

MEETING:	PLANNING COMMITTEE
DATE:	1 SEPTEMBER 2010
TITLE OF REPORT:	<p>DMSW/100855/F - PROPOSED ERECTION OF POLYTUNNELS (RETROSPECTIVE) AT LAND AT OR NEAR WINDMILL HILL, PENCOYD COURT & TREVASE FARMS, ALSO COURT FARM AT MUCH BIRCH, HEREFORDSHIRE, HR2</p> <p>For: A J & C I Snell per Mr Andrew Murphy, The Courtyard, 9 Timothy's Bridge Road, Stratford-Upon-Avon, Warwickshire, CV37 9NP</p>

Date Received: 15 April 2010

Ward: Pontrilas

Grid Ref: 351054,228005

Expiry Date: 1 September 2010

Local Member: Councillor RH Smith

Background

- 1.1 By way of an introduction to this application, Members will be aware that the Council operated a voluntary code of practice for soft fruit growers in relation to polytunnel developments between 2003 and 2006. Once the law in respect of polytunnels was clarified, following the Tuesley Farm case, and the operation of that code ceased, negotiations were sought with all of the major growers with a view to planning applications being submitted.
- 1.2 The planning application seeks to regularise the erection of polytunnels (polytunnels have been rotated within the application site since 1995) and has been the subject of a formal screening opinion under the Environmental Impact Assessment Regulations. It was determined that an Environmental Impact Assessment was required in this instance. The scope of the Environmental Statement (which incorporates the Statement of Community Consultation) covers the following topic areas:-
- (a) traffic and transport (including impacts upon Public Rights of Way);
 - (b) residential amenity;
 - (c) ecology and nature conservation (an Ecological Survey accompanies the application);
 - (d) archaeology and cultural heritage;
 - (e) landscape impact (a Landscape and Visual Impact Assessment accompanies the application);
 - (f) flood risk and water resources (a Flood Risk Assessment and Water Resources Evaluation accompanies the application) and
 - (g) socio-economic impacts

Site Description and Proposal

- 1.3 The application site lies to the south of Hereford and comprises three separate zones which together comprise a total area of 158 hectares within which it is proposed to erect a maximum of 55 hectares of polytunnels. The three zones are all to the west of the A49 road on land which generally slopes down in a westerly direction. The A49 constitutes the eastern edge of the Wye Valley Area of Outstanding Natural Beauty (AONB). There are no listed buildings within the application site itself but there are a number that lie adjacent to it. Harewood End Wood is designated as Ancient Woodland and is located some 550 metres from the application site and on the northern side of the A49.
- 1.4 Zone 1 (Court Farm, Much Birch) is the northern most area for production and amounts to 52.3 hectares gross within which a maximum of 20 hectares of polytunnels would be erected. Access is taken off the A49 close to the village hall at Much Birch and GP surgery. The adopted road continues south westwards as a public footpath. The area identified for the erection of polytunnels is to the east and west of this track. The track then kinks south eastwards before joining the B4348 road. The Gamber brook is on the opposite side of the B4348 road. The land at Court Farm is leased and also is the site of a range of poultry units mid-way between the B4348 and the A49. There is a ridge along the western side of Zone 1 which screens the site in views from the west (i.e from Tump Lane and Wormelow).
- 1.5 Zone 2 (Windmill Hill Farm and Netherton Farm) extends to 63.7 hectares within which a maximum of 25 hectares of polytunnels would be erected is the most intensively used zone and is also the most visible from the A49 which passes the northern side of the site. The frontage and main access serving the packhouse and headquarters for the enterprise affords southward views into the site. There is a hedgerow across the entrance to the packhouse which only partially screens the polytunnels closest to the trunk road. Marsh Lane, an unclassified road, skirts the western side of Zone 2. There is a public footpath that leads off eastwards across this area. This widened footpath provides access for vehicles and pedestrian traffic. Another footpath which leads southwards from The Marsh crosses wildlife ponds before joining an unclassified road north-west of Pencoyd. These ponds at The Marsh are designated as a Special Wildlife Site.
- 1.6 The smallest and most recently extended area is Zone 3 (Pencoyd Court Farm and Trevasse Farm) which amounts to 42 hectares of which 10 hectares would be under polytunnels during any season. It is to the south of Zone 2 and comprises three blocks of land. These comprise a block on which the applicant's property is located, a well screened block of land and a block to the south-west of Pencoyd Court Farm which is hedgerow fringed on four sides, but which is visible from views from the A466 to the east. There are no public footpaths crossing any of the three blocks comprising Zone 3.
- 1.7 Strawberries, raspberries, blackberries and blackcurrants are cultivated across the 3 Zones with the vast majority being grown under polytunnels that would be rotated within each zone. However an area of 6.8 hectares of table-top production is proposed in Zone 2 immediately to the east of Marsh Lane and adjacent to a range of existing poultry units.
- 1.8 The proposal under consideration involves the continued use and rotation of existing polytunnels and as such the application is retrospective.

