

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>17 JANUARY 2024</b>
<b>TITLE OF REPORT:</b>	<p><b>231560 - TO ERECT UP TO 9.5 HECTARES OF FIXED POLYTUNNELS OVER ARABLE (SOFT FRUIT); THE RELOCATION AND UPGRADING OF A FARM ACCESS/EGRESS ON THE C1124; THE ERECTION OF A 648 M2 PROFILED-STEEL-CLAD PORTAL FRAME GENERAL PURPOSE AGRICULTURAL STORAGE BUILDING; THE ERECTION OF 6 NO. 14.7 METRE DIAMETER 600 M3 CAPACITY WATER STORAGE TANKS. LAYING OUT AT DRAKELEY FARM, MARDEN, HEREFORD, HR1 3ES</b></p> <p><b>For: Mr Kerr per Mr Antony Aspbury, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231560&amp;search-term=231560">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231560&amp;search-term=231560</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 18 May 2023**

**Ward: Sutton Walls**

**Grid Ref: 353352,248363**

**Expiry Date: 17 August 2023**

Local Members: Cllr Peter Hamblin

## **1. SITE DESCRIPTION AND PROPOSAL**

- 1.1 This detailed planning application was submitted on the 18 May 2023 and represents a resubmission of application P221524/F. The proposed scheme has been amended to address objections and concerns raised during that application. This application now seeks planning permission to erect 9.5ha of fixed ‘Spanish’ polytunnels and associated infrastructure to grow table top soft fruits along with an upgrade to an existing agricultural access.

### **Site description**

- 1.2 The Parish of Marden is located around 4.5km to the north of the city of Hereford, with the market town of Leominster located around 8km to the north. The Parish of Wellington neighbours the parish to the west, with the River Lugg forming the boundary between the two parishes. The Parish of Bodenham lies to the north and to the south the Parish of Sutton. The village of Marden is located in a central location within the Parish and is the main settlement supporting a range of services. There are no main ‘A’ roads within the parish, with the closest being the A49 Hereford to Leominster road located around a mile to the west.

- 1.3 The applicants 'S & A group' are one of the largest independent soft fruit growers in Europe growing a variety of soft fruits and vegetables. Their headquarters at Brook Farm is located just north of the main settlement of Marden, and consists of a large packing and processing building, seasonal workers accommodation, research and development laboratories and offices. The polytunnels surrounding the site grows primarily strawberries. The current picking season extends from April through to November, with peak season being during the summer months (i.e June through to August). The seasonal worker accommodation on site has the capacity for 850 workers at any one time, however S & A currently employ up to 425 seasonal workers during the peak summer months. The occupancy of the accommodation is limited to employees of S & A on Brook Farm only. There are currently around 70 full time employees at the site which live within the local area.
- 1.4 The aerial image below shows the coverage and location of the existing polytunnels which cover some 37 hectares of land that abuts Brook Farm to the north and east. The settlement of Marden is also evident from the image to the south of the tunnels. The crops which are grown in the tunnels are processed in the pack house on site before being distributed to customers. Vehicle movements from the site are directed west towards the A49.



Aerial image of existing site and surrounding area taken from Google Earth dated 11/2023

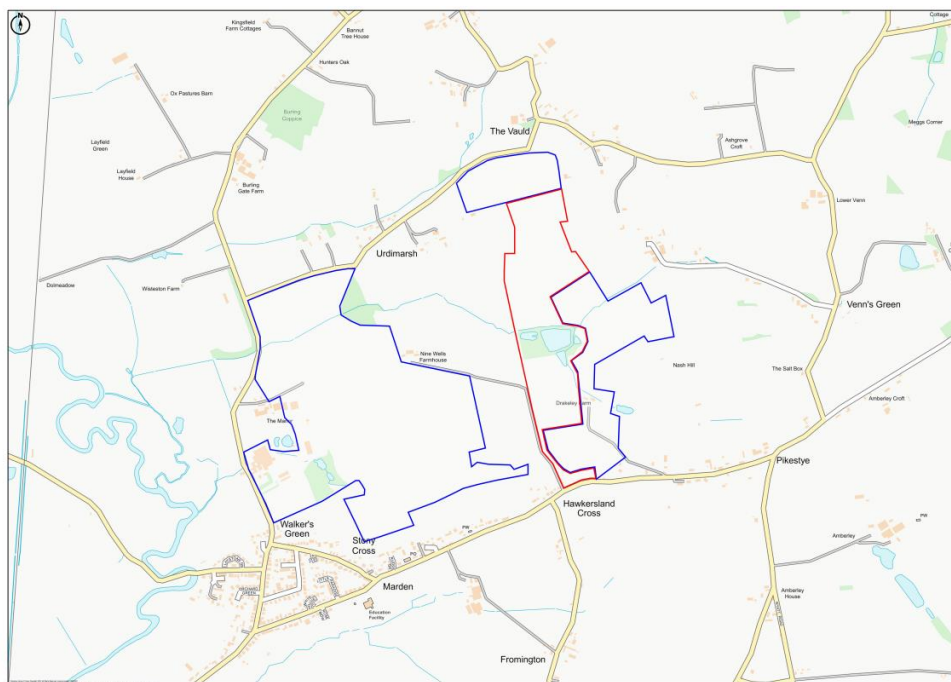
- 1.5 The site which is the subject of this application comprises a range of existing arable fields, divided by intact hedgerows located to the east of the existing S & A soft fruit enterprise. The land was part of the former Drakeley farmstead and has a varied topography across the site. Areas of scrub, woodland and a number of waterbodies are present across the site. The village of Marden is located to the south west, whilst there are a number of residential properties and small farmstead located to the north and east which make up an area known as Venns Green.
- 1.6 The site does not lie within any designated landscape and there are no Conservation Areas in or adjacent to the site. There are a number of Listed Buildings in the vicinity of the site and these are discussed later in the report. The site is within flood zone 1, which has the lowest risk of flooding.
- 1.7 The area is has an extensive network of PRoW and Bridleways. Bridleway MR19 runs alongside the western boundary of the site, with MR12 running directly through the site to the north in an east to west direction. The Bridleways on the field boundaries are MR19 and MR12 and consist

of unmade green paths lined with mature dense hedgerows. MR22 runs through the southern area of the site and connects to MR20. These two paths are classified as 'Byways open to all Traffic' (BOAT). For clarification a BOAT is a highway over which the public right of way is for vehicles and all other kinds of traffic, but which are used mainly for the purposes for which footpaths and bridleways are used. All the paths appear to be well used and popular to locals.

