

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 JANUARY 2011</b>
<b>TITLE OF REPORT:</b>	<p><b>DMN/102047/F - CONTINUE TO ERECT, TAKE DOWN AND RE ERECT POLYTUNNELS ROTATED AROUND FIELDS AS REQUIRED (RETROSPECTIVE) AT LAND AT BISHOPSTONE FORMING, PART OF BISHOPS COURT, BISHOPSTONE / BRIDGE SOLLARS, HEREFORDSHIRE, HR4 7JQ</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**

**Ward: Wormsley Ridge**

**Grid Ref: 341428,243789**

**Expiry Date: 19 January 2011**

Local Member: Councillor AJM Blackshaw

## **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 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 all within close vicinity of the site subject to this application, 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, confirms that in its opinion the proposed development required an Environmental Statement to accompany any formal applications for 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. 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 subject to this application is for 57 hectares and 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 sites.
- 2.2 The site, consisting of five fields, is situated some 10 kilometres west of Hereford and straddles the C1098 public highway, mainly to the west of the hamlet known as 'Bishopstone', some 4 kilometres east of Oakchurch Farm, from where the fruit picked is transported to, ready for despatch, mainly to the 'Man of Ross Ltd' near Ross-on-Wye.
- 2.3 The land is situated in an 'undulating plateau' is sloping towards either the east or south (two separate blocks of land). To the east is 'Garnons Hill' (approximately 1 kilometre) and the northern boundary is formed by a dis-used railway line. There are a number of important landscape and historic designations within the immediate area.
- 2.4 Two public bridleways run through the site. Garnons Hill is a designated 'Special Wildlife Site' as well as containing an ancient and semi-natural woodland and unregistered park and garden.
- 2.5 Bishopstone Court (farmstead within close proximity to the land forming part of Bishopstone Court for polytunnel development) is also an unregistered park and garden and this and the close by church of 'St Lawrence' are Grade I and Grade II\* listed. These are both situated approximately 150 metres from the eastern boundary of the application site, being quite well secluded by trees and vegetation.
- 2.6 The block of land most easterly (2 fields), abuts the hamlet of Bishopstone having several dwellings outside the control of the applicant's alongside its eastern and north-eastern boundary.
- 2.7 The applicant proposes raspberry, strawberry and cherry production at this site, 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 the shortest time period, cherries the longest), 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 0.75 metres, semi-circular hoops slot over the legs and these form blocks of tunnels several bays wide situated in multiple parallel rows.
- 2.8 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'.

- 2.9 Information submitted in support of the application indicates the polythene has an average life of 3 years at the end of which it is baled and sent to a recycling plant (Landscape and Visual Impact Assessment, page 17, paragraph 4.8).
- 2.10 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.
- 2.11 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 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 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
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
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
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/102046/F – Land at Hinton and Norton Farms, Norton Canon.
- 4.4 N/102048/F – Land at Brobury Farm, Brobury with Monington.

#### 5. **Consultation Summary**

##### Statutory Consultations

- 5.1 Environment Agency indicate they are generally supportive of the proposed development but require additional information in relation to the increased water abstraction for trickle irrigation, while noting trickle irrigation is exempt from requiring an abstraction licence. They also recommend a condition for detail with regards to a surface water regulation system to be submitted to the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.
- 5.2 English Heritage have indicated that the proposal will not pose a significant impact upon the settings of the heritage assets documented in the surrounding area.
- 5.3 Natural England recommend conditions and planning obligations to be used to mitigate any harmful aspects of the development.