2. Policies

2.1 Central Government Advice

Planning Policy Statement 1	-	Delivering Sustainable Development
Planning Policy Statement 4	-	Planning for Sustainable Economic Growth
Planning Policy Statement 5	-	Planning for the Historic Environment
Planning Policy Statement 7	-	Sustainable Development in Rural Areas
Planning Policy Statement 9	-	Biodiversity and Geological Conservation
Planning Policy Statement 13	-	Transport
Planning Policy Statement 25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR4	-	Environment
DR7	-	Flood Risk
DR13	-	Noise
T6	-	Walking
T8	-	Road hierarchy
E13	-	Agricultural and Forestry Development
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape Character
LA3	-	Setting of Settlements
LA4	-	Protection of Historic Parks and Gardens
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC2	-	Sites of International Importance
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
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
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH3	-	Scheduled Ancient Monuments

2.3 Polytunnels Supplementary Planning Document Adopted 5 December 2008.

2.4 Landscape Character Assessment Supplementary Planning Document Adopted 2004 (updated 2009).

3. **Planning History**

3.1 DCSW2003/3759/F - Soft fruit packhouse facility, together with new entrance and security fencing - Approved 18 March 2004

3.2 Whilst the wider site has an extensive planning history the only previous application directly related to the polytunnel development was an application for a Certificate of Lawful Development in respect of polytunnel development that was refused on 14 December 2005.

4. Consultation Summary

- 4.1 Highways Agency has no objections, so long as the polytunnels are properly secured
- 4.2 Environment Agency has no objections and recommends that conditions be attached in relation to surface water drainage.
- 4.3 Natural England has no objections, noting that impact from AONB is not adverse given it is limited by the A49 ridgeline and by wind-breaks. The incidental siting of table top polytunnels adjacent to the Special Wildlife Site is welcomed since it will help reduce run-off into this non-statutory site. Impacts on footpath users are not considered to be adverse in the long term.
- 4.4 Central Networks has no objections.

Internal Council Advice

- 4.5 The Public Rights of Way Manager does not object to the application.
- 4.6 The Conservation Manager (Ecologist) does not object to the application subject to the imposition of conditions relating to additional landscaping mitigating the impact of polytunnels.
- 4.7 The Conservation Manager (Senior Landscape Officer) does not formally object to the application but comments that additional mitigation should be incorporated. She concurs that the zone of visual influence of the development is to the west of the A49 and as such there is no impact upon the Wye Valley Area of Outstanding Natural Beauty.

It is commented that the polytunnels in Zone 1 and part of Zone 3 are the most prominent whilst those in Zone 2 are generally less visible and that the most significant impact is from Marsh Lane towards Zone 3.

On the issue of cumulative impact her comments recognise that it is only from a limited number of vantage points that all 3 Zones can be seen in combination, with the key one being in elevated positions from Orcop and Garway Hill where they are seen within the wider landscape and as such do not appear as a very dominant feature.

Whilst the impact upon the Public Rights of Way, in her view, is downplayed, it is ultimately concluded that the recommended buffer zones set out in the SPD are maintained across the whole development.

In conclusion, the approach to mitigation measures identified is accepted as appropriate but greater consideration should be given to the need to restore the partially degraded landscape through the introduction of new cross field hedgerow in parts of Zones 1 and 3.

- 4.8 The Conservation Manager (Historic Buildings Officer) does not object to proposal having regard to the setting of adjacent listed buildings.
- 4.9 The Land Drainage Manager states that active management regarding run-off is required to achieve the equivalent of a Greenfield run-off from the site. A history of localised blockages of water courses and culverts is referred to in his comment together with a recommendation that silt traps need to be employed to prevent suspended material from causing obstructions.
- 4.10 The County Archaeologist has no objections.
- 4.11 The Traffic Manager raises concerns regarding traffic movements and improvements to highways and in relation to the junction with A49 by Coronation Cottage and run-off onto the B4348 road.

5. Representations

5.1 Objection letters or e-mails have been received from twelve households. In summary, the objections are on the following grounds:-

- the economic benefits alleged to accrue from the development are questioned
- polytunnel coverage has had a negative impact upon the County as a tourism destination
- the amount of polytunnel coverage is excessive and should be limited
- request 30 metres buffer-zone
- more rotation on fields F and G (Zone 2) and 2 year respite
- detrimental impact not mitigated when hoops remain
- the polytunnel development has detrimental impact on view from listed building seen from AONB
- same impact as industrial buildings
- need less shiny plastic, duller shades and green in colour
- need airborne perspective
- sheeting has blown onto A49
- if approved, make time limited, not permanent
- dust produced a nuisance
- impact on footpaths
- additional vehicular movements constitute rat runs in locality
- the community consultation exercise undertaken by applicant was inadequate
- application submitted not voluntarily as stated by applicant
- grow more blackcurrants as tunnels are not required
- influx of migrant workers and lack of resources
- will deprive wildlife habitats
- give weight to local objections as opposed to non-local businesses

5.2 The Council for the Protection for Rural England state that the development will have an adverse impact on the AONB, mitigation will not overcome this impact and indeed will worsen. Also impact on Gamber brook. Noise and traffic also generated by development.

5.3 Letters of support and conditional support have been received from eleven households in the locality and a fruit growing organization. The main issues raised can be summarised as follows :

- encourage local produce; reduces food miles
- Meeting demands of retail industry
- Assists a number of local businesses
- Cannot be developed profitably without polytunnels
- Countryside needs to pay its way
- Not intrusive in landscape
- Tunnels within view, but not considered adverse
- Biodiversity assured with maintenance of significant margins and uncropped areas
- Tidy and well managed
- Ninety per cent of soft fruit grown is British grown in season

5.4 The County Land Association support the application and state that there are a number of full time workers employed at the Packhouse.