- 1.8 The Drakely Farmstead itself is accessed via along track taken from the C1124. The farmstead consists of pair of semidetached dwellings and outbuilding. The buildings are currently empty and unused. It is noted that S & A have made a number of recent planning applications in connection with the Drakley farmstead which are listed in detail below. The intention is for the farmstead to be incorporated and farmed alongside that of Brook Farm.
- 1.9 Permission has also been granted under a prior approval notification for a winter fill agricultural storage reservoir for irrigation purposes as detailed in section 3 below. This reservoir is located within the application site.

### **The Proposal**

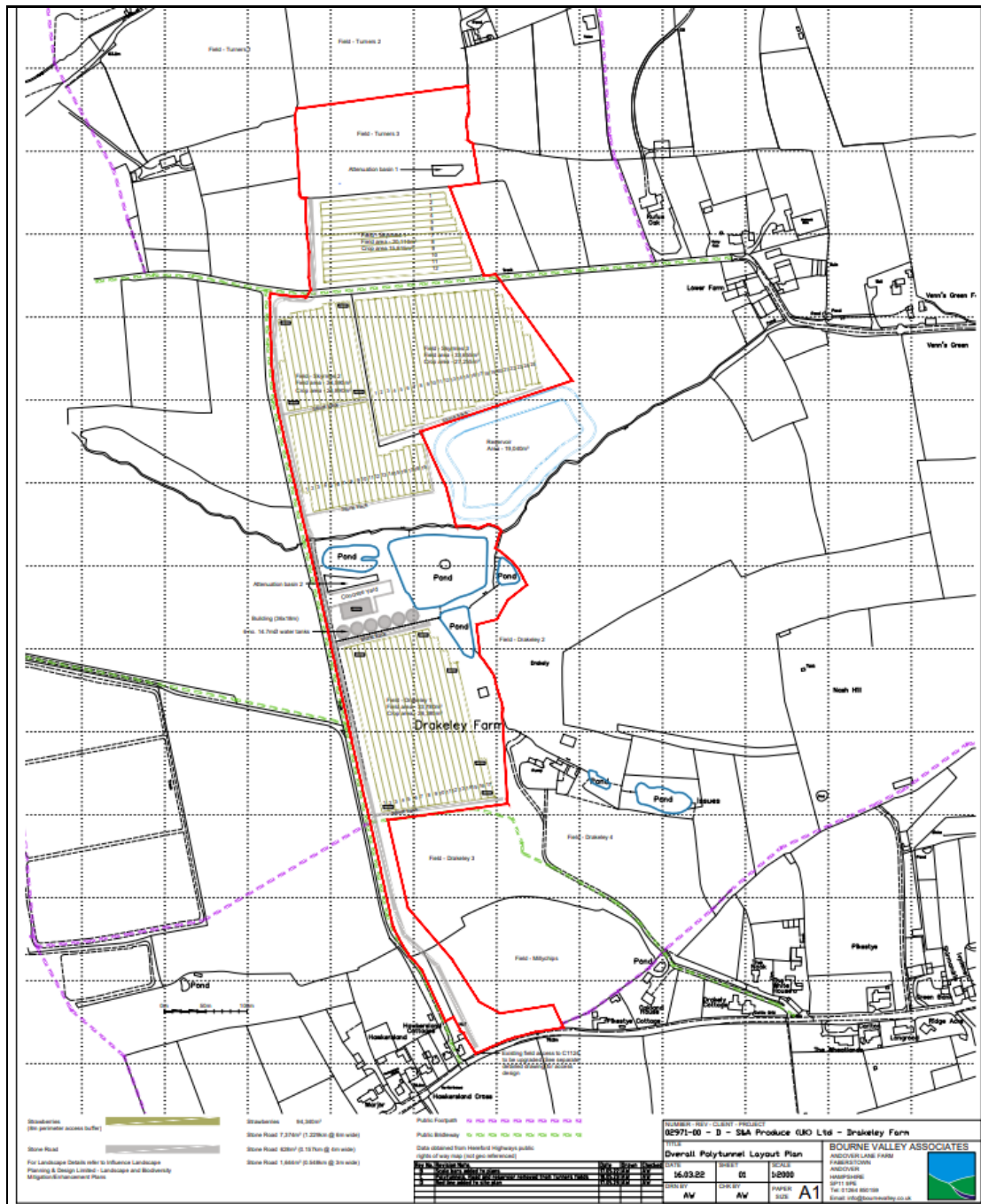
- 1.10 This application seeks permission to erect up to 9.5 hectares of fixed polytunnels over soft fruits to be grown on table tops. Included in the application is the relocation and upgrading of a farm access/egress on the C1124; the excavation and formation of balancing ponds; the erection of a 648 m<sup>2</sup> profiled-steel-clad portal frame general purpose agricultural storage building; the erection of 6 no.14.7 metre diameter 600 m<sup>3</sup> capacity Water Storage Tanks; and the laying out and surfacing (with loose granular material) of internal farm tracks. The application site is outlined in red on the location plan below, with other land owned in the applicants ownership outlined in blue. The areas of land which immediately surround the application site will be used for growing blueberries (uncovered), many of which have already been planted.



- 1.11 The applicant intends to operate the proposed polytunnels alongside the established operations at Brook Farm, with all fruit grown to be transported back to the main site for processing and distribution. There is no requirement for any additional seasonal workers accommodation. Although the proposal will generate new employment, the existing permitted accommodation at Brook Farm can accommodate the increase.

## Polytunnels

- 1.12 The plan below shows the layout of the proposed polytunnels which are considered to be the main element of the application and which will all be fixed. The proposed tunnels are divided up into 4 areas and are to be arranged as “multi pan” tunnels of various lengths to fit the field which they are to be located on. The tunnels are to have an 8m width and a maximum height of 4.5m and are constructed using a galvanised tubular steel framework. The tunnels are to follow the contours of the ground and are to be anchored by Y shaped legs positioned every 2/2.5m intervals. Each tunnel will accommodate 6 parallel rows of tables at a height of 1m for the soft fruits to be grown on. The area beneath and between the tables is to be simply grassed.



