Impact Assessment

5.7 Eight letters of support have been received. In summary the points raised are as follows:

- The applicant has made every effort to consult with neighbours and stakeholders
- The plans include landscape mitigation, which requires significant investment
- Labour requirements must be accommodated on site due to a lack of low cost housing in the locality
- The company makes a significant contribution to the local economy and uses local businesses

5.8 One non-committal letter has also been received. It asks that if the committee is minded to grant permission, that it thinks carefully about the conditions that it imposes and ensures that they are monitored and robustly enforced.

5.9 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 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.

6.2 It is under this set of guidance together with UDP policy 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

6.3 Polytunnels are an emotive issue. Almost without exception the letters of objection received express concern that the placing polytunnels on 67 hectares of land will be detrimental to its appearance and views across the landscape for some distance. However from a farmer's perspective they prolong the growing season and harvest potential of a crop. As with all planning applications a balance has to be made of all of the material considerations, and these are just two of them.

6.4 The Landscape Officer has fully considered the Landscape and Visual Impact Assessment submitted with the application and carried out in accordance with adopted guidelines. He acknowledges that the proposal will have some visual impact, as indeed does the submitted Landscape Assessment, but also highlights the fact that the area does not have any landscape designation. He is satisfied that the mitigation measures proposed are sufficient to negate the impact subject to appropriately worded conditions.

- 6.5 As well as areas of proposed planting within the fields where the polytunnels are to be located, a fundamental part of this mitigation strategy relates to the long-term management over a 30 year period of the Poplar plantation to the north, with its expressed intentions being to;
- create a wet and broadleaved woodland
 - diversify tree species and encourage the creation of new habitats
 - to filter views of the site from elevated positions on the southern fringes of Leominster
 - enhance the setting and ecological value of the river corridors
 - enhance the visual and landscape quality of the woodland, particularly where the public have access through or near it.
- 6.6 The plantation is in itself a rather alien feature in the landscape. A detailed plan that secures its replanting with native species and its active management over a 30 year period is considered to represent a positive enhancement of the landscape and the biodiversity of the local area. The resulting woodland would exist as a feature in the landscape well beyond the lifespan of the polytunnels, particularly as it is anticipated that any planning permission would be granted for a limited period.
- 6.7 The applicant has now been able to confirm that there is no longer a requirement for the plantation to be felled by 2018 as he is not bound by a Forestry Commission Grant Scheme as was first thought, therefore he has decided to actively promote the active management of the area through the submission of a Unilateral Undertaking. At the time of writing the report the undertaking is being scrutinised by the Council's Legal Services Department. Assuming that its contents are in order, it would have to be signed and sealed prior to the issue of any planning permission if the committee is minded to approve this application.
- 6.8 The existence of the Scheduled Ancient Monument at Ivington Camp and the impact upon it is also assessed. The removal of polytunnels from the slopes of rising ground towards Brierley Wood and Ivington Camp is welcomed as it is considered to reduce the impact of the development. This is also reflected in the comments from English Heritage who have raised no objection to the proposal.
- 6.9 The planning statement originally submitted with the application advised that the intention was to retain the polythene on the tunnels permanently. The applicant's agent was advised that this did not accord with the Council's Supplementary Planning Document and it has now been agreed that the polythene will be removed for four months in any one calendar year. This will occur in the winter months when the screening afforded to the site through hedges and trees are at their least effective due to lack of foliage. Precise details of this can be secured by condition.
- 6.10 It is therefore concluded that the visual impact of the proposal is not sufficient to warrant the refusal of the application and that, subject to conditions the impact of the polytunnels can be mitigated. The long term management and replacement of the Poplar plantation is key to this, and its replacement is considered to be of some benefit in landscape and biodiversity terms.

Vehicular Movements

- 6.11 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. Indeed, pressure on the unclassified road through Brierley village

has been eased significantly by the access track that was approved under the agricultural notification procedure in 2004. This gives access onto the B4361 and is used by all traffic visiting the site.

- 6.12 In light of the additional information received regarding traffic movements, the Transportation Manager raises no objection to the application and, primarily for the reason described above, is considered to be acceptable in this respect.

Local Jobs and Economic Development

- 6.13 The application is accompanied by an economic appraisal of the applicant's business and an economic model – Local Multiplier 3 (LM3) – has been applied. Some of the letters of objection have levelled considerable criticism at the way in which it has been applied, suggesting that the financial benefits that the report concludes will be derived are vastly over-inflated. In response to these comments the applicant's agent has submitted a further statement defending the application of the model. This has been open to further public consultation and no further comments have been received.

