

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 JANUARY 2011</b>
<b>TITLE OF REPORT:</b>	<p><b>DMN/102048/F - CONTINUE TO ERECT, TAKE DOWN AND RE ERECT POLYTUNNELS ROTATED AROUND FIELDS AS REQUIRED (RETROSPECTIVE) ON LAND AT BROBURY FARM, BROBURY-WITH-MONNINGTON, HEREFORDSHIRE</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: Castle**

**Grid Ref: 335342,244880**

**Expiry Date: 19 January 2011**

Local Member: Councillor JW Hope MBE

## **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, confirmed 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 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 development in the form of gooseberries). It was the cumulative impact of this 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 33.5 hectares and the site is situated on the southern side of the A438 public highway, running alongside the C1185 public highway which leads from the A438 and Staunton-on-Wye towards the hamlets of Brobury and Bredwardine. Another unclassified public highway breaks the site into two separate areas and this roadway also leads from the A438 towards Brobury. The site acts as a satellite growing area for the main site at Oakchurch Farm, where the farmstead provides the central operation hub for all four fruit growing areas. Oakchurch Farm is located some two kilometres, in an easterly direction from the Brobury site.
- 2.2 The site consists of two blocks of land and straddles the C1185 public highway which is located alongside its northern boundary, to the north of this highway is 'Tin Hill Wood' which provides a good screening cover for the site from a northerly direction. Tin Hill Wood and Monington Coppice which is situated to the south-east of the site, (but not adjoining), are both classed ancient woodlands.
- 2.3 The site is within close proximity (260 metres in a southerly direction) from the River Wye and the Wye Valley Walk, this area is a designated Special Site of Scientific Interest (SSSI) and special wildlife site.
- 2.4 Other landscape designations within the surrounding area to the site are Moccas Court, a Grade II\* registered park and garden, Brobury Scar, a provisional local geological site with SSSI designations, and various ancient woodlands.
- 2.5 Soft fruit proposed under polytunnels at this site are strawberries and cherries (gooseberries are also grown but these do not require polytunnel cover). 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, approx. 15 years, depending on the variety under propagation, disease and cultivating conditions), 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.
- 2.6 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'.

- 2.7 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).
- 2.8 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.
- 2.9 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
T6	-	Walking
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
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	-	Polytunnel 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/102047/F – Land at Bishopstone Court Farm, Bishopstone and Ridge Sollars.

## 5. **Consultation Summary**

### 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 emphasise in their response that it is considered essential that leg row channel/swales, (method of surface water drainage), are constructed in accordance with the dimensions set out in the Flood Risk Assessment. Due to the necessary importance that the leg row channels/swales are constructed, 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 water irrigation and its impact on the River Wye and surrounding area of Special Area of Conservation and acknowledging that this method of exemption does not require 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 The Forestry Commission raise no objections stating that there will be no effect on any ancient semi-natural woodland as there is none adjacent to the site.
- 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 Public Rights of Way Manager raises no objections stating the proposed development will not affect public rights of way.
- 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 site is highly sensitive, where the described mitigation proposals are undertaken, the landscape at Brobury can assimilate the proposed polytunnels at this site without overwhelming or permanently destroying the inherent character and views. The relevant landscape policies and SPD recommendations have been fully considered in the application. There is no objection on landscape matters providing 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 the 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 leg row swales as a method of surface water drainage, provided that they are 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 by a method of trickle water irrigation, which does not currently require a licence from the Environment Agency, noting water usage could potentially increase by 108%, but this could be subject to flow restrictions from the Environment Agency, if necessary, and that this may result in the requirement to reduce the amount of area under polytunnels at any one time. Recommendation is made that if the proposal is to be ultimately approved 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 acknowledges that the polytunnels are necessary for the financial security of the business.

## **6. Representations**

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

6.2 Campaign for the Protection of Rural England state that land on Tin Hill covered in plastic and/or metal hoops is highly visible from the A438 and looking southwards from the village of Staunton-on-Wye, and that the northern edge of the fields are adjacent to a minor public highway. Further comment is made that although masked to some extent by hedgerows, the plastic will be visible from the well walked stretch of the Wye Valley Walk, that runs along the Monington Scar (SSSI). There are also two areas of ancient woodland nearby (Tin Hill Wood and Monington Coppice).