- 1.13 The covers are to be a clear polythene sheet secured over the tubular framework by means of rope. There is to be a horizontal bar across the door structure at each end to support a polythene curtain to gain access and ventilation into the tunnels. The polythene covering typically has a life span of 3 years at the end of which it will be removed, baled and sent to a recycling plant.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- 1.14 The proposed polytunnel development is split into 4 cropping areas which have been named after field locations. They are identified on the plan as follows:
- **Skyrmes 1:** Located to the north of the bridle path MR12. Consists of 12 tunnels and a crop area of 15,815m<sup>2</sup>. The tunnels are arranged in a west to east orientation.
  - **Skyrmes 2:** Located to the south of bridle path MR12 and east of bridle path MR19. Consists of 19 rows of polytunnels and an overall crop area of 24,890m<sup>2</sup>.
  - **Skyrmes 3:** Located to the south of bridle path MR12. Consists of 25 tunnels and a crop area of 27,255m<sup>2</sup>.
  - **Drakeley 1:** Located to the south of the proposed concrete yard, water tanks and storage building to the west of the bridle path MR19 and north of MR22. Consists of 17 tunnels and a crop area of 26,380M<sup>2</sup>
- 1.15 The proposed layout of the tunnels shows a headland around the perimeter of the site to facilitate access and circulation around the area. Permeable access tracks constructed from stone at a width of 3m will be constructed around the site. French drains will capture and convey the rainfall runoff from the polytunnels area to a new attenuation basins or the existing reservoir on the site.
- 1.16 The objective of the polytunnels is to provide a sheltered environment to grow strawberries on table tops. The Polytunnels will enable the applicant to manage all aspects of plant growth and development and extend the growing season, harvesting crops earlier and later than traditional; outdoor grown crops. Polytunnel harvesting runs from late April through to early November; however, volumes picked are lower at the start and end of this period than during the peak summer months. The proposed 9.5ha of polytunnels would produce a weekly volume of 23 to 31 tonnes over a 24-week season (between 567 and 728 tonnes of strawberries per annum).
- 1.17 The application outlines that immediately after picking, it is proposed that the fruit is to be transferred to the existing pack house at Brook Farm. The proposed development will result in up to 12 daily two-way movements from the proposed new access onto Marden Road to Brook Farm. The vehicles will consist of tractor and trailers and cars. No lorries or HGVs will use the new Marden Road access or access the site. The proposal will increase weekly HGV movements at the Brook Farm (from the packhouse) by between 1 and 2 additional movements (6 a month).
- 1.18 The proposal will generate up to 5 additional full time employees at the site. However, no additional seasonal workers would be employed as part of the proposed development, as the existing staff at Brook Farm would be utilised during the harvest period.

#### Storage Building

- 1.19 As identified on the plan above, at the centre of the application site a proposed concrete yard with storage building is proposed. The proposed storage building measure 36m long with a width of 18m. The height of the building to the eaves is 6.1m and to the ridge 8.1m. The building is to be steel framed clad on a both the roof and wall with profile pressed galvanised steel sheets. The proposed colour of the building is to be 'slate blue'. The building is needed to provide storage ancillary to the operations of the polytunnels.

#### Water tanks

- 1.20 Also to be accommodated on the proposed concrete yard are 6 water tanks constructed from proprietary galvanised steel sheeting with a reinforced anti-algae cover. The tanks are to be 3.6m high and 14.7m in diameter, each having a capacity of 600 cubic metres

### Additional balancing ponds

- 1.21 The application includes the excavation and formation of two additional attenuation basins in addition to the existing ones on site. The additional basins will capture the runoff from the new hardstanding areas and increased greenfield runoff associated with the proposed development.

### Vehicle access

- 1.22 As identified above the proposal will generate 12 daily two- way movements from the site which will consist of small tractors and specifically designed trailers designed solely for transporting the fruit from the site back to the packhouse at Brook Farm. This will consist of 6 arrivals and 6 departures over a typical 10 hour working day.
- 1.23 Vehicle access into the site will be solely from the relocated and upgrade of an agriculture access at the northern edge of Marden Road. The new access has been designed to accommodate the required manoeuvres and visibility splays of 57m in each direction as required by the result of the speed survey undertaken. The access is to have a 6m kerb radii and be 6.5m wide overall. The existing access is to be closed up with landscaping and planting to provide a buffer with the neighbouring residential property. All season workers will access the site via the network in internal farm tracks and public rights of way.

### Submission

- 1.24 The proposal is Schedule 2 development under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017. To this end, a screening exercise was undertaken by Officers which concluded that due to the projects size, nature and location the proposal does not represent development for which an Environmental Statement would be required. The application is, however, supported by a number of documents and plans:-

- Spatial Planning Statement - May 2023
- Design and Access Statement – May 2023
- Heritage Impact Assessment by Marrons Planning Limited – May 2023
- Transport Assessment by Bancroft Consulting - May 2023
- Shadow Habitat Regulations Assessment Ref: RSE\_5771\_R2\_V2\_HRA dated May 2023
- Landscape and Visual Assessment by Influence ref: INF\_N0837\_02
- Flood Risk Assessment by Envireau Water - May 2023
- Surface Water Nutrient Assessment by Envireau Water - May 2023
- Ecological Impact Assessment RSE\_5771\_R1-V2\_ECIA – May 2023
- Economic Impact Assessment – May 2023
- Amended Drainage Strategy – Envireau Water – 27-11-2023
- Site Location Plan
- Topological Survey 02971-00-A
- Polytunnel General Arrangement Layout - 02971-00-D-Sheet 01
- Storage Building Plans & Elevations - 02971-02-A
- Water Tanks Plans & Elevations 02971-03-A
- Landscape Masterplan Design Proposals - N0837 (96)001 – C - Sheets 1 to 9 inc
- Polytunnel Specification/Elevation drawing
- Proposed Access Upgrade Plan – F20130/02

## **2. POLICIES**

### 2.1 National Planning Policy Framework (NPPF) December 2023

- Section 1 - Introduction  
Section 2 - Achieving sustainable development

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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- Section 4 - Decision – making
- Section 6 - Building a strong, competitive community
- Section 9 - Promoting sustainable transport
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