5.5 Sixty six letters of support have been received via the applicant. These letters are from national growers and local businesses associated with the development proposed.

- 5.6 Much Birch Parish Council states that the polytunnels are away from residents which is beneficial and that there will be a boost to the local economy and therefore support is given.
- 5.7 Llandinabo, Llanwarne, Pencoyd, Tretire with Michaelchurch, Much Dewchurch, Little Birch, Harewood and Hentland Parish Councils have no objections.

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

6. Officer's Appraisal

- 6.1 The application has wide ranging policy implications and by its very nature requires careful consideration of the balance between the acknowledged environmental impacts (most notably but not exclusively upon the character and appearance of the countryside) and the economic benefits associated with the production of soft fruit.
- 6.2 This appraisal seeks to address these wide ranging issues by reference to the Council's adopted Polytunnels Supplementary Planning Document and accordingly the format of the appraisal, where relevant to the application, largely reflects this document.

Economic Benefits (Supplementary Guideline 1)

- 6.3 Polytunnels have enabled greater quantities and better quality of soft fruit to be produced. The success and viability of businesses such as the applicant's enterprise have made a positive contribution to the rural economy.
- 6.4 Planning policies at national and local levels recognise the importance of the agricultural sector. Planning Policy Statement 7 in particular advises authorities to support development proposals that enable farming to become more competitive, sustainable and environmentally friendly and to adapt to changing markets. Clearly to counter this, the need to protect the character of the countryside for its own sake is also recognised.
- 6.5 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.
- 6.6 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.
- 6.7 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.
- 6.8 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 applicant's business 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.

- 6.9 Soft fruit picking and packing is a labour intensive activity, and it is accepted that the expansion of the applicant's business has made a positive contribution to the rural economy. Seasonal labour is recruited mostly from Eastern European Countries under the Home Office approved Seasonal Agricultural Workers Scheme. The seasonal workers are accommodated in caravans which are to be the subject of a planning application yet to be submitted. It would be premature to determine such an application in advance of this one as the need for seasonal worker accommodation only arises from the polytunnels. The seasonal workers spend a proportion of their wages locally making a positive contribution to the local economy.
- 6.10 In addition, to the above it is clear that the applicant's business purchases 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 this soft fruit enterprise.
- 6.11 Therefore, having regard to this enterprise, 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.

Environmental Impacts (Supplementary Guidelines 2, 3, 4, 5, 6 & 7)

- 6.12 Although it is considered that economic benefits accrue, this does not mean that polytunnel development should be allowed at any environmental cost. These environmental considerations will be addressed in the remainder of this appraisal.

Landscape Visual Impact

- 6.13 The site is not within the Wye Valley AONB, but it is adjacent to it. This is an important distinction since within areas with a special landscape designation priority is normally afforded to the landscape over other planning considerations. Notwithstanding this, its proximity to the AONB is a material consideration. In this case it is considered that there will be no adverse impact upon the AONB by reason of the topography and specifically the ridgeline defined visually by the route of the A49 along the northern boundary of the application site. This judgement is supported by the comments received from Natural England and the Conservation Manager. In this context it is considered that the proposal satisfies the requirements of Policy LA1 of the Herefordshire Unitary Development Plan.
- 6.14 In terms of the impact upon the character of the countryside, the focus of attention when considering landscape impact views is upon views from public vantage points such as the public highway and public rights of way. It is not the purpose of the planning system to safeguard private interests or views from individual dwelling houses. Where the development results in a loss of a private view but does not have a direct impact upon residential amenity by way of matters such as loss of sunlight, loss of daylight, loss of privacy or undue massing by reason of proximity and height, it is not considered to be a material planning consideration.

- 6.15 The application site falls within the landscape type Sandstone Farmlands as identified in the Landscape Character Assessment. The key characteristics of this landscape type are fields which are divided by straight, single species hedgerows, horticultural/arable land use. It is a large scale landscape characterised by a dispersed settlement pattern.
- 6.16 The zone of visual influence is primarily to the west of the A49, because of the topography of the area.
- 6.17 More specifically, it is considered that the polytunnels in Zone 1 are visually the most prominent in the wider landscape although part of Zone 3 (the southern most block of land) is also prominent. However, it is considered that the impact is localised when approaching the site from the west after leaving the A466. In longer distance views, Zone 1 is viewed from Orcop Hill and Garway Hill and from these vantage points, the impact of these areas of polytunnels are mitigated by being read within a much wider area of expansive countryside. The three zones cannot generally be viewed together given the distances between them and since Zone 2 is relatively well screened by poplar trees and windbreaks from the vantage points of Orcop Hill and Garway Hill.
- 6.18 The landscape and visual appraisal which accompanied the application identifies two particular views where the impact would be at its greatest, namely, a view east/south-east from Marsh Lane towards Zone 3, which is elevated in relation to the vantage point and the view north from Pencoyd towards Zone 2. In the context of the overall scale of the proposal and its generally successful integration into the landscape, these are considered to be isolated viewpoints which when related to three distinct areas of polytunnels are not so harmful as to represent sufficient grounds for refusal.
- 6.19 The footpaths which bisect Zones 1 and 2 afford close views of polytunnels. These footpaths are sited away from the edges of polytunnels and buffer zones recommended in the SPD are proposed. On a more general point it is concluded that the amenity of footpath users has been reduced overtime as a result of the removal of hedgerows and it is considered that the mitigation should incorporate more planting than currently envisaged in the submitted application. This requirement is recognised in the recommendation set out below.
- 6.20 Mitigation is required for prominent views between zones in the form of planting of cross field hedgerows thereby restoring the landscape character and amenity of the landscape. The additional measures need to be time limited and more specific and this requirement is reflected in the recommendation below.