6.3 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.*

6.4 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.

6.5 One letter of objection has been received from the residents of a local dwelling to the application site. The letter states that while understanding that farmers need to grow crops and make a viable living, this should not be allowed at the expense of the countryside, or other equally important streams of income into Herefordshire. Comment is made that the River Wye has just been voted the most beautiful river in England. Polytunnels need to be discreet and not deter tourists from visiting Herefordshire and the Wye Valley and that the current use of this area is such a site. Comment is further made about the impact on a local garden open to the public and holiday cottages, to which visitors have made comment that allowing polytunnels on such a conspicuous site puts people off returning to the county. The letter concludes urging Committee to reject the application.

6.6 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 impact).
- Ecological issues

- Surface water drainage

### **Economic Benefits**

- 7.3 There is no doubt that polytunnels enable greater quality and quantity of soft fruit production of a higher average 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 33.5 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 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 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 Oakchurch and Hinton and Norton Farm sites (2). This takes account of surrounding topography, (site known as Tin Hill), as well as existing tree and hedgerow cover, surrounding land uses and the scale of the proposed development itself.
- 7.16 The indicative rotation plans submitted in support of the application indicate which fields will be covered over a 10-year period and they do ensure that the south facing slopes of Brobury and Oakchurch are not covered in their entirety at the same time, thus helping to reduce the overall cumulative impact.
- 7.17 The site is visible from the A438 and there are also locations along the Wye Valley Walk along the Scar where views into the site are very visible. The Landscape and Visual Assessment in support of the application acknowledge that the landscape character at this location is highly sensitive, and that the proposal will be of moderate magnitude and high significance and that there will be a negative effect on the landscape character.
- 7.18 However, the proposal is for soft fruit growing on a rotational basis, where polytunnel coverage is only during the 'fruit growing season' and, as such, with suitably worded conditions attached to any approval notice, restricting area of soft fruit production and consequentially polythene coverage, which needs to be no more than 16 hectares of the total site area under coverage at any one time, in consideration of the detrimental cumulative impact on the surrounding highly sensitive landscape, if all or more than 16 hectares of the site was covered in polythene, (must be noted application is for 'rotation production'), as well as additional landscape mitigation enhancement by means of additional hedgerow planting strengthening and, in particular, from the direction of the Wye Valley Walk, along The Scar, the proposal is considered acceptable on landscape issues and it is noted that both Natural England and the Landscape Manager raise no objections subject to suitably worded conditions being attached to any approval notice, in respect of a detailed landscaping scheme and rotational fruit cover.

### **Ecological Issues**

- 7.19 As earlier mentioned the site is very visible from the Wye Valley walk on the Scar as well as from the A438 public highway on a site termed by the CPRE as Tin Hill, to which Tin Hill Wood helps reduce the overall visual impact from a northerly direction.
- 7.20 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.
- 7.21 Concerns have also 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 can be resolved by the imposition of a suitably worded condition attached to any approval notice issued.



- 7.22 Water resource requirements are currently supplied from three bore holes and a winter storage reservoir filled by abstraction from the River Wye at a location adjoining 'The Scar'. Polytunnels on site are currently supplied by a method of trickle irrigation for water resources, and this does not currently require a licence from the Environment Agency. The Planning Ecologist in her response to the proposal has raised concerns that water usage on site could increase by up to 108%, however, this could be subject to flow restrictions from the Environment Agency, if considered necessary, and it may well be necessary to reduce the amount of area under polytunnels at any one time, in order to ensure that there is no impact upon water flows in the River Wye.
- 7.23 A further measure to reduce impact on water resources and trickle water irrigation is the attachment to any approval notice of a suitably worded condition on amount of area under polytunnel development at any one time, as earlier discussed (the applicants have proposed a legal agreement under the Town and Country Planning Act 1990 that no more than 80 hectares of land over the four separate fruit growing sites will be under polythene coverage any one time) – see Draft Heads of Terms attached to this report.
- 7.24 With consideration shown to the advice as recommended by the Environment Agency and Planning Ecologist with regard the attachment to any approval notice conditions with regard to habitat and enhancement measures, and surface water drainage, (in consideration of impact on local ecology), as recommended by the Environment Agency, the proposal in consideration of ecological issues is considered satisfactory.