## 2.2 Herefordshire Local Plan – Core Strategy (CS)

- SS1 - Presumption in favour of sustainable development
- SS4 - Movement and transportation
- SS5 - Employment provision
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA3 - Herefordshires countryside
- RA4 - Agricultural, forestry and rural enterprise dwelling
- RA6 - Rural economy
- MT1 - Traffic management, highway safety and promoting active travel
- E1 - Employment provision
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable design and energy efficiency
- SD2 - Renewable and low carbon energy
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

## 2.3 Marden Neighbourhood Development Plan (MNDP)

The Marden Neighbourhood Development Plan was made on 6 October 2016. It now forms part of the Development Plan for Herefordshire. The relevant policies in connection with this application are:

- M7 – Supporting enhancing and protecting existing local employment
- M10 – Landscape character
- M11 – Flood Risk and Surface Water Run-off
- M12 – Public Rights of Way/Connectivity

- 2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

- 2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

### Other relevant guidance

- 2.6 *Polytunnel Planning advice guide 2018* – (replacement of the Polytunnels Supplementary Planning Document Adopted 5th December 2008)

### **3. Planning History**

- 3.1 233215/PA7 - Application for prior notification for the erection of water storage tanks
- 3.2 232863/PA7 - Application for prior notification for 2no. water analysis steel shipping containers for the improvement of water quality within the existing reservoir, which is then used within the strawberry production. *Prior Approval not required 23/10/2023*
- 3.3 224013/O - The demolition and clearance and replacement of two existing cottages and a disused operational farm building with three new detached dwellings. *Refused 15/5/2023*
- 3.4 221524/F - Erection of up to 13.5 hectares of fixed (i.e. non-rotating) 'Spanish' Polytunnels over soft fruit grown on 'table tops', excavations and ground profiling to form new winter storage reservoir and the erection of an agricultural storage building and 6 no. water storage tanks. *Withdrawn on 13.4.2023*
- 3.5 203276/PA7 - Prior notification of a proposed winter fill agricultural water storage reservoir for irrigation. *Prior approval not required 20/10/2020.*

### **4. Consultation Summary**

#### Statutory Consultations

#### **4.1 Welsh Water: No objection**

Dwr Cymru Welsh Water have no comment to make regarding this application. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

#### **4.2 Natural England: No objection subject to conditions**

*Response received on 29 June 2023. Summary of Natural England's comments below, full comments can be viewed on web site through the link below:*

<https://myaccount.herefordshire.gov.uk/documents?id=6056fcb6-1722-11ee-906e-005056ab11cd>

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will



not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

#### 4.3 **Environment Agency: No response**

### **LOCAL CONSULTATIONS**

#### 4.4 **Hereford Fire & Rescue Authority: No objection**

Fire Service Vehicle access must comply with the requirements of ADB 2019 Vol. 2 B5, section 15 & Table 15.1 with regards the proposed floor area, height of the building and type of fire appliance.

- Access road to be in accordance with ADB 2019 Vol. 2 Table 15.2 with regards access widths and carrying capacity

Water for firefighting purposes should be provided in accordance with section 16 and National guidance document on the provision of water for fire - fighting' and BS 9990

### **INTERNAL COUNCIL CONSULTATIONS**

#### 4.5 **Service Manager Built and Natural Environment (Landscape Officer): No objection**

#### Comments received on the 29/7/2023

This application is a revised scheme to a previously submitted application reference: 221524 that I commented on, and provided recommendations. My core concern from that application have been addressed (namely the removal of polytunnels in areas of direct visual impact at the northern end of the site, what is identified as Field Turners – 1,2 and 3), and therefore as far as the general overall layout (i.e. 'fields') of the polytunnels is concerned I have no objection.

I do still have concerns about the detailed position or layout of the polytunnels that encroach a number of large trees (i.e. oaks) in Field Skyrmes 1,2 and 3. The main issue is in relation canopy and the height of the polytunnels, and with adjustment or set back of the polytunnels. I seek further information to verify setbacks and encroachments onto trees. It is suggested that polytunnel locations are set out (with markers), perhaps with a height indicator, and follow up with a site visit with the agent/applicant, and landscape and tree officer to confirm the appropriate setbacks.

Regarding landscaping, there should be more large trees (i.e. oak, hornbeam etc.) added as part of the development. There are areas of scrub and hedgerows, but no trees, or hedgerow trees included to provide vertical mitigation, and long term landscape and biodiversity enhancement that large trees provide.

#### 4.6 **Planning Ecologist: No objection subject to conditions**

#### Comments received on 13/6/2023

It is noted that this is revised scheme from that previously applied for and considered under application ref 221524 (May 2022) that was eventually withdrawn prior to determination.

The scale and size of the proposed development has been reduced in this new application but the previous ecology comments are still fundamentally relevant; as is the previous HRA process.

The previous HRA remains relevant and received a 'no objection' response from Natural England ref 402298 dated 18<sup>th</sup> July 2022.

The comments below reflect those previously made but updated for this new scaled down application.

The application site lies within the Lower Lugg catchment of the River Lugg SAC and lies within the hydrological catchment of the River Lugg SAC, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna.

At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.

#### **Notes in respect of HRA**

Proposal: To erect up to 9.5 hectares of fixed Polytunnels over arable (soft fruit); the relocation and upgrading of a farm access/egress on the C1124; the erection of a 648 m<sup>2</sup> profiled-steel-clad portal frame General Purpose Agricultural Storage Building; the erection of 6 no. 14.7 metre diameter 600 m<sup>3</sup> capacity Water Storage Tanks. Laying out and surfacing (in loose granular material) of internal farm tracks.

- The supplied 'Shadow' Habitat Regulations Assessment by RammSanderson ref RSE\_5771\_R2\_V2\_HRA dated May 2023 refers.
- The Flood Risk Assessment and Drainage Strategy by envireau water dated May 2023 refers.
- The Surface Water Nutrient Assessment: Drakeley Farm by envireau water dated May 2023 refers
- The Ecological Impact Assessment by RammSanderson ref RSE\_5771\_R1\_V1\_ECIA dated April 2022 previously submitted for application remains relevant and refers.
- The supplied Landscape Management Plan (LEMP) refers

**Having reviewed all the supplied information the LPA formally adopts the supplied Shadow HRA by RammSanderson as the majority part of its own required HRA Appropriate Assessment.**

The LPA is satisfied that all the supplied information supporting the adopted HRA provides detailed scientific certainty that the development will create a nett reduction in agricultural (diffuse) pathway for nutrients (phosphates) into the Lugg SAC catchment. This nett reduction will be achieved by reducing rainfall and water movement through existing top soils reducing the pathways for 'legacy' P to enter the hydrological catchment; stopping direct application of any fertilisers to the soil through normal agricultural cropping-management; and by utilising a closed

system of irrigation with managed nutrient addition for the table top growing systems within the proposed poly tunnels.

