

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 JANUARY 2011</b>
<b>TITLE OF REPORT:</b>	<p><b>DMN/102046/F - CONTINUE TO ERECT, TAKE DOWN AND RE ERECT POLYTUNNELS ROTATED AROUND FIELDS AS REQUIRED (RETROSPECTIVE) AT LAND AT UPPER NORTON &amp; HINTON FARMS, NORTON CANON, HEREFORDSHIRE, HR4 7LN</b></p> <p><b>For: Mr Price per Mr Antony Aspbury, Unit 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</b></p>

**Date Received: 9 August 2010    Wards: Castle**

**Grid Ref: 337719,246000**

**Expiry Date: 19 January 2011**

Local Member: Councillor JW Hope and Councillor AJM Blackshaw (Neighbouring Ward)

## **1. Introduction**

- 1.1 This application forms one of four separate applications (by the applicants), to 'continue to erect, take down re-erect polytunnels on a rotational basis around fields as required (retrospective)'.
- 1.2 The Council operated a voluntary code of practice for soft fruit producers between 2003 and 2006, under which growers, including the applicants, agreed to submit annual checklists and plans indicating the areas where polytunnels would be used.
- 1.3 As a result of a High Court appeal (Hall Hunter Partnership versus first Secretary of State and Waverley Borough Council and Tuesday Farm Campaign/Residents Group (Queen Bench Division, Administrative Court, Sullivan J, 15 December 2006) (2006), EWHC 3482 (Admin), the voluntary code of practice was discontinued and the Council has encouraged growers to regularise their polytunnel developments by means of formal planning applications.
- 1.4 In the case of this proposal and the other three applications within close vicinity of this site, the proposed development has been subject to extensive pre-application negotiations between the applicants, their representatives and officers of the Council. Consequently, the applicants submitted to the Council a request for a Screening Opinion under Environmental Impact Assessment (EIA) (England and Wales), Regulations 1999 to which the Council in its EIA Screening Opinion, dated 18 January 2010, confirm that in its opinion the proposed development required an Environmental Statement to accompany if for formal planning consideration.
- 1.5 The applicants appealed this decision under Regulation 5 (6) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1994 (S.I.

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

1999/293 to the Secretary of State, Government Office for the West Midlands), who in their decision dated 10 June 2010 concluded that the proposed development was not 'EIA development' within the meanings of the 1999 Regulations.

- 1.6 The four applications made by the applicants for the continuation of polytunnel development equate to a land area of some 210 hectares, of which the applicants have indicated that up to 80 hectares will be under 'polytunnel development' at any one time (the applicants also grow fruit which does not require polytunnel cover in the form of gooseberries). It was the cumulative impact of the polytunnel development on the surrounding landscape and drainage issues that formed the main basis for the Council's decision that the proposal needed to be subject to EIA.