Setting of Listed Buildings and Scheduled Ancient Monuments

- 6.21 There are a number of listed buildings that are located adjacent to the application sites which lie between 70 and 290 metres from its edge. The nearest is Harewood Park Lodge which is on the north side of the A49. It is considered that the relative distances, the local topography, established landscaping and in a number of cases the presence of intervening buildings is such that there will be no adverse impact upon the setting of these listed buildings. This position is supported by the Conservation Manager who raises no objection in relation to the impact upon listed buildings or indeed the conclusion that there is no impact upon any archaeological interest.
- 6.22 Subject to the further enhancement of the proposed landscape mitigation, it is considered that the commitment to limiting the total area of coverage and the removal of polythene will enable this development to be integrated within the landscape acceptably. Accordingly, and on balance, the proposal will satisfy the requirements of Guidelines 2, 3, 4, 5, 6 and 7 and Policies S1, S2, DR1, LA1, LA2, LA5, LA6, HBA4, ARCH3 and E13 of the Herefordshire Unitary Development Plan.

Residential Amenity (Supplementary Guidelines 9, 10, 11, 12, 13 and 14)

- 6.23 In terms of residential amenity, no polytunnels would be sited within 30 metres of the boundary of any neighbouring residential curtilage or within 50 metres of any dwelling itself (whichever distance is the greater) and buffer zones are provided on the periphery of the three zones. The height of the polytunnels would be a maximum of 4 metres and it is not considered that there is any identified concern relating to noise or external lighting associated with this proposal. A condition limiting the height of the polytunnels and securing their removal in the event that they become redundant is recommended. Having regard to residential amenity it is considered that Guidelines 9, 10, 11, 12, 13 and 14 of the SPD and Policies S2, DR1, DR2, DR13, DR14 and E13 of the Herefordshire Unitary Development Plan are satisfied.

Highway Matters (Supplementary Guidelines 15 and 16)

- 6.24 The Traffic Manager has raised issues relating to surface run-off affecting the B4348 road and also requested further information in relation to traffic generation and records for accidents. Further to this, the details provided with the application confirm that traffic movements will be a maximum of 30 daily two way movements by agricultural vehicles during the peak picking period. The transit vans can utilise the existing good access points which are considered to have good visibility onto the A49 from Zone 1 and onto the crossroads south of Harewood End serving Zone 3. The most intensively farmed area (Zone 2) has internal roads such that workers can move around within this zone without joining the local road network. There are also informal passing places along Marsh Lane which skirts Zone 2 on the western side. It is advised that workers are transported together by either a 17-seat or 29-seat mini bus owned by the applicant. It is recognised that there will be increased traffic at peak periods, however it is considered that the well established use of the A49 as a transport corridor for Zones 1 and 3 for vehicles travelling back and forward to the packhouse is capable of continuing to accommodate the peak period traffic flows. The Highways Agency has not objected on the basis of traffic movements and routing detailed. Accordingly and notwithstanding the concerns raised it is considered that there are not traffic matters raised which substantiate a reason for refusal. The issue of surface water run-off from Zone 1 is addressed in more detail below.
- 6.25 The application confirms that the recommended stand-off distance between polytunnels and the centre line the Public Rights of Way will be observed and this is a matter that could be conditioned in the event that planning permission were granted.
- 6.26 Accordingly Guidelines 15 and 16 of the SPD and Policies S6 and T8 of the Herefordshire Unitary Development Plan have been adequately addressed within this submission.

Water (Supplementary Guidelines 17 and 18)

- 6.27 The application is accompanied by a Flood Risk Assessment and a Water Resources Evaluation.
- 6.28 With regard to flood risk, no part of the polytunneled area falls within the higher risk categories of Flood Zone and having regard to the guidance contained within PPS25 the proposal is regarded as less vulnerable. Accordingly the implications for flood risk are not a significant consideration in the context of this application.
- 6.29 The main focus of attention relates to the management of surface water run-off on the basis of the scale of the development proposed. Having regard to the comments made by the Environment Agency and the Council's Drainage Engineer, there is an appreciation of the acceptability of the principle of effectively managing the surface water run-off arising from the use of polytunnels insofar as it should incorporate the use of flow restrictors in the form of dams placed at intervals along the channels. This technique together with the presence of grassed buffer zones and where operationally possible the careful orientation of polytunnels

serves to reduce the velocity of flows and the assessment concludes that with active management in place, flows would be restricted to Greenfield rates or less. The ongoing maintenance of the management system will be a key to its success and in this context a condition could secure full details of the introduction of the measures identified in the assessment and incorporate a maintenance regime that satisfied the concerns of the Environment Agency.