Clean surface water created by the proposed poly tunnels is to be utilised to provide required crop irrigation with any excess being diverted in to the local pond systems to maintain their biodiversity potential.

All irrigation water is managed on a demand and supply basis and any outfall from table top cultivation systems is directly recycled so any residual nutrients remain within the 'closed' system.

No means of creating additional foul water is proposed and existing worker accommodation is sufficient to support the ongoing management of the proposed poly tunnel cropping.

The layout and landscaping ensures that corridors for wildlife are retained and no significant obstructions to any potential opportunistic use by terrestrial otters (SAC species) is identified.

The relevant reports and water management schemes can be secured by condition on any planning permission finally granted.

A detailed Construction Environmental Management Plan can be secured and approved prior to any final planning permission being granted or as specific pre-commencement condition – this will ensure that any potential effects from the actual construction process are fully considered and relevant mitigation and risk avoidance measures implemented.

With mitigation and plans secured to achieve Nutrient Neutrality (nett reduction), a CEMP secured to mitigate any construction effects, and no effects on SAC species, there are no identified Adverse Effects on the Integrity of the River Lugg (Wye) Special Area of Conservation.

Relevant conditions to be included on any final planning permission granted will be agreed with the Development Management case Officer as relevant and appropriate.

Natural England should be formally consulted on the application and HRA AA adopted/finally produced by the LPA and return a "no objection" response prior to any final grant of a planning permission.

#### *Other ecology comments*

The supplied reports provide confidence that the development will have no significant effects on local ponds and watercourses that support protected species such as amphibian-reptile species.

The CEMP required as part of the HRA considerations will also apply to protection of wildlife on the site during the construction processes.

The Landscape Management Plan (LEMP), secured through condition, will ensure that all ecological features and wildlife corridors, retained and created, are protected and managed for the lifetime of the development.

No additional permanent external lighting or illumination is proposed and no significant effect on the intrinsically dark landscape that benefits local amenity and nature conservation is identified. It is acknowledged that the poly tunnel materials may reflect partly more of the existing local, natural, night time illumination (eg moonlight) but this would no different from an increase in a natural reflective surface such as water surface of a lake and levels and nature of reflected light is 'normal' to nocturnal wildlife.

There are no identified effects on local populations of protected species from the proposed development.

The relevant, final, LEMP should be secured by condition on any final planning permission granted.

Based on plans and information as currently supplied and available, there are no ecology objections raised.

The Councils Habitats Regulations Assessment can be viewed on the Councils website through the following link:

<https://myaccount.herefordshire.gov.uk/documents?id=e849ec02-104d-11ee-906e-005056ab11cd>

#### 4.7 Highways Engineer: No objection subject to conditions

##### Response received on 19 November 2023

The proposals are for 9.5 hectares of polytunnels for the production of soft fruit and a relocated, ungraded access onto the C1124. The local highway authority (LHA) has the following comments:

- Overall the proposals would only result in an additional 1 – 2 HGV movements from the main Brook Farm access to the north-west corner of the site. It is noted that the majority of HGV movements from the site travel in a westerly direction to the A49. This level of increase when compared to the existing overall site generation of HGV trips is considered minimal and is therefore acceptable to the LHA.
- The existing access on the southern boundary of the site leading onto the C1124 is to be upgraded to provide visibility splays in accordance with 85<sup>th</sup> percentile speeds derived from a speed survey. Whilst it is usual to provide a 7 day speed survey in the form of an ATC this 'snap shot' survey is still considered to be representative. In addition to appropriate visibility splays, the access has been widened for the initial part off the highway and the gate is setback 15m to allow for a tractor/trailer to wait off the highway. The initial 15m would also be provided with a hard surface to help prevent the transference of mud onto the highway. It is noted that a tractor and trailer has been tracked and can negotiate the access, albeit the LHA would not be adverse to a larger radii being provided for further ease of access off the highway.
- The proposals result in approximately 12 tractor/trailer movements per day between the proposed upgraded access onto the C1124 and the existing Brook Farm access to the north-west corner of the site. This is a distance of approximately 1.6km and involves travel along the C1124 and Walkers Green/Woodbine Close which is largely a rural residential lane on the outskirts of the village. It is noted that footways are present along a proportion of the route which offers pedestrians protection from vehicles, albeit some sections do not have footways. In terms of traffic generation it is necessary to be mindful that the already consented agricultural use of the site could generate a significant level of movements by large agricultural vehicles without any further planning consent. With this in mind it is considered that the land could already generate a similar level of agricultural traffic movements to that proposed. Therefore the LHA is of the view that the proposed traffic generation could not be considered to be severe in terms of NPPF
- The proposal to prevent vehicles from travelling along the public highway during school start and finish times during term time is welcomed, as is the introduction of smaller tractor/trailer units to reduce the impact on the local highway network and residential amenity.

In conclusion, the LHA has no objection to the proposed application subject to the below conditions.

### *Conditions*

CAB (2.4m x 57m), CAD (15m), CAE, CAT

### *Informatives*

I11, I06, I45, I05, I43, I35

## 4.8 **Drainage Engineer: No objection subject to conditions**

*Response received 29 November 2023*

### **Surface Water Drainage**

Surface water drainage proposals for the site comprise interception of surface water runoff from the polytunnels into French Drains, located down gradient of the polytunnels, which will discharge directly into balancing ponds, to be used for irrigation. The French Drains will be sized to accommodate some of the surface water runoff generated by the polytunnel areas. The remaining water is proposed to disperse naturally into the soil as is the case in the existing scenario.

Infiltration testing has not been undertaken as soil characteristics are said to be 'clayey.' Greenfield runoff rates have been calculated at 5.9l/s for a 1 in 100 year event.