## **2. Site Description and Proposal**

- 2.1 The land area for this application amounts to 100 hectares and the site mainly straddles the C1088 public highway that connects to the B4230 public highway which runs north towards Weobley and south towards Staunton on Wye and connects to the A480 public highway in a northerly direction, which runs from Norton Canon towards Hereford and the A438 in a southerly direction, which runs from Hereford to the east, towards Eardisley in a westerly direction. The site acts as a satellite growing area for the main site at Oakchurch Farm, where the farmstead provides the central operational hub for all four fruit growing areas. Upper Norton Farm is located approximately 1 kilometre to the north of Oakchurch Farm, south of the village of Norton Canon.
- 2.2 The site is divided into two main blocks of land, the larger of which is separated into two by the C1088 public highway. The more northerly site is the larger covering eight fields enclosed by natural hedgerows. The site further south forms the fields to the east of Hinton Farm.
- 2.3 Public footpaths run across and around the western part of the application site and there are Special Wildlife Sites near Tumpey Ley and Glebeland on the western boundary of the site. Within the site there is a tree with tree preservation order (TPO 196/W1) and several ponds.
- 2.4 The site is in a mainly rural area and the two nearest dwellings that abut the site are found on the western side namely World's End and Tumpey Ley. Other dwellings are located within the surrounding vicinity, but none adjoin the application site.
- 2.5 The application site falls within the landscape character type 'Principle Settled Farmlands', the key characteristics of which are hedgerows used as field boundaries in a dispersed settlement pattern. There is a Special Site of Scientific Interest (SSSI) within approximately 1 kilometre of the site and designated Special Wildlife Sites at Tumpey Ley and Glebeland alongside the western boundary of the site.
- 2.6 Soft fruit proposed under polytunnels at this site are strawberries, raspberries and cherries. The fruit is proposed on a seasonal rotational basis, where the fruit are grown in the ground over a cycle of years, length of time depending on the individual crop (strawberries having a much shorter life cycle, (approx 4 years), than cherries, that can be on site for upto 15 years) in Spanish type polytunnels, which have a height of between 3.0 and 3.7 metres. Spanish tunnels consist of a tubular steel galvanised framework made up of 'Y' shaped legs of 1.5 to 2.5 metres length, with fluted ends which are wound by machine into the ground to a depth of 0.5 to 0.25 metres, semi-circular hoops slot over the legs and these form blocks of tunnels several bays wide situated in multiple parallel rows.
- 2.7 The clear polythene coverings are placed over the metal frames for the duration of the growing season of the specific crop under cover, usually during the period April to November. Once the particular crop harvesting season is over the polythene coverings are removed and if the particular crop is to remain on site for the following season the 'Y' posts and hoops are left in

place over the winter period, in readiness for covering under polythene for the following 'fruit season'.

- 2.8 Information submitted in support of the application indicates the polythene has an average life span of 3 years, at the end of which it is baled and sent to a recycling plant (Landscape and Visual Impact Assessment, (submitted in support of the application), page 17, paragraph 4.8).
- 2.9 The application is accompanied by a Design and Access Statement, separate appraisals for Ecology and Nature Conservation, Landscape and Visual Impact Assessment, Archaeological Assessment, Transport Statement, Irrigation Water Usage Evaluation, Drainage Appraisal, Agricultural and Financial Appraisal, Statement of Community Involvement, set of suggested 10-year rotation plans, site area plans and polytunnel sectional plan.
- 2.10 In compliance with the provisions of the Conservation of Habitats and Species Regulations 2010, Habitats Regulations Assessment, a Screening Report has been completed for the application site. Natural England were consulted on the screening report and have confirmed that they are in agreement with the findings of No Likely Significant Effect upon the River Wye SAC.

### **3. Policies**

#### **3.1 Central Government Advice of Relevance**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 7 – Sustainable Development in Rural Areas

Planning Policy Statement 9 – Biodiversity and Geological Conservation

Planning Policy Guidance 13 – Transport

Planning Policy Statement 25 – Development and Flood Risk

#### **3.2 Regional Planning Guidance**

The Regional Spatial Strategy for the West Midlands

#### **3.3 Herefordshire Unitary Development Plan Policies**

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR6	-	Water Resources
DR7	-	Flood Risk
DR13	-	Noise
E11	-	Employment in the Smaller Settlements and Open Countryside
E12	-	Diversification

E13	-	Agricultural and Forestry Development
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
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
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
T6	-	Walking
ARCH1	-	Archaeological Assessments and Field Evaluations

### 3.4 Herefordshire Supplementary Planning Guidance/Documents

SPG	-	Landscape Character Assessment (up-dated 2009)
SPD	-	Biodiversity (Interim 2005)
SPD	-	Polytunnels 2008

## 4. **Planning History**

- 4.1 None identified. However, the other three applications currently under planning consideration have some relevance. These namely are:
- 4.2 N/102045/F – Land at Oakchurch Farm, Staunton-on-Wye.
- 4.3 N/102047/F – Land at Bishopstone Court Farms, Bishopstone and Bridge Sollars.
- 4.4 N/102048/F – Land at Brobury Farm.