- 6.30 Related to the issue of surface water regulation, it has been identified that silt has been washing off the Court Farm area (Zone 1) onto the B4348 road. This is a matter which is known to the Environment Agency and it is understood that discussion is ongoing with the land owner and interested parties. The Environment Agency has responded formally and subject to a condition requiring measures to deal with the identified sedimentation of the Gamber brook, no objection is raised.
- 6.31 The existing arrangements for the irrigation requirements of the enterprise are covered in the submitted Water Resources Evaluation. This concludes that the established trickle irrigation measures are within the current legal framework and have not resulted in any adverse implications for the environmental and ecological systems in and adjacent to the site. The Environment Agency has not raised any issues with regard to this matter.
- 6.32 On the basis of the detailed input of the Environment Agency and subject to the imposition of the conditions referred to in their formal response, it is considered that Guidelines 17 and 18 and Policies DR4, DR6 and DR7 have been appropriately addressed.

Biodiversity (Supplementary Guidelines 19 and 20)

- 6.33 It is considered that the submitted ecological assessment of the site is satisfactory. The presence of a number of biodiversity features and habitats on the site including veteran trees, hedgerows, open water and woodland is noted. The recommendations for wildlife protection, enhancement and creation and for mitigation are welcomed by the Conservation Manager who concurs with the already stated requirement to further enhance the landscaping of the site and recommends the creation a buffer zone alongside the Marsh Special Wildlife Site. The effective management of surface water together with the comments of the Environment Agency are such that no objection, subject to conditions, is raised.
- 6.34 Therefore it is considered that Guidelines 19 and 20 together with Policies NC1, NC2, NC3, NC4, NC6, NC7, NC8 and NC9 are satisfied.

Other Matters

- 6.35 With specific reference to the requirements of the Environmental Impact Regulations, consideration has been given to the potential alternatives to the use of polytunnels within the application site. In this context, it is recognised that the enterprise is well established with a packhouse and office HQ located at Windmill Hill Farm (within Zone 2). Furthermore having regard to the balance of environmental impacts and economic and operational benefits associated with the use of polytunnels it is concluded that the proposal is acceptable. Particular attention has been given to the proximity to the boundary of the Wye Valley AONB and the mitigation proposed in relation to landscape and biodiversity impacts but in consultation with Natural England and the Conservation Manager it is recognised that there would be no harm attributable to this designated landscape or the habitat value of the site. The breaking up of production into 3 distinct zones and the limitations on coverage within each zone together with the active management of surface water attenuation and the commitments to comply with the Guidelines of the Polytunnel SPD is sufficient to conclude that this proposal is acceptable. Accordingly it is not considered that alternative methods of growing soft fruit within the application site or on other sites would result in any greater environmental benefits.

- 6.36 A number of concerns arise in relation to the negative impact that the erection of polytunnels have upon Herefordshire as a tourist destination. In response to such concerns it is suggested that polytunnel development does have an acknowledged landscape impact but proportionally little land is covered by them. In the context of this established concern, during the production of the Polytunnels SPD, no evidence to support the view that the growth of polytunnels has led to a decline in tourists staying within the County and visiting its attractions was established. Indeed, there has been an expansion of facilities in the locality particularly at Trevese Farm, which is close to Zone 3.
- 6.37 The Polytunnel SPD recommends that a “whole farm” application should include associated development such as seasonal workers accommodation so as to enable a comprehensive view to be taken of the enterprise. This application does not include any associated development and whilst this may be a cause for objection, it must be stressed that this is not a policy requirement and indeed the SPD recognises that where this is not the case, the application for polytunnels should be considered in advance since it is from this baseline that the need for accommodation and other associated development arise. In the event that planning permission is granted for the continued use of the polytunnels by the applicant, it would be necessary to regularise the existing accommodation by submission of a separate application.

7. Conclusion

- 7.1 It is acknowledged that the continued use of polytunnels by the applicant has an impact upon the character and appearance of the countryside but it is maintained that this impact can be successfully mitigated by the enhancement of the landscaping proposals proposed. I have attached weight to the comments received from Natural England and the Conservation Manager in relation to the landscape implications of the proposal and to the lack of any attributable harm to the Wye Valley AONB. The application addresses matters relating to the other environmental constraints both within and adjacent to the site and technical issues relating to flood risk and surface water drainage have not attracted objections from the Environment Agency. Furthermore it is considered that traffic movement associated with the established enterprise and the approved packhouse facility can be accommodated on the local road network without detriment to highway safety.
- 7.2 Accordingly the application is recommended for approval subject to conditions.

RECOMMENDATION

It be recorded that the Environmental Statement and associated documents including the Statement of Community Consultation have been taken into account in making this recommendation.

That planning permission be granted subject to the following conditions:

- 1. No more than 20 hectares of Zone 1 shall be covered with polytunnels, or any part or parts thereof excepting the legs at any one time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage.**

Reason: In order to safeguard and maintain the the visual amenity of the area and to ensure that the development conforms with Policies DR1, LA2, LA5 and LA6 of the Herefordshire Unitary Development Plan.

- 2. No more than 25 hectares of Zone 2 shall be covered with polytunnels, or any part or parts thereof excepting the legs, at any one time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included**

in this coverage.

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure the development conforms with Policies DR1, LA2, LA5 and LA6 of the Herefordshire Unitary Development Plan 2007.