The Drakeley Farm Drainage Revisions document proposes that the 'Main Reservoir' and 'Storage Basin 2' (32,500m<sup>3</sup> and 1,085m<sup>3</sup> respectively) will incorporate low level, throttled gravity discharges to the local watercourses at the respective 1 in 1 year Greenfield runoff rates for all the events up to and including the 1 in 100 year event with 20% climate change allowance (4.9 l/s (via 86mm orifice) & 1.9 l/s (orifice dia unknown)). All these reservoirs incorporate high level overflows which are set up above the maximum water level generated for the 1 in 100 year (+40% CC) storm event.

Figure 1 shows that the Storage Basin 2 would only receive runoff and would not be used for the storage of irrigation water. However the Main Reservoir would be used to store irrigation water and would also store runoff during a storm.

On the submitted drainage drawings, it is stated that freeboard for the 'Main Reservoir' is 0.3m and for 'Basin 2' is 0.33m. Freeboard is a necessity because it is impractical to ensure that earth structures can be built to specified levels.

In respect of climate change guidance, the design life of agricultural development is regarded as 50 years. The Upper End allowance should be used as a Test event. The central allowance is also used assuming that there is some provision for freeboard. This is also explained in Section 8.8 of the handbook. The upper end rainfall allowance is 40%.

The Applicant will need to provide detailed surface water design drawings at discharge of condition, which clearly show the proposed drainage strategy. This should include the catchment areas as well as the proposed pipe network, proposed storage structures, proposed flow controls, proposed outfalls and other proposed drainage features, with numbers which reference to the drainage calculations.

FSR rainfall was used in the calculations. In accordance with the latest guidance, FEH rainfall data should be used in drainage calculations at DOC and establish whether this makes a significant difference to the strategy proposals. The Applicant should re-run the calculations using an FEH rainfall model.

The Applicant proposes to use a CV value of 0.37 to represent the existing greenfield runoff and 0.57 to represent the proposed polytunnels. Based on our review the CV value of 0.57 seems to

be a bit low for the polytunnels area (even considering that the area this applies to includes some proposed greenfield area). Prior to planning permission being granted, the Applicant should provide additional justification as to why these CV values were used.

A maximum time of concentration of 30min has been used in the submitted calculations – we appreciate that this is reasonable considering that it is a green field with polytunnel.

The Applicant states that 'Although flooding will occur and has been designed into the French drain system, the throttled inflow into the Storage Basin 2 or the Main Reservoir has been maximised to allow for rainwater harvesting of storm water thereby limiting flooding for several storm events.' It is recommended that the Applicant provide further clarification how the proposed system works with supporting calculations.

Some of the proposed pipes have shallower gradients and shallower depths of cover than is recommended in commonly used design guidance. In some cases, addressing these issues might mean that a viable outfall cannot be achieved. A DOC, the Applicant should either provide a revised design using suitable pipe depths and gradients, or they should explain how the system will be maintained as currently designed.

The results show some flooding for the 1 in 1 year, 1 in 30 year and 1 in 100 year with CC events. The Applicant should demonstrate that flood water for events up to and including the 1 in 100 year event with climate change allowance will be managed within the site boundary so it will not increase the risk of flooding elsewhere. This can be done by demonstrating that there are suitable overland flow routes from the flood location to the basin and that the basin has sufficient capacity to take the additional flow (this means that there can be no flooding at the basin).

The proposed drainage strategy drawing shows flows from Drakeley 1b discharging uncontrolled 'to watercourse online ponds to maintain water balance'. Likewise, runoff from Skyrmes 1a will discharge to land to the north, diffusing over the land. We understand that additional runoff has been provided in the Main Reservoir to accommodate the unrestricted flows from Skyrmes 1a area. Calculations have been provided to confirm this is acceptable.

#### Foul Water Drainage

We note that no foul water facilities are proposed as part of this development, however if future planning applications are submitted at the site, for workers temporary accommodation, then, as the site is located within the River Lugg catchment, consideration should be given to foul water drainage.

#### No Objection

Detailed surface water design calculations and drawings/constructions plans are required at Discharge of Condition in line with the above comments.

#### 4.9 **Public Rights Of Way Manager (PROW): No objection**

##### Response received on the 12 June 2023

Providing none of the PROW crossing the site are obstructed or encroached up, PROW will not object to the application.

#### 4.10 **Historic Buildings: No objection**

Response received on 28 November 2023

Following re-submission of the application for siting polytunnels, amended plans now omit Turners Fields 1 and 2 from the site boundary. It was the close proximity of these fields which in my opinion would have resulted in most harm to the setting of designated assets which surround the site boundary. I am satisfied that removing these two fields from the application site will now result in a neutral impact on the setting of these heritage assets and therefore have no heritage objection to the proposal

#### 4.11 **Environmental Health (noise and nuisance): No objection**

Response received 21 December 2023

Comments are made from a noise and nuisances perspective only.

The proposal represents an extension to the existing polytunnel site. The presence of workers and associated machinery are already present within the area. The existing site has not generated any complaints in terms of noise or nuisance.

It is noted that there are a number of residential properties around the perimeter of the site. From a noise and nuisance perspective the workers on the site and the machinery and vehicle movements will all be subject to the management and control of the employer, and the site will operate alongside the existing business.

It is recommended if the application is supported that to ensure adverse impacts from operations are minimised that a Site Management Plan is secured through an appropriately worded planning condition.

#### 4.12 **Archaeological Advisor: No objection subject to conditions**

Response received 29 November 2023

I can confirm that I find the lengthy assessment acceptable, and that the specific wording you quote from below concurs with my general thinking about the application.

No objections, would agree that Condition C48 be applied to satisfy policy.

### 5. **REPRESENTATIONS**

#### 5.1 **Marden Parish Council: Objection**

The Parish Councils Comments are summarised below, they can be viewed in full on the Council website through the following link:

<https://myaccount.herefordshire.gov.uk/documents?id=170ea630-1a3b-11ee-906b-005056ab3a27>

Marden Parish Council Strongly OBJECTS to this planning application. The main grounds for objection are summarised here and expanded below:

- Parish has already been changed totally by the addition of a large agricultural operation with associated issues of large HGVs, additional traffic, noise, light pollution and a general degradation of Biodiversity and Environment. This application is a step too far.
- Concerns over details on plans.