### Internal Council Advice

- 5.4 The Archaeological advisor raises no objections. Comments are raised that Offa's Dyke is within the western vicinity of the site and no closer than 350 metres from any of the proposed polytunnels and that any polytunnels close to Offa's Dyke would give cause for concern in respect of detrimental impact.
- 5.5 The Environmental Health Manager recommends a note be attached to any approval notice issued reminding the applicants with regards to a number of potential areas of 'unknown filled ground' which could be associated with potentially contaminated material and seeking specialist advice should be encouraged.
- 5.6 The Transportation Manager raises no objections indicating the development as acceptable and that it will not result in excessive congestion or delays, and neither will it contribute disproportionately to increased highway risk.
- 5.7 Public Rights of Way Manager raises no objections.
- 5.8 The Conservation Manager has stated:
- Following a careful consideration on site, I noted that the screening afforded by existing and proposed hedges and orchards, the distance of the sites from the buildings and the land form conspire to render the impact of the tunnels directly on these buildings acceptable. This does not necessarily confer acceptance on the wider landscape analysis.*
- 5.9 Land Drainage Manager has responded with no comments on the proposal provided the works detailed in the drainage appraisal are carried out.
- 5.10 The Landscape Manager concludes stating:
- Although the landscape at Bishopstone is sensitive and highly visible from a number of 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 with regards to a comprehensive 10-year landscape management plan is attached to any approval notice issued.*
- 5.11 The Planning Ecologist raises no objections subject to conditions with regards to a habitat protection, enhancement and management scheme attached to any approval notice issued. This condition is considered necessary due to historic hedgerows around and within the site, buffer zones needed around some veteran trees within the site in order to protect them and uncultivated buffer strips alongside all hedgerows, water courses and ditches within the site. Concerns are raised about surface water runoff and water quality issues. The applicants method of leg-row swales for surface water drainage are welcome, provided that they are to the satisfaction of the Environment Agency. Concerns are raised that water usage on site could increase by up to 198% and that this is a significant increase and that it may be appropriate to reduce the amount of area under polytunnels at any one time to ensure that there is no impact upon water flows in the River Wye Special Area of Conservation.
- 5.12 The Economic Development Manager supports the proposed development stating that soft fruit production in Herefordshire helps maintain employment levels and spend in the rural economy.

- 5.13 The County Land Agent considers the proposal reasonable, considering the business financially viable and acknowledges that the polytunnels are necessary for the financial security of the business.
- 5.14 The Forward Planning Manager has responded stating that the policy position is a set out in the Supplementary Planning Document: 'Polytunnels' and that the application must be assessed in consideration of the economic benefits and landscape impact.
- 5.15 The Minerals and Waste Manager has responded indicating there are sand and gravel resources within the site and that no excavated material must be removed from the landholding unless a specific minerals permission has been granted. Concerns are also raised about waste generated on site and its disposal. (Plastic sheeting). Comment is also made that water management/irrigation seems acceptable.

## **6. Representations**

- 6.1 Mansel Lacy Parish Council have responded stating:

*The Council wish to object to the application in view of the unsuitability of the Bishopstone Road for heavy vehicles, noting the recent permission of 'unsuitable for heavy vehicles' advisory signage at either end. In addition figure 2 of the Transport Statement appears to indicate that the yellow route includes part of the Bishopstone road within the parish of Mansel Lacy. The Council feels that without long over-due resurfacing the current poor state of this road within the parish will exacerbate to a dangerous level.*

- 6.2 Bishopstone Parish Council have 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 44 metres of the site.*

- 6.3 Campaign for the Protection of Rural England make comment that the site is within site of Bishopstone Court and moat, a Grade II listed building, and of the Grade I listed Church of St Lawrence, and that a public trail and bridle path abut two sections of the land identified to the west and south-west of Bishopstone Court. Further comment is made that the route from the fields on this site requires vehicles to travel from them to Oakchurch Farm along the narrow lane running north-south from Bishopstone Court to the junction with the A438. On the way the lane crosses the Roman Road that runs east/west from Kenchester to Garnons; this is another narrow road which is also part of the route for the long distance Wye Valley walk. Heavy farm vehicles along these lanes are a hazard to pedestrians and cyclists.