### **Surface Water Drainage**

- 7.25 The site is located within close proximity to the River Wye (less than 400 metres from the boundary) and its river embankment area an SSSI – Monington Scar, a registered SSSI, which is less than 300 metres from the site.
- 7.26 In respect of 'flood risk' the site is located in Flood Zone 1 (this is a low zone probability in consideration of flood risk and the Environment Agency Flood Zone data maps).
- 7.27 In terms of the scale and cumulative size of the proposal and its location, the Environment Agency consider there is potential for significant impacts on the surface water drainage regime in the area and that this will need addressing if the proposal is to be allowed to succeed, (although application is mainly a retrospective proposal, it does allow for increase in polytunnel development in consideration of land proposed for overall rotational development).
- 7.28 The Planning Ecologist has also raised concerns about surface water drainage in relationship to surface water run-off and water quantity issues.
- 7.29 The applicants in support of their application have submitted a detailed land drainage assessment and irrigation water usage evaluation, and these include an evaluation of flood risk assessment, and the Environment Agency acknowledge that these follow the guidelines as set out in PPS25. The Flood Risk Assessment emphasises that the polytunnel drainage is an agricultural drainage issue and not an urban drainage issue. The polytunnels are stated as being actively managed with appropriate placement of polytunnels to allow rainfall to be dispensed through 'leg rows' that will control surface water run-off and mitigate erosion. The Planning Ecologist welcomes the use of 'leg rows' in order to control run-off, and the Environment Agency also support this method of surface water run-off.
- 7.30 The Environment Agency (EA) accept the findings as indicated in the Flood Risk Assessment, but consider it essential that leg row channel/swales are constructed in accordance with the dimensions set out in the Flood Risk Assessment and maintained in perpetuity. The EA advise that monitoring will also be required to ensure that the drainage system behaves in the way as described in the Flood Risk Assessment and recommends a condition with regard to

the provision and implementation of a surface water regulation system, as indicated in the applicants Flood Risk Assessment attached to any approval notice issued.

- 7.31 It is noted that both the Council's Land Drainage Manager and Planning Ecologist concur with the EA conclusion on surface water drainage, and it is therefore recommended that the condition with regards to surface water drainage is attached to any approval notice issued.
- 7.32 Concerns are also raised by the Planning Ecologist about the trickle water irrigation method for plant production, as proposed by the applicants, which does not currently require a water abstraction licence from the EA, and its potential impact on the River Wye with regards to water abstraction, indicating that water usage could increase by up to 108% on site. However, the Planning Ecologist acknowledges that this could be subject to flow restrictions by the EA, and if necessary, it may be appropriate to reduce the amount of area under polytunnels at any one time in order to ensure that there is no impact upon water flows in the River Wye.
- 7.33 The EA in their response to the proposal acknowledge the River Wye is designated a Special Area of Conservation and, as such, the applicants have to have a water abstraction licence and any proposal for a new abstraction licence or an application to increase an existing licence will be assessed in consideration of the wider local environment water issues on the Special Area of Conservation, as a recent review of trickle abstractions, which have a direct or indirect impact on a Special Area of Conservation, will need abstraction constraints placed upon them when licensing. The applicants in their irrigation water usage evaluation have made reference to this proposal.
- 7.34 The EA have not objected to the proposal and officers are of the opinion that carefully worded conditions attached to any approval notice issued with regards to amount of area subject to polytunnel coverage at any one time, which will further control the issue with regards to trickle irrigation, not only on this site but also the other three development sites, that the proposal is acceptable on drainage issues.

### **Other Matters**

- 7.35 The proposal raises no issues of concern on public highway issues as noted by the Transportation Manager, in his response to the application.
- 7.36 There are no issues of concern in respect of the historic built environment, as noted in the response from the Conservation Manager.
- 7.37 The letter of objection refers to the impact on tourism in the county. It is acknowledged that the erection of polytunnels has been a controversial issue within the county of Herefordshire, however, proportionally little of the county is covered in polytunnels, it is considered that the overall cumulative impact of polytunnel development on site can be controlled by conditions, in respect of the rotational coverage, and there is no evidence to support the view that polytunnel development has caused a decline in tourism to the county.