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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- An additional 90 new houses are due to be built on the stretch of road that the additional traffic will use.
- S & A Group are an industrial operation not just an agricultural one which has a significant effect on the parish and community.
- A construction plan is not available
- Concerns over degrading of land
- Concerns over the safety of new access which is a busy single track road and has poor visibility. No detailed plans of the junction to the C1124.
- There will be 12 additional vehicle movements per day on local roads.
- Appears to be a discrepancy between figures for traffic movements within the Transport Statement and at peak times the traffic will be greater than that stated.
- The Transport Statement does not take account of packing materials, sprays, fertilizers and fuel.
- Believes that the vehicle movements between Brook Farm and the site is understated.
- New access poses a risk to pedestrians and horse riders and other road users.
- Application not in conformity with Marden NDP policy M3 (b) and (h); Core Strategy policy MT1; and NPPF section 104.
- Concerns that the bridlepath MR19 which is not shielded between the track and bridlepath this is non conformity to Marden NDP policy M12; and Core Strategy policy MT1
- Vehicle movements on the track will adversely affect horse riders along the bridlepath with vehicle noise and risk of accident.
- Application has not identified how the PROW and bridlepaths will be protected.
- Concerns over impact of the development on private wells and bore holes and risk of contamination.
- Considers that the management of water and run-off for this application does not conform to Marden NDP policy M11; Core Strategy policy SD3; and NPPF section 159.
- Greater Crested Newts (GCN) are known to be part of the habitat of the area and it is not considered that their protection has been properly addressed within the shadow HRA .
- Biodiversity and Nature Loss has been overlooked in the application.
- Submission has not provided mitigation to address issues relating the River Wye Sac and SSSI within the parish therefore, the application is in non-conformity with: Marden NDP policies M6, M11; Core Strategy policies SS6 and LD2; and NPPF sections 180-181.
- Concern is raised that CO2 reduction and carbon neutrality cannot be achieved by the application as it stands.
- Adverse impacts arising from noise.
- Adverse impacts arising from pollution from plastic waste from trough liners, bottles and fruit trays on the land and blowing around the site and surrounding areas.
- Concerns over the procedures for handling waste.
- If approved a condition that no lighting or heating is allowed on the site at all.
- Condition requiring a 4m high hedging will significantly change the outlook from the road and neighbouring dwellings and will affect many heritage and landscape views.
- Adverse impact to the surrounding Heritage assets.
- Concerns over the discrepancy in jobs between applications
- The need for this country to produce more food must not be to the detriment of the parish and its residents.
- The PC strongly disagrees that polytunnels sit lightly on the landscape.

5.2 22 letters of objection have been received contents of which are summarised below:

General comments

- Application represents an overdevelopment and continued sprawl of an industrial process in the countryside.
- Concerns over the excessive water runoff and the intense chemical and micro plastics which will end up in rivers.



- Adverse impact on tourism to the county, especially those who come to walk, cycle and ride horses.
- Scale of Polytunnels continues to grow, cumulative impact when will it end
- Soft fruits are not an essential food and land should be used to grow essential food such as grains and vegetables.
- Proposal is not an appropriate scale in the rural location
- Unsuitable location as scheme represents an industrial operation not agricultural.

#### Landscape/Visual Impact

- Loss of local traditional style meadows with established hedgerows and trees, typical of the hamlet and parish.
- No mitigating replanting can replace mature and often ancient trees, and associated insect and wildlife.
- Polytunnels are detrimental to the landscape character and visual amenity of the locality
- Detrimental visual impact of the bridle and footpaths, as well as the narrow lanes will be detrimentally affected.
- No plans to incorporated alternative energy use, the energy use to heat and light and process (chill) this soft fruit is not sustainable.
- Adverse impacts on enjoyment and safety of surrounding bridlepaths
- Detrimental impact upon the setting of heritage assets within the vicinity on the site
- Proposal brings no benefit to the local economy.

#### Residential Amenity

- Adverse impact on the surrounding area from the noise from the general production transport, hum from generators, and water pumping.
- Adverse impact on the local residential environment by imposing noise from workers and lights in the early hours of the morning
- Noise from the polytunnels themselves in high winds and heavy rain

#### Impact on Environment – soil/water/ecology

- The heating of the soil and its compaction as well as it drying out from lack of water, will affect the soil biome for years to come
- Concerns over the effects on the local water table and rivers especially in times of drought
- Increase pollution of water run-off (therefore the rivers) with chemicals and micro plastics;
- Adverse effect on the natural habitat of many species including the GCN which is present on site.
- Adverse impact on private water supply's within surrounding area with a change of levels being reduced
- Adverse impacts on the River Lugg SSSI
- Air pollution dues to increase in traffic will harm the surrounding environment

#### Highways Impact

- Concerns over the Increased numbers of HGVs using the village and the Lugg bridges which are unsuitable and need weight restrictions on them
- Narrow country lanes surrounding the site aren't conducive to the HGVs and lorries generated by the development.
- .No passing places or sufficient places to pass the large vehicles on narrow rural lanes
- The traffic brings noise and pollution to the village of Marden
- Route back to farm is on a bus route and will be detrimental to other road users.
- Concerns that route into and out of Brook Farm (Haywood Lane) regular get closed due to flooding
- Applicant should contribute to improving road infrastructure
- Lorries regularly get diverted to Sutton St Nicholas and comes into conflict with cyclists, pedestrians and children walking to school

- 5.3 25 letters of support have been received. The contents of which are summarised as follows:
- Important to support and secure local British suppliers
  - Important to reduce food miles
  - Proposal will continue to have a positive impact on the wider rural economy in Herefordshire and the wider network of local businesses within the county.
  - Important to maintain and create jobs which can also contribute to other local services
  - New application has considered and addressed the previous concerns raised by locals
  - Proposal is not seen within wider landscape
  - Educational visits are welcomed and beneficially to local schools
  - Tunnels are only temporary
  - Company ensures environmental sustainability and welfare and growth of local communities
  - Company offers many career opportunities to locals
  - Application increases biodiversity in areas through the introduction of more fruits, natural pest control and pollinators, bees and spiders ect.
  - Proposal presents a balanced development with a low input fruit production area with a positive biodiversity gain
  - Footpaths and bridlepaths around the site are well maintained and accessible by business and not impacted by existing tunnels and activities.
- 5.4 The consultation responses can be viewed on the Council's website by using the following link:-

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231560&search-term=231560](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231560&search-term=231560)