- 6.14 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.

- 6.15 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.

- 6.16 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 without the need for additional heating or lighting

- 6.17 According to the national soft fruit trade association 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 just over ten years ago. The use of polytunnels has allowed the applicant to supply a growing demand for fresh fruit.

- 6.18 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). Nationally, it is calculated that import substitution in 2007 is valued at £110 million. Undoubtedly the applicant's business has contributed to this national figure.

- 6.19 Soft fruit picking and packing is a labour intensive activity and this was accepted by the Inspector in 2005. Notwithstanding the difference in opinion between the applicant's economic appraisal and the views expressed by some objectors, the applicant's business at Brierley Court and Brook Farm, Marden has made a positive contribution to the rural economy. The business employs 100 permanent staff and relies on large influxes of seasonal workers. 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 applicant recently undertook a recruiting campaign in the local area with advertisements in local newspapers and job centres. It is understood that this resulted in just 20 enquires. It is proposed to accommodate seasonal workers in 'pods' on the applicant's land and the application for this runs parallel to this proposal. Clearly the seasonal workers spend a proportion of their wages locally, making a positive contribution to the local economy.
- 6.20 In addition to the above, it is clear that the business at Brierley Court purchases goods and services from local businesses. This is evidenced in the planning application by letters of support from local agricultural suppliers that benefit directly from the success of the business.
- 6.21 Notwithstanding the arguments about the application of the LM3 economic model, it is concluded that there will be some considerable economic benefit from this proposal. This is a material planning consideration and, on balance, it is one that is considered to have some significant weight when assessing the proposal against other material issues.

Ecological Issues

- 6.22 The ecological interests of the site have been fully assessed by the Council's Ecologist and Natural England. The application has also been subject to a Habitat Regulations Assessment Screening Report.
- 6.23 Many of the issues relating to the ecology of the site are inter-linked with the landscape improvements proposed through the woodland management plan referred to above. Its implementation and completion will represent a long term improvement to the biodiversity of the area and is something that would be unlikely to be achieved in isolation. Its inclusion is therefore considered to represent significant mitigation in terms of ecological enhancement as well as landscape improvement.
- 6.24 The Habitats Regulations Assessment (HRA) Screening Report has been completed and it concludes that there will be no impact in terms of pollution from surface water run-off on the River Lugg or River Wye SAC due to their distance away from the application site and as a result of the proposed surface water management measures.
- 6.25 The existence of a Badger sett on the applicant's land has also been identified and is addressed by a confidential report that accompanies the application. The Council's Ecologist also recommends the imposition of a full method statement during the construction of the polytunnels to comply with relevant legislation and to ensure that the sett is not disrupted.

Hydrological and Flooding Issues

- 6.26 The Environment Agency, River Lugg Drainage Board and the Council's own Land Drainage Engineer have assessed the water regime for the development and are both

satisfied that, subject to active management of surface water drainage, the proposal is acceptable. This can be imposed by means of an appropriately worded condition to ensure any surface water run-off is discharged at Greenfield run-off rates, also taking into account climate change and storm events.

Footpaths

- 6.27 The proposal will affect the use and enjoyment of public footpaths ZC85, ZC86, ZC87 and ZC89, which cross the application site. There will also be views across the site from other rights of way in the area.
- 6.28 The rights of way service have worked closely with the applicant to resolve problems that have previously arisen, and in formulating the detail of the treatment of footpaths in this application.
- 6.29 Plans submitted with the application detail the treatment of areas around footpaths, both in section and plan. There is clear separation of footpaths 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.
- 6.30 Whilst the immediate visual impact of the polytunnels will remain, its significance will be reduced by the reduction in the total area of land under polytunnels, greater separation of the tunnels themselves from each of the paths, and the proposed planting regime to soften visual perspectives.

Tourism

- 6.31 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.

Summary

- 6.32 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 be acceptable and comply with the guidance in PPS7, the policies contained within the Herefordshire Unitary Development Plan and the Council's own supplementary planning document on polytunnels. A series of conditions have been referred to throughout the appraisal of the proposal and it is recommended that these are applied should planning permission be forthcoming. It is also recommended that, due to the changing nature of agriculture and to enable the local planning authority to retain effective control over the site, a condition is imposed limiting the permission to a period of ten years, after which time the polytunnels should be removed from the land and it be returned to its former condition.

RECOMMENDATION

Subject to the completion of the Unilateral Undertaking as submitted by the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act

1990 in relation to the provision of a Woodland Management Plan, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.

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, LA2 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 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. 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.

4 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.