## 5. **Representations**

### Statutory Consultations

- 5.1 Environment Agency acknowledge the retrospective nature of the application and have no objection to the proposed development. However, due to the scale and cumulative size of the application they consider there is a potential for significant impacts on the surface water drainage regime in the area. They acknowledge the information contained in the Flood Risk Assessment which accompanies the application and, in particular, its findings in relationship to surface water run-off. They recommend a condition with regards to a scheme for the provision and implementation of a surface water regulation system, as described in the Flood Risk Assessment, is attached to any approval notice issued. Comment is also made about water abstraction for the purpose of trickle irrigation and its impact on watercourses and the River Wye and its surrounding area of Special Area of Conservation and acknowledging that this is exempt from requiring an abstraction licence. However, if in the future trickle irrigation does become licenceable, justification will be required in respect of the amount of trickle irrigation undertaken and records of amount of water abstracted will be required.
- 5.2 Natural England recommend conditions and planning obligations to be used to mitigate any harmful aspects of the development.

### Internal Council Advice

- 5.3 Public Rights of Way Manager raises no objections. However, the response states as the polytunnels run from west to east, that a corridor 5 metres wide is allowed for the footpath which runs south-west to north-east, and that the legal line of the footpath must not be obstructed at any time.
- 5.4 The Archaeology Manager raises no objections stating Offa's Dyke is no closer than 750 metres from any proposed polytunnels, and that the Dyke in this location is not especially well preserved.
- 5.5 The Transportation Manager raises no objections stating the development is acceptable as it will not result in excessive congestion or delays, nor will it contribute disproportionately to increased highway risk.
- 5.6 The Conservation Manager raises no objections stating no historic interests will be affected by this proposal.
- 5.7 Land Drainage Manager has responded with 'no comments' on the proposal, providing the works detailed in the Drainage Appraisal produced by 'Envireau Water' (dated August 2010) are carried out on site.
- 5.8 The Forward Planning Manager has responded stating that the policy position is as set out in the Supplementary Planning Document 'Polytunnels' and that the application must be assessed in consideration of the economic benefits and landscape impact.
- 5.9 The Landscape Manager has responded to the application concluding:
- Although the landscape at Hinton is sensitive and highly visible from a number of distant locations, I consider that where the mitigation and rotation plans are implemented, then the development is acceptable. The existing framework of hedgerows, trees and woodlands, together with the rolling topography, reduces the impact to some degree. The relevant landscape policies and SPD recommendations have been fully considered in the application. There is no objection on landscape matters provided that a condition is attached to any approval notice requiring a detailed landscaping scheme for works to be undertaken on site.*
- 5.10 The Planning Ecologist has responded to the application stating that she welcomes proposals for hedgerow enhancement and management and that further detail is required regarding these proposals and that the implementation of these measures can be secured through appropriately worded planning conditions. Buffer zones are recommended around some veteran trees within the site. Concerns are raised about surface water run-off and water quality issues, and she welcomes the use of the method of leg row swale drainage provided that it is to the satisfaction of the Environment Agency, recommending that a condition be attached to any approval notice requiring the implementation of a surface water management scheme, as well as monitoring of the situation. Buffer strips are expected along all hedgerows, watercourses and ditches. Comment is also made that existing polytunnels are supplied with water by a trickle irrigation method, which does not currently require a licence from the Environment Agency, for water used, noting water usage could potentially increase by 53%, but this could be subject to flow restrictions from The Environment Agency, if necessary. Recommendation is made that conditions with regards to water management and habitat protection, enhancement and management scheme are attached to any approval notice issued.
- 5.11 The Economic Development Manager supports the application stating that soft fruit production in Herefordshire helps maintain employment levels and spend in the rural economy.

5.12 The County Land Agent considers the proposal reasonable, considering the business financially viable and acknowledged that the polytunnels are necessary for the financial security of the business.

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

## **6. Representations**

6.1 Staunton-on-Wye Parish Council supports the application subject to the applicant adhering to all relevant legislation.