## 6. Officer's Appraisal

- 6.1 This application seeks permission for the installation of 9.5ha of polytunnels spread over 4 fields along with associated infrastructure for the growing of soft fruits (Strawberries) at Drakeley Farm in the Parish of Marden. The proposal represents an expansion of the applicants existing business at Brook Farm in Marden with the proposed tunnels to be operated alongside and in conjunction with that of the established tunnels on land to the west of the application site.
- 6.2 The Parish Council and many of the representations received refer to the proposal representing an 'Industrial process'. For clarification the application site is on agricultural land and Officers consider the proposal does not constitute a change of use. For the avoidance of doubt agriculture is defined in Section 336 of the Act as follows:
- "Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and 'agricultural' shall be construed accordingly."*
- 6.3 Polytunnels typically consists of galvanised steel hoops covered with transparent polythene sheeting and are used for crop protection from the weather. Polytunnels enable harvesting to continue uninterrupted throughout the season in reasonable working conditions. Since 2007 all new polytunnel developments are treated as development requiring planning permission. However, providing the use falls within the definition of agriculture, applications are for the structure and associate infrastructure, not the use of the land. In this case the only agricultural land loss would relate to the attenuation ponds.
- 6.4 It is generally accepted that rural areas are appropriate to accommodate agricultural related developments, although clearly there are many caveats to ensure that environmental quality,

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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

landscape character and visual amenity are not adversely affected to an unacceptable degree. In addition the amenity of existing residents in regards to noise and emissions, as well as the impact on the local highway network need to be considered.

## Planning Policy

6.5 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

The adopted Development Plan for the area comprises the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to above, are relevant as is paragraph 2.19, which references that agriculture accounts for a greater proportion of employees (8%) within the County when compared regionally and nationally (both 1%). Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the National Planning Policy Framework (NPPF). SS1 further confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. This is the presumption in favour of sustainable development.

6.6 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the NPPF requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The CS was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the CS was made on 9th November 2020 and the preparation of a new local plan is now underway, albeit still at the earlier stages at not yet at a point where it may be afforded any weight. The level of consistency of the policies in the current local plan CS with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies – which amongst others relate to guiding residential development; the protection of environmental assets and the intrinsic character of the countryside, are consistent with the NPPF and therefore attract significant weight.

6.7 At a national level, the NPPF sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF at paragraph 8 outlines three overarching objectives to achieving sustainable development which are to be considered interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. The three objectives are Economic, Social and Environmental:

- An **economic objective** – to help build a strong, responsive and competitive economy, The by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- A **social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being, and
- An **environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve

biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 6.8 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.9 The application here seeks permission for the erection of 9.5 hectares of polytunnels in association with the established soft fruit enterprise which lies to the west of the appliciaon site. The propsoed tunnels are to be spread across four fields and would serve as an extension to the Applicant's existing 27 ha array of tunnels to the west which is primarily used for the cultivation of strawberries. The supporting statement sets out that the additional tunnels would be used for the increased production of strawberries.
- 6.10 The guidance of the NPPF is reflected in the policies of the development plan. Paragraph 85 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, with significant weight given to the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.11 Paragraph 88 of the NPPF seeks to ensure that planning policies and decisions enable the growth and expansion of all types of business in rural area to support a prosperous rural economy. Whilst Paragraph 89 recognises that to meet the need for business in rural areas sites may need to be found adjacent to or beyond settlements, and in locations that are not well served by public transport. In theses circumstance's it is important to ensure development is sensitive to its surroundings and does not have an unacceptable impact on local roads.
- 6.12 There are policies within the adopted CS that support the continued development of the more traditional employment sectors such as farming and food manufacture (Policy SS5), support the diversification of existing agricultural businesses (Policy RA6) and provision of employment (Policy E1). These are positive policies that support the creation of new developments such as that proposed.
- 6.13 Marden Neighbourhood Development Plan (MNDP) was made on 6 October 2016 and forms part of the Development Plan for Herefordshire. Part of the vision for the area outlined at paragraph 1.1 is for the '*continuing agricultural and other business activities in the parish will also enhance the natural and built environment*'. To achieve the vision a number of objectives are identified which include to welcome employment opportunities while ensuring current, new or expanded businesses within the parish are sympathetic to the environment or residential amenity (objective 6).The MNDP also aims to ensure that the natural and built environment is protected and enhanced through sustainable development by protecting key environmental and heritage assets and taking account of constraints.
- 6.14 Policy M6 of the MNDP supports the development of new local employment opportunities where they do not have a detrimental impact on the surrounding residential amenity; do not have an unacceptable impact on traffic; and ensure that any likely significant effect on the River Wye Special Area of Conservation (SAC) is avoided or adequately mitigated. Policy M7 on the other hand deals specifically with supporting enhancing and protecting existing local employment. The policy supports development that would lead to the expansion of existing business premises providing it is suitable in terms of size, layout, access, parking, design and landscaping; does not harm the amenity of nearby occupiers; does not harm the character or appearance of the surroundings; and retains and enhance any built and natural features/area that contribute to the amenity or biodiversity of the area.

## Principle of development

- 6.15 Polytunnel developments of any scale give rise to multiple material considerations. The overriding consideration when examining the principle of Poly tunnels and the associated infrastructure is whether this type of development is compliant with local and national policies which seek to balance the need of the rural economy against the impacts on visual and residential amenities. Important to this proposal is that of the cumulative impact with that of the existing permitted tunnels to the west. The NPPF at paragraph 84 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development.
- 6.16 The Poly tunnels Planning Guidance (PPG) 2018 replaces and updates the Poly tunnels Supplementary Planning Document (SPD) 2008 and prior to that, a previous voluntary code of practice. Its purpose is that it will assist in clarifying which types of poly tunnel development will require planning permission and highlight the planning policy issues and requirements such proposals will be expected to address. It expands upon and provides more detailed planning guidance on a number of relevant, but non poly tunnel-specific CS policies. This document provides some invaluable advice, but has not been through a formal public consultation process or sustainability appraisal and therefore cannot constitute a formal Supplementary Planning Document. It advises that the two key issues which must be balanced are identified as economic benefits/impacts and landscape impacts.
- 6.17 Strategic policy SS6 in the CS states in broad terms that the continuing development of the more traditional employment sectors such as farming and food and drink manufacturing will be