5 The Public Right of Way shall be maintained strictly in accordance with the submitted drawings L09, L10A, L10B, L11A and L11B 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.

6 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 Brierley Court (5795)\FRA v0.3.doc), dated November 2008, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent flood risk and ensure sustainable disposal of surface water run-off and to conform with Policy DR7 of the Herefordshire Unitary Development Plan.

7 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.

8 G10 (Landscaping scheme)

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

9 G11 (Landscaping Scheme – implementation)

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

INFORMATIVES

1 N19 - Avoidance of doubt - Approved Plans

2 N15 - Reason(s) for the Grant of Planning Permission

3 HN25 - Travel Plans

4 HN26 - Travel Plans

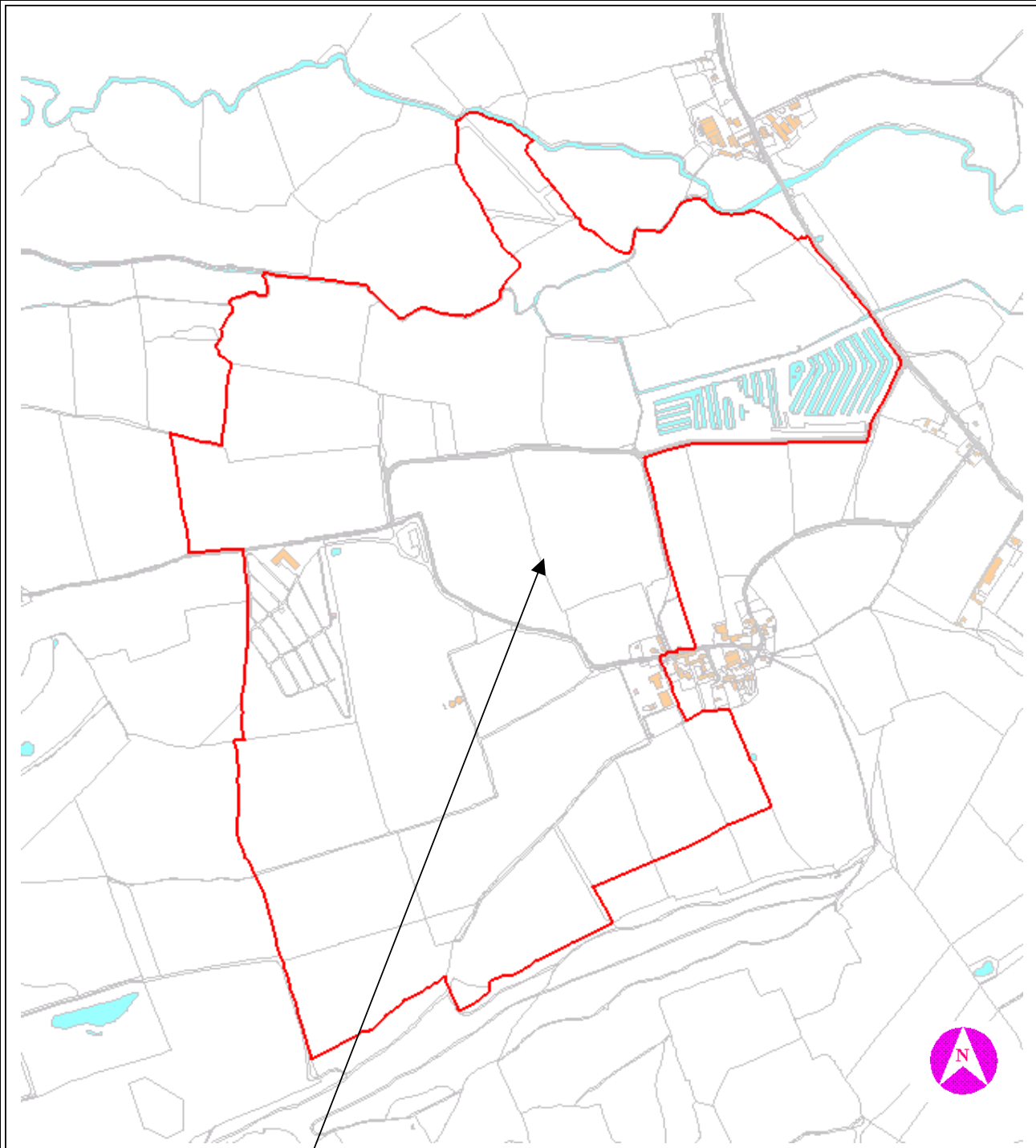
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2009/0167/F

SCALE : 1 : 12498

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