6.2 Mansel Gamage Parish Council has responded stating:

*The Parish Council support in principle but would like to make the following observations:*

- *Noise from workers and vehicles should be kept away from dwellings before 6.00am.*
- *Site B – Water run-off to be managed to avoid flooding on the road.*
- *Site C – Concerns were expressed about possible contamination to a private water supply from a spring on Site C.*
- *SSSI at Bishop Common is within 1 kilometre of site. However, the planning application states there is no SSSI within 4 kilometres of site.*

6.3 Campaign for the Protection of Rural England raise concerns about the impact on a public footpath that forms the south-west edge of the western side of the site.

6.4 The Ramblers Association raise concerns about what will happen to footpaths that developers state will run between rows of fruit grown on site. Concerns are also raised about water run-off on to the path surface.

6.5 The National Farmers Union has responded stating:

*The practice of using Spanish polytunnels is a well recognised and accepted method of ensuring the quality and standard of the produce that is produced for the eventual consumption of the British public. The use of these polytunnels in the current market conditions is vital for the continued economic viability of British agriculture as a whole and, as such, the farming community in Herefordshire.*

6.6 Several letters of support have been received from businesses who have a connection to the development subject to this application as well as six letters of support from residents within Herefordshire. The letters mainly indicate the importance of the fruit business to the economic prosperity of Herefordshire, a number of the letters from businesses indicating their business connection and the importance of 'Oakchurch Fruit Farm' to their future prosperity.

6.7 One letter of objection has been received from a resident within Herefordshire, who travels local roads to his place of work. The letter objects in consideration of impact of the proposal on the surrounding countryside and natural habitats. Objections are also raised due to impact of the proposed development on adjacent public highways to the application site, due to mud, water and pot holes.

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

## **7. Officer's Appraisal**

7.1 When considering applications for polytunnel development in relationship to 'fruit production' consideration has to be given to balancing the economic benefits against the environmental impacts, which is mainly the visual impact.

7.2 The key issues in relationship to this application are:

- Economic benefits.
- Landscape impact (including both cumulative and visual).
- Ecological issues
- Surface water drainage
- Public rights of way

### **Economic Benefits**

7.3 There is no doubt that polytunnels enable greater quantity and quality of soft fruit production than those grown in open conditions that can be subject to variation of the British weather climate.

7.4 The applicants have indicated that the business would not be viable without the use of polytunnels, as national supermarkets expect a consistent volume and quality of fruit over the fruit production season.

7.5 Information submitted in support of the application indicates the Oakchurch Fruit Farm business spends some £1.4 million each year within Herefordshire. Clearly, a large amount of this is as a result of the better quality and quantity of fruit produced under polythene.

7.6 Planning policy at both national and local level recognises the importance of the agricultural sector in both the national and local economy.

7.7 Polytunnels have two main benefits:

- They protect developing fruit from rain damage and thus reducing losses and greater consistency in picking intervals in consideration of extreme weather conditions.
- They extend the overall growing season.

7.8 Government Policy supports more production of 'home grown' soft fruit and thus reducing food miles. Home produced fruit is therefore more sustainable and thus making a positive contribution to reduction in global warming.

7.9 It is accepted that the majority of the seasonal fruit pickers employed by Oakchurch are from Eastern Europe (some 218 persons over the four separate application sites). However, these do make a positive contribution to the local economy, shops/public houses/restaurants etc and help off-set other economic benefits to local businesses/services who supply Oakchurch Fruit Farm with various products etc, as pointed out in some of the letters in support of the application.

7.10 Therefore it is concluded on the first issue that the benefits of polytunnels, in enabling the production of increased qualities and quantities of soft fruit has a sustainable benefit in reducing food miles, while making a positive economic contribution towards the rural economy.

### **Landscape Impacts (including both visual and cumulative)**

7.11 Polytunnel development must not be allowed at any environmental costs, as all of the various planning considerations need to be balanced.