- 6.4 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.*

- 6.5 Letters of objection have been received from six separate households within the vicinity of the application site.

Objections can be summarised as follows:

- Impact on residential amenity.
- Impact on adjacent public highways
- Fertiliser and pest disease spray contamination from the site.
- Impact on surrounding countryside.
- Litter contamination.

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 five 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 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
- Residential amenity
- Public highway issues
- Surface water drainage
- Historic impact

### **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 visual and cumulative impact)**

- 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 fruit production and it is this that is considered the key environmental consideration in respect of this application, the application proposing 57 hectares of fruit production which will involve the erection, taking down and re-erection of polytunnels in rotation on site for either strawberry, raspberry and cherry production 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 must not be given too much weight because the applicant cannot predict future market demand, and thus the required growing area can change from season to season.
- 7.14 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.
- 7.15 It is noted that the Council's Landscape Manager in the response received states that the landscape at Bishopstone is sensitive and highly visible from a number of locations, and that where mitigation and rotation plans are implemented, that the development would be acceptable with the inclusion of a condition to any approval notice issued requesting a detailed landscaping scheme in order to help mitigate the development into the surrounding landscape. This is also a view shared by Natural England in their response.
- 7.16 It is your officer's opinion that the proposal is acceptable in consideration of landscape impact on the understanding that conditions are attached to any approval notice issued restricting the total coverage of polytunnels on site to 25 hectares at any one particular time, ensuring that those on site are distributed over the application site, so as to minimise the cumulative impact. Furthermore the applicants have offered a legal agreement insuring that no more than 80 hectares of land will be covered under polytunnels at any one time over the four application sites inclusive, under consideration. (See Draft Heads of Terms attached to this report).



### **Ecological Issues**

- 7.17 The Planning Ecologist raises no objections subject to a condition requiring a habitat protection, enhancement and management scheme being submitted to the Local Planning Authority within 3 months of any planning approval. This recommendation is considered appropriate and it is recommended that a condition is attached to any approval notice in respect of this recommendation. Concerns have been raised by the Planning Ecologist about surface water drainage and water resource requirements. This issue is considered later in the section on Surface water drainage.
- 7.18 The Minerals and Waste Manager raised concerns about water generated on site and its method of disposal. The applicants have indicated that plastic sheeting is baled and taken to a recycling plant for disposal. This method is considered acceptable.

### **Residential Amenity**

- 7.19 The siting of polytunnels in close proximity to residential dwellings understandably gives rise to concern from occupants of such dwellings. This is not only due to visual impact but also in consideration of noise (fruit pickers and wind blowing) and the consequential impact on the residential privacy and amenity of such dwellings.
- 7.20 It is noted that Herefordshire SPG on 'Polytunnels' clearly states in paragraph 4.28 on residential amenity that polytunnels should not be erected within a certain distance of dwelling houses, for example 30 metres depending on the scheme in question.
- 7.21 As a result of close examination of the site area subject to this application, and the surrounding topography and close proximity of the settlement known as Bishopstone, it is your officer's opinion that a condition should be attached to any approval notice issued preventing polytunnel or any associated development such as storage facilities, servicing area, staff congregating areas within 30 metres of any dwelling's curtilage to the application site. This would conform with the Council's advice as set out in the SPG on 'Polytunnels', while also addressing local concerns about spray drift contamination from the crops to private residential curtilages.

### **Public Highway Issues**

- 7.22 It is noted that the Council's Transportation Manager raises no objections on highway matters. The site is reasonably well served by adjacent public highways and the applicants Transport Statement in support of their application gives a detailed explanation of projected transport movements as a result of the proposed development. It is your Officer's opinion that the application is considered acceptable on public highway issues.
- 7.23 It is noted that a local Parish Council and member of the public raise issues about surface water drainage issues in relationship to the site, in consideration of its impact on the adjacent public highways, and this issue is considered as part of the following section on 'Surface Water Drainage'.