3. **No more than 10 hectares of Zone 3 shall be covered with polytunnels, or any part or parts thereof excepting the legs, at any one time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage**

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure the development conforms with Policies DR1, LA2, LA5 and LA6 of the Herefordshire Unitary Development Plan 2007

4. **No polytunnel shall exceed 4 metres in height above existing ground level.**

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

5. **No polytunnel shall be sited within 30 metres of the boundary of any residential curtilage of any dwellinghouse or within 50 metres of any dwellinghouse that lies outside the confines of the application site, but excluding property in the ownership of the applicants.**

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

6. **No later than 30 November in any calendar year, the applicant (or his successor in title to the parcel of land in question, as the case may be) shall apply in writing to the Local Planning Authority for its approval of a proposed scheme for the siting and rotation of polytunnels for the following year. The application shall be delivered to the Local Planning Authority. The scheme shall be implemented as approved or amended by the Local Planning Authority, save that where no approval or amendment to the proposed scheme is given in writing by the Local Planning Authority within eight weeks of its delivery, the scheme shall be implemented as proposed.**

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Herefordshire Unitary Development Plan Policies DR1, LA2, LA5, LA6 to enable the local planning authority to practically monitor the development.

7. **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.

8. **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 the application site within a period of twelve months.**

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.

9. None of the polytunnels hereby permitted shall be covered in polythene from 30 November until 31 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 majority of the polytunnels hereby permitted are not covered in polythene outside of the growing periods thus ensuring that the cumulative visual impact is lessened, in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

10. The recommendations for habitats, protected species and habitat management set out in the ecologist's submitted report dated 12 September 2009 should be followed unless otherwise agreed in writing with the local planning authority. The approved management scheme shall be implemented in full accordance with the stated timescales and maintained thereafter.

A full habitat creation, enhancement and management scheme based upon the FWAG report dated 12 September 2009 shall be submitted to the local planning authority within 3 months of the date of planning permission. This shall include large scale plans of the sites and shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the local planning authority.

An appropriately qualified and ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement works.

Reasons:-

- A) 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 the Herefordshire Unitary Development Plan 2007;
- B) To comply with Herefordshire Council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Bio-Diversity and to meet the requirements of Planning Policy Statement 9 'Biodiversity and Geological Conservation' and the NERC Act 2006.

11. Notwithstanding the submitted landscaping proposals, a fully detailed comprehensive landscaping plan detailing areas of reinforcement of shelter belt planting, planting of a woodland shelter belt(s) together with the identification of new cross-field hedgerows and a planting timetable and long term management plan shall be submitted within 3 months of the date of planning permission being granted.

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

12. The landscaping scheme approved under condition 11 shall be carried out in the first planting season following the date of planning permission being granted. The landscaping shall be carried out in accordance with the approved plan and the long term management plan.

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

- 13. No polytunnels shall be sited within 2 metres of the centre line of any public right of way within or adjacent to the site.**

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

- 14. Within three months of the date of planning permission a detailed scheme for the provision of surface water drainage works (including a maintenance schedule) is to be submitted and approved in writing by the local planning authority. The drainage works shall be completed in accordance with the details and timetable agreed.**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal as recommended by the Environment Agency and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 15. Within three months of the date of planning permission a scheme to adequately treat the level of suspended soils in surface water is to be submitted and approved in writing by the local planning authority in consultation with the Environment Agency.**

Reason: To prevent the increased risk of soil erosion and control of sedimentation to the Gamber and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1. The reasons for granting planning permission in respect of the development are:-**

It is recognised that the continued use of polytunnels upon the site creates benefits to the local rural economy and the proposal, including the enhanced landscaping requirements is considered to mitigate any harm caused to the character and appearance of the site and surrounding countryside. It is not considered that there are any other environmental reasons to justify refusal of the application. In forming this conclusion the Local Planning Authority have had full regard to the relevant Central Government advice, the policies of the Herefordshire Unitary Development Plan 2007, the guidance contained within Herefordshire Council's 'Polytunnels Supplementary Planning Document' and the extent to which the Environmental Statement addressed the environmental impacts associated with this retrospective proposal.

- 2. N11A Wildlife and Countryside Act 1981 (as amended) – Birds.**

- 3. N11C General.**

- 4. The applicant is advised to engage the services of a suitably qualified landscape consultant to supervise the implementation of the landscaping and its subsequent maintenance.**