- 7.12 The application proposes a rotational plan for the production of strawberries and cherries over an area of 100 hectares, and it is this that is considered the key environmental consideration in respect of this application, which involves the erection, taking down and re-erection of polytunnels in rotation on site using a similar type polytunnel construction regardless of fruit type, as previously mentioned in this report.
- 7.13 The applicants in support of their application have submitted an 'indicative' rotation plan for a ten-year period from 2011-2020. However, these plans are for illustration purposes only and can only be given limited weight because the applicant cannot predict future market demand, and thus the required growing area can change from season to season.
- 7.14 The Landscape and Visual Assessment in support of the application identifies view points that are representative of the location and from mid and long distance locations there will be moderate to high negative visual impacts, and officers are of the opinion that there will be a very high visual impact on the public rights of ways running either through or adjacent to the site. The Landscape and Visual Assessment concludes that the landscape character of this location is highly sensitive and that the proposals will be of moderate magnitude and high significance, and that the proposal will have a negative impact on the landscape character.
- 7.15 It is considered that the 'cumulative impact' of fruit growing and the consequential polytunnel coverage is the key issue for consideration in relationship to this application. Polytunnel development may well be considered acceptable on site, however, the amount of area under coverage at any one time can have a serious impact on the quality of the overall visual landscape.
- 7.16 The cumulative impact involves consideration to other sites, subject to the other applications, as this site has a cumulative impact in relationship to both the Brobury and Bishopstone sites and to a lesser degree the site at Oakchurch Farm itself. This takes account of surrounding topography, as well as existing tree and hedgerow cover, surrounding land uses and the scale of the proposed development itself.
- 7.17 Clearly where many fields are covered in polytunnels there will be an adverse impact on the character of the surrounding landscape in consideration of the overall cumulative impact in connection to the other application sites within the surrounding vicinity, as well as on the site subject to this proposal itself.
- 7.18 It is considered that the proposed development can be mitigated and the applicant's Landscape Strategy does propose mitigation proposals and these are considered acceptable. The indicative rotation plans indicate proposed polytunnel development over a 10 year period from 2011-2020, and these do indicate polytunnel development broke up through the site in various areas indicating type of fruit to be grown in its particular location.
- 7.19 The proposal is for soft fruit growing on a rotational basis, (time period depending on actual fruit grown), where polythene coverage is only during the 'fruit growing season' and as such, with suitability worded conditions attached to any approval notice restricting areas of soft fruit production and consequently polytunnel coverage, which in this instance in consideration of landscape visual impact, needs to be no more than 40 hectares of the total site area under coverage at any one time, as well as additional landscape mitigation enhancement, by means of additional native planting in order to break up the scale of the development, the proposal on landscape issues is considered acceptable. It is noted that Natural England and the Landscape Manager raise no objections subject to suitably worded conditions attached to any approval notice with regards to a detailed landscaping scheme in relationship to rotational fruit coverage plans.



## **Ecological Issues**

- 7.20 As mentioned earlier, the site is very visible in the surrounding landscape and the Planning Ecologist in her response makes comment about impact on ecological issues.
- 7.21 The proposal involves hedgerow enhancement and management and this is a welcome contribution to the overall proposal. However, further detail is required in respect of these proposals and their implementation, and as pointed out by the Planning Ecologist, these proposals can be secured by appropriately worded planning conditions to any approval notice issued. It is also recommended that such conditions include buffer zones around some veteran trees on site, watercourses and around existing hedgerows on site.