### **Conclusion**

- 7.38 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.
- 7.39 The site is located within close proximity to the River Wye and various landscape designations, and is therefore located in a highly sensitive landscape. The proposal has raised concerns in respect of drainage and water issues. However, it is also recognised that the environmental impact of polytunnel development on this site can be mitigated and controlled by means of a series of planning conditions 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 16 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.**

**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**

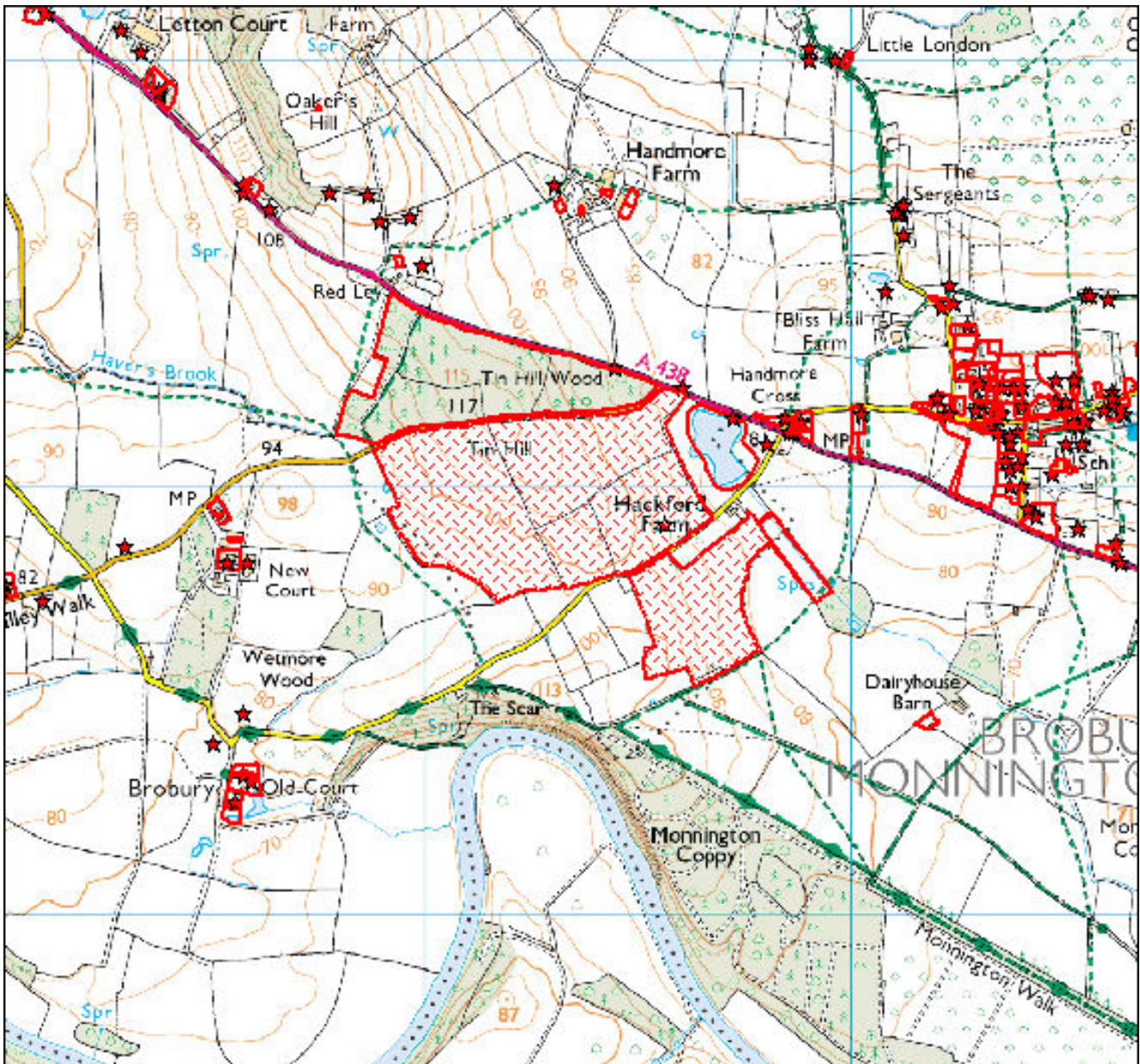
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMN/102048/F

**SITE ADDRESS :** LAND AT BROBURY FARM, BROBURY-WITH-MONNINGTON, HEREFORDSHIRE

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

# **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