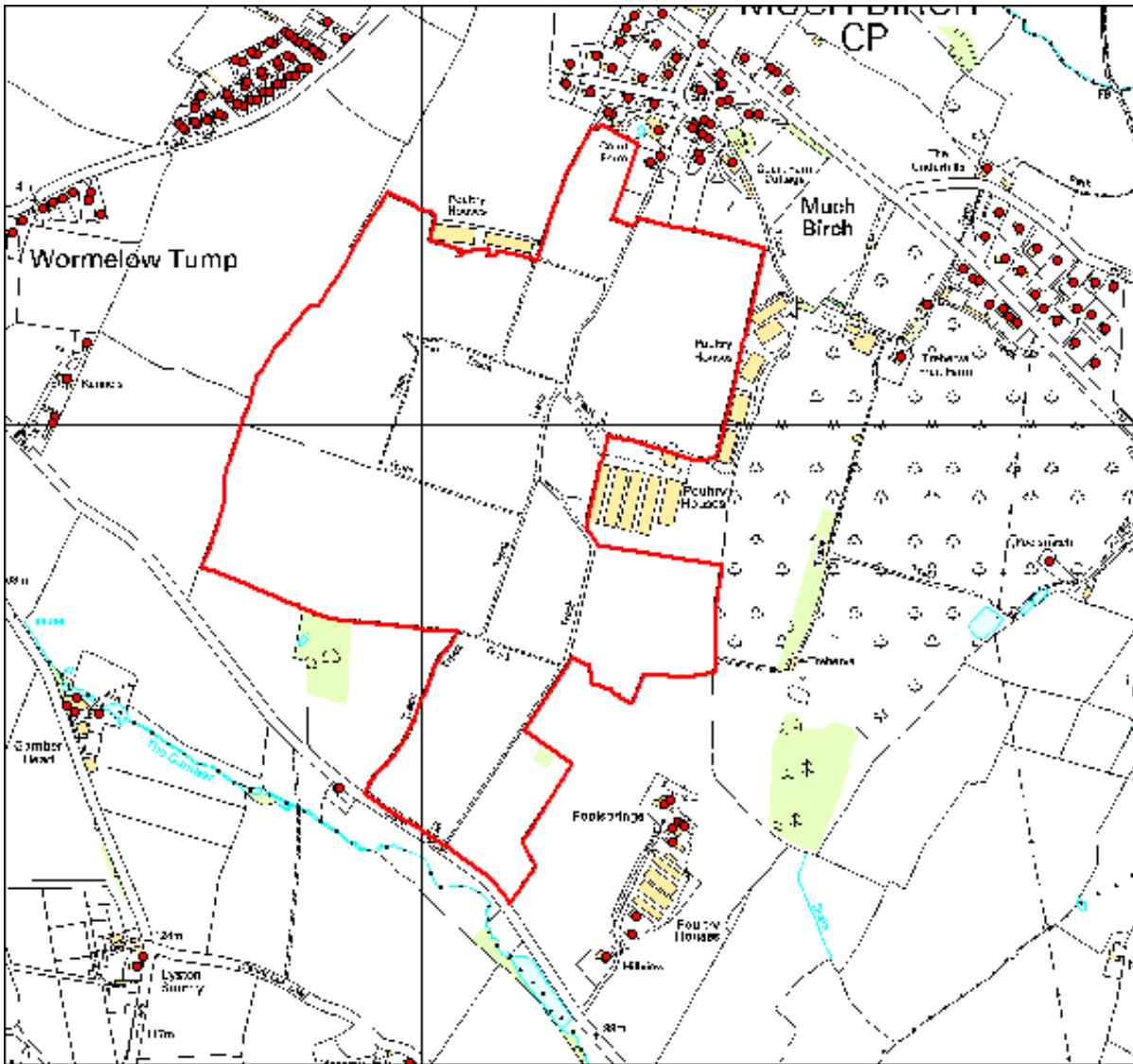
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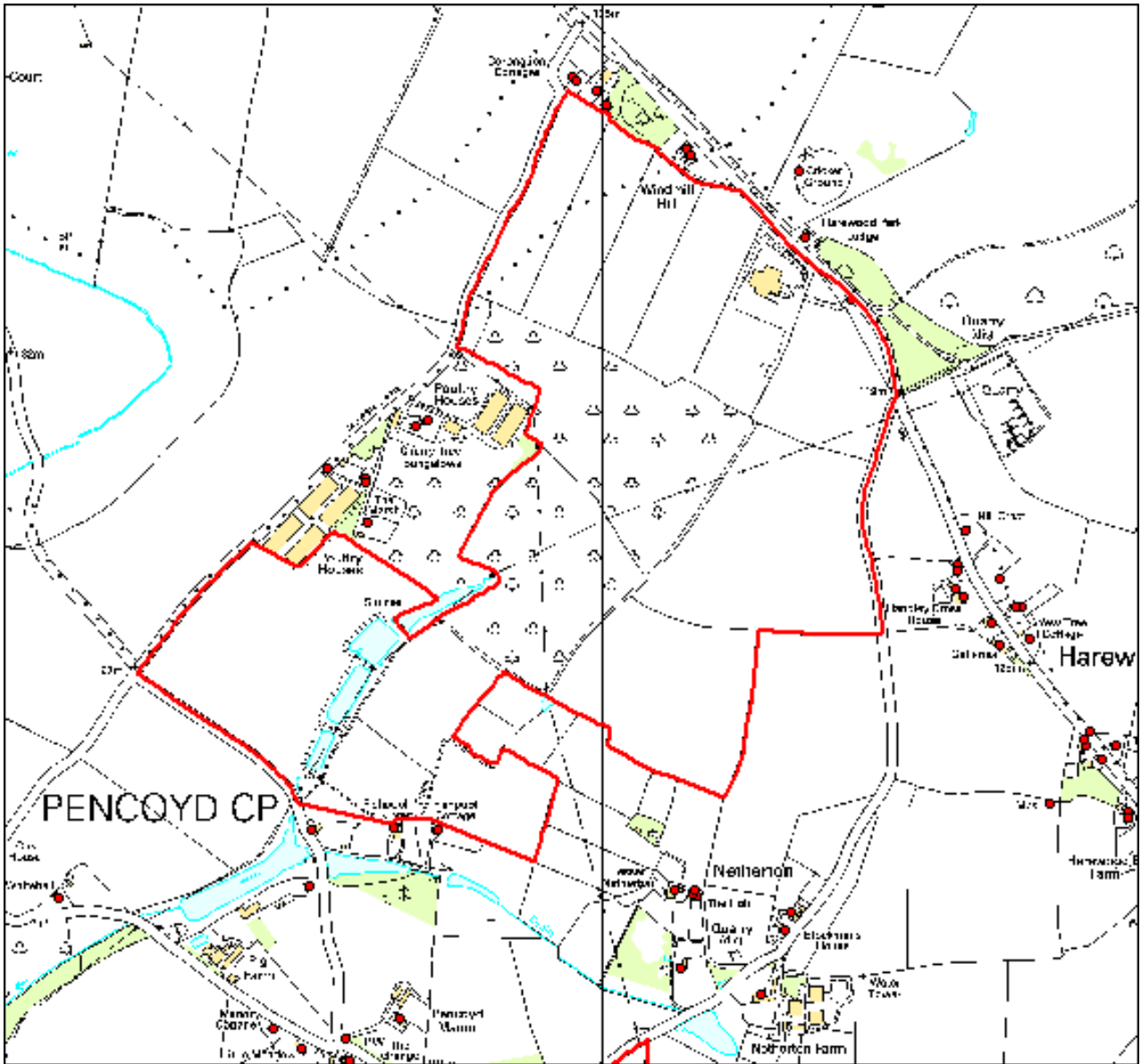
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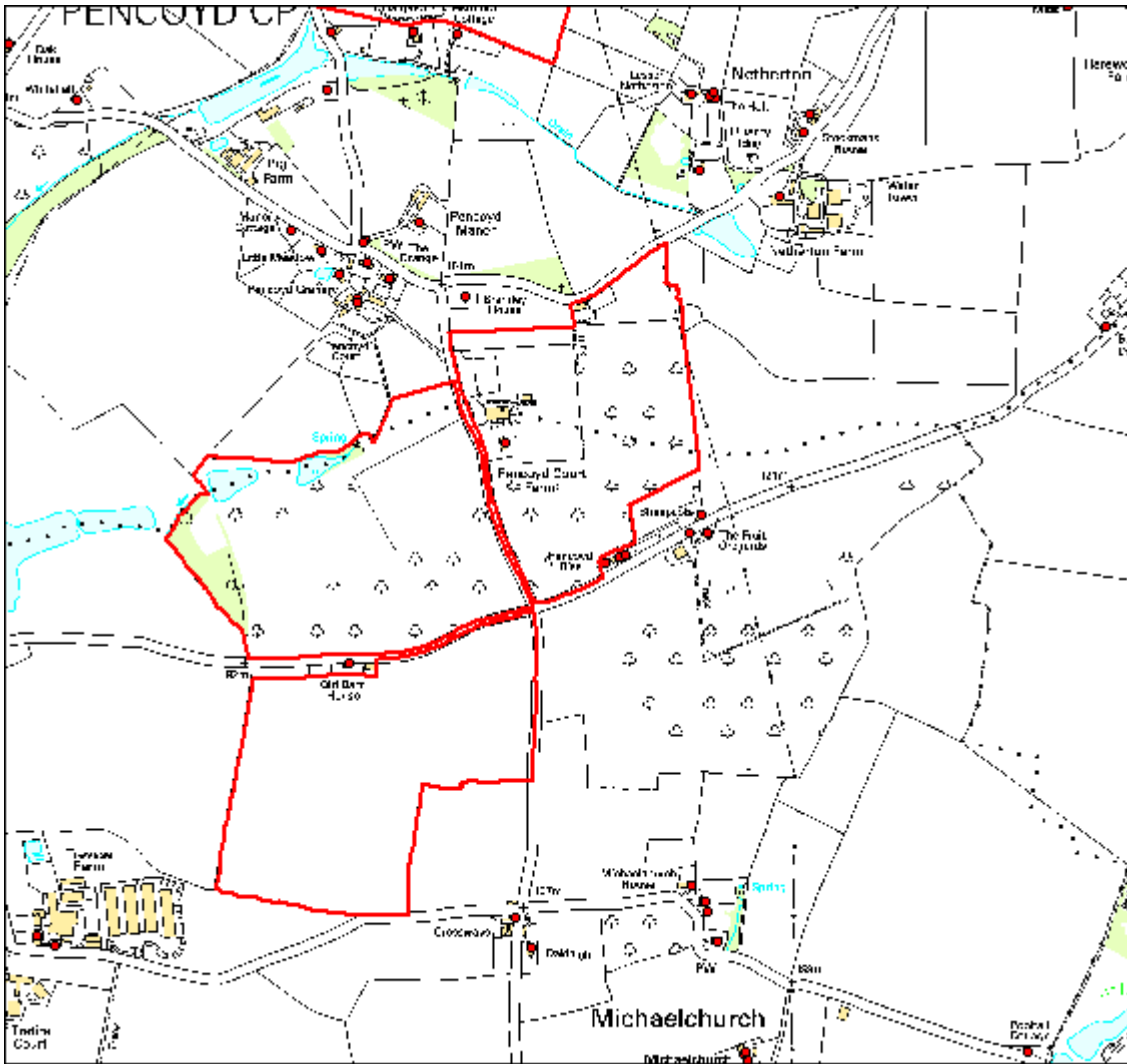
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Background Papers

Internal departmental consultation replies.







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APPLICATION NO: DMSW/100855/F

SITE ADDRESS : LAND AT OR NEAR WINDMILL HILL, PENCOYD COURT & TREVASE FARMS, ALSO COURT FARM AT MUCH BIRCH, HEREFORDSHIRE, HR2

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