## **Surface Water Drainage**

- 7.22 Concerns have been raised by the Planning Ecologist and the Environment Agency about surface water drainage and water resource requirements. It is considered that surface water drainage issues in relationship to ecology issues can be resolved by the imposition of a suitably worded condition attached to any approval notice issued.
- 7.23 Both the Environment Agency and the Planning Ecologist raise concerns about surface water run off and although the Environment Agency raise no objections to the application, they do consider that there will be significant impact due to the scale and cumulative size of the applications stating there is potential for significant impacts on the surface water drainage regime in the area which need to be addressed.
- 7.24 Under guidelines as set out in Planning Policy Statement 25, polytunnel development is classed as “less vulnerable” and as such the Environment Agency considers the proposal acceptable for the location in terms of flood risk, as the emphasis of the proposal is as an agricultural drainage issue and not that of urban drainage. Polytunnel development can be managed to allow rainwater to be dispersed through ‘leg rows’ that will control surface water run off and mitigate erosion. This is a method welcomed by the Planning Ecologist.
- 7.25 As such, it is recommended in order to ensure that site is sufficiently managed on surface water issues (an issue of concern also highlighted by a local Parish Council and the Ramblers), that a condition be attached to any approval notice requesting a scheme for the provision and implementation of a surface water regulation scheme, as recommended by the Environment Agency in their response to the application.
- 7.26 As well as ensuring an adequate method of controlling surface water run off from the site, it is also essential that the developer makes suitable provision to ensure satisfactory long-term maintenance of the system/structure installed, and this includes relevance to water resources and water extraction from local rivers/streams in order to irrigate the crops under cultivation.
- 7.27 The Planning Ecologist has indicated in her response that water usage on site could increase by up to 53% in consideration of the other subjects for proposed polytunnel development.
- 7.28 The method of water usage on site is proposed by trickle irrigation and this method is currently exempt from requiring an abstraction licence, although there are proposals to control this by requiring developers to apply for abstraction licensing, this is not yet in force. When trickle irrigation does become subject to a licence, the abstractor will need to justify the amount of trickle irrigation they undertake and, therefore, need to keep records of the amount they abstract.
- 7.29 It is considered that the inclusion of a suitably worded condition to any approval notice in respect of cumulative polytunnel coverage and rotation plans as referred to earlier on

landscape issues will also help address concerns about water usage on site and as such the proposed development is considered acceptable on water and drainage issues.

### **Public Rights of Way**

- 7.30 Concerns have been raised about impacts on public rights of way that run adjacent and around the site. The issue with regards visual impact has been considered earlier in this report.
- 7.31 Public footpaths do cross the site where it is proposed to install polytunnels and the Public Rights of Way Manager has requested that a condition of at least 5 metres is included for public footpath number NC18 which runs from west to east through the site. This will not only ensure that the public right of way is not obstructed but also ensures a development free corridor either side of the footpath. It is recommended that a condition be attached to any approval notice indicating a 5 metre clearance along public footpaths.

### **Other Matters**

- 7.32 It is noted that a letter of objection has been received from a member of the public in respect of the development, in relationship to public highway concerns, however the Transportation Manager raises no objections to the proposal on public highway issues.
- 7.33 There are no issues of concern in respect of the historic built environment, as noted in the response from the Conservation Manager.

### **Conclusion**

- 7.34 It is recognised that the provision of polytunnels creates sustainable economic benefits to the county, by means of improved growing conditions for soft fruit production, a fact that has been acknowledged in letters in support to the proposal.
- 7.35 The site area covers a large area, (100 hectares), on a site that is highly sensitive and conspicuous in the surrounding landscape, and although the site itself is not within a landscape designation, the proposal will have an impact on various landscape designations, within the surrounding area, and the proposal has raised concerns in respect of drainage and water issues. However, it is recognised that the environmental as well as the cumulative impact of polytunnel development on the site can be mitigated and controlled by means of a series of planning conditions, which can include conditions to control area of polytunnel coverage at any one time attached to any approval notice issued. Furthermore, the applicants have offered a Draft Heads of Terms to form a Section 106 Agreement, under the Town and Country Planning Act 1990, that no more than 80 hectares of land over all four application sites will be under polytunnel development at any one time.

## **RECOMMENDATION**

- 1. The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms (attached as annex).**
- 2. Upon completion of the above-mentioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-**

1. The scheme for the provision and implementation of a surface water regulation system as described in the Flood Risk Assessment (Envireau Water 8/08/10) must be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.