### **Surface Water Drainage**

- 7.24 The Environment Agency in their response to the application have raised concerns about surface water drainage and flood risk due to the scale and cumulative size of the application, stating there is potential for significant impacts on the surface water drainage regime in the area which needs to be addressed.

- 7.25 In consideration of the surrounding land topography, the site being located in an undulating plateau, and visits to the site on various occasions by officers of the Council, this is considered a relevant issue. However, it must also be noted that as the site is located in an 'undulating plateau on a valley floor' the site is vulnerable to surface water seepage from land outside the control of the applicants, an issue clearly evident during the 'potato harvesting season'.
- 7.26 The applicants currently get their water resource requirements by means of abstraction from three boreholes and a small buffering reservoir and the existing polytunnels are supplied by a method of trickle irrigation which does not currently require a water abstraction licence from the Environment Agency. (EA).
- 7.27 Comment is made by the EA that the River Wye is designated a Special Area of Conservation, (SAC), and as such proposals for a new water abstraction licence or an application to increase an existing licence will be assessed as to the impact on the SAC. Therefore when trickle irrigation does become licenceable, the abstractor will need to justify the amount of trickle irrigation they undertake.
- 7.28 In order to alleviate the problem with regards surface water drainage, it is recommended that a condition requesting a scheme for the provision and implementation of a surface water regulation system is submitted to the Local Planning Authority within a reasonably given time period to any approval notice issued (application is retrospective in part). This is a recommendation from the Environment Agency in their response to the application. The Land Drainage Manager raises no objections provided advice as given by the EA is adhered to.
- 7.29 As acknowledged, the applicants method of 'trickle' irrigation is exempt from the requirements for a licence and any issues of concern about net increase in water usage on site can also be controlled by the attachment to any approval notice conditions as discussed earlier, in respect of amount of polytunnel coverage on site at any one time. With the above taken into consideration, the proposal is considered acceptable on water issues.

### **Historic Impact**

- 7.30 It is acknowledged that the site is within close proximity to Bishopstone Court, a Schedule Ancient Monument (Grade II\* listed) and St Lawrence Church (Grade I listed), however, as noted by the Conservation Manager, these sites are reasonably well screened by existing hedges and orchards, to which the applicant intends also reinforcing with additional landscaping and, as such, in consideration of the distance of these sites from the polytunnel development and local land form, it is considered that impact on the historic setting is acceptable. It is noted that English Heritage do not raise any objections on this issue.

### **Conclusion**

- 7.29 The production of fruit on this site and the consequential necessary polytunnel development clearly contribute positively to the applicants overall business and to the sustainable economic viability of Herefordshire, as clearly referred to in numerous letters of support to the application.
- 7.30 On balance any detrimental affects of the development on the surrounding landscape, which is considered sensitive and historic sites within close proximity are considered acceptable, as issues of concern can be adequately mitigated by way of a series of planning conditions with regards to additional landscaping, (where considered necessary), and limiting where polytunnels can be situated, both in consideration of cumulative impact, and its affects on the visual quality of the surrounding landscape and residential amenity by means of the provision of buffer zones. It is noted that the relevant consultees on the historic built environment raise

no objections. Surface water drainage and water abstraction issues are also considered acceptable with mitigation as discussed in this report.

- 7.31 Furthermore with respect to cumulative impact the applicants have offered a Draft Heads of Terms under Section 106 of 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 3 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 being last 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 25 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 planning approval. The landscape management plan shall be carried out as approved.

**Reason:** In order to maintain the visual amenity of the area and to comply with Policy LA6 of 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
4. The application site may include a number of areas of 'unknown filled ground' which can be associated with potentially contaminative material and as such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMN/102047/F

**SITE ADDRESS :** LAND AT BISHOPSTONE FORMING, PART OF BISHOPS COURT,  
BISHOPSTONE/BRIDGE SOLLARS, HEREFORDSHIRE, HR4 7JQ

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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