**Reason:** To prevent the increase in flooding caused by additional surface water run-off from the polytunnel development and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

2. The recommendations set out in the ecologist's reports dated June 2009 and June 2010 will be followed, unless otherwise agreed in writing by the Local Planning Authority with an agreed timetable within three months of the date of this decision notice and the works shall be implemented as approved. A habitat protection, enhancement and management scheme based upon the recommendations in the above reports shall be submitted to the Local Planning Authority within three months of the date of this decision notice. This shall be implemented as approved with the agreed timetable thereafter. The results of monitoring surveys will be submitted to the Local Planning Authority by 31st December in any year that they are undertaken. A qualified and experienced Clerk of Works will be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

3. Prior to the 1st February in each calendar year following the date of this permission, a plan to a metric scale of at least 1:7,500 shall be submitted to the Local Planning Authority indicating the hectares (maximum) of land to be covered with polytunnels and these polytunnels will be distributed in field groups throughout the application site, and will not exceed two separate adjoining fields in number in accordance with the field plans on the indicative plans reference (TBC) submitted in support of the application.

**Reason:** In order to ensure that the Local Planning Authority can monitor the visual impact of the development hereby approved and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

4. No polytunnel or associated development will be situated within 30 metres of the boundary of any residential curtilage of any dwelling house that is located outside the contours of the application site. This land shall not be used in connection to fruit production on site, such as for storage, servicing or for staff congregating area.

**Reason:** To safeguard the amenities of the occupiers of dwelling houses within the immediate vicinity and to comply with Policy DR2 of the Herefordshire Development Plan.

5. No polytunnel will exceed 3.9 metres in height above existing ground level.

**Reason:** To control the visual impact of the development in consideration of the surrounding landscape and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

6. In the event of any polytunnel hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnel which includes the supporting structure shall be removed off site within a period of 6 months of it last being used for soft fruit production.

**Reason:** To ensure that any structure that becomes redundant for fruit production does not remain on site and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

7. None of the polytunnels hereby permitted shall be covered with polythene from 15th November until 31st December in any calendar year or for the whole of the months of January and February in any calendar year.

**Reason:** To ensure that the visual impact of the development hereby permitted is limited to the growing season and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

8. No more than 40 hectares of the application site shall be covered with polytunnels (including the metal structure) at any one time.

**Reason:** To ensure that the cumulative visual impact of the development within the surrounding landscape is satisfactorily controlled and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

9. None of the polytunnels hereby permitted or the field they are located within shall be lit with artificial lighting unless agreed in writing with the Local Planning Authority.

**Reason:** In the interests of the visual amenity and to comply with Policies DR2 and DR4 of the Herefordshire Unitary Development Plan.

10. A detailed landscaping scheme to include specification, method, density and location of all proposed planting will be submitted to the Local Planning Authority within three months of the date of this decision notice. The plan will clearly identify the location of existing hedgerows and ancient/veteran trees to be permanently retained. The heights at which boundary hedges will be maintained will be identified. A timetable for all landscape work will also be provided.

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

11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. The landscape management plan shall be carried out in accordance with the agreed timetable.

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

12. A corridor of at least 5 metres wide will be maintained for all public footpaths running through the site. (From side to side, with footpath in the middle).

**Reason:** To ensure that public footpaths remain free of debris and obstruction at all times and to comply with Policy T6 of the Herefordshire Unitary Development Plan.

**INFORMATIVES:**

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 – Avoidance of doubt – Approved Plans**
3. **I 30 - N11A Wildlife and Countryside Act 1981 (as amended) - Birds**

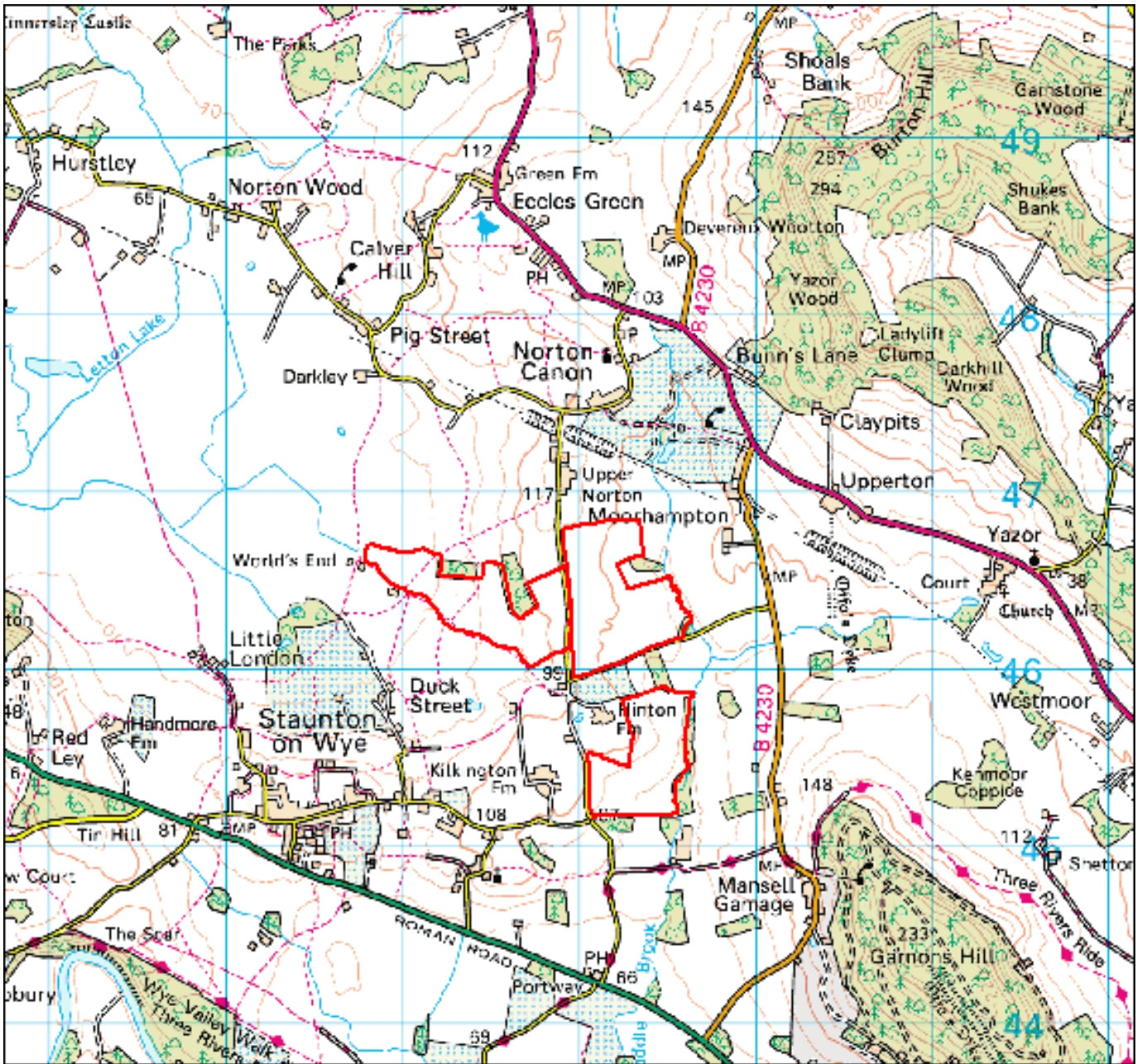
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMN/102046/F

**SITE ADDRESS :** LAND AT UPPER NORTON &, HINTON FARMS, NORTON CANON, HEREFORDSHIRE, HR4 7LN

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# **DRAFT HEADS OF TERMS**

## **PROPOSED PLANNING OBLIGATION AGREEMENT**

### **Section 106 Town and Country Planning Act 1990**

Planning Applications - DMN/102045/F  
- DMN/102046/F  
- DMN/102047/F  
- DMN/102048/F

Continue to erect, take down and re erect polytunnels rotated around fields as required (Retrospective) on land at Oakchurch Farm, Staunton-on-Wye, land at Upper Norton and Hinton Farm, Norton Canon, land at Bishopstone, forming part of Bishops Court, Bishopstone/Bridge Sollars, and land at Brobury Farm, Brobury, Monnington on Wye.

1. The owners hereby covenant with Herefordshire Council, on behalf of themselves and their successors in title not to erect cause or permit to be erected more than 80 hectares of polytunnels on the land subject to the four above-mentioned applications at any one time.
2. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Philip Mullineux – 29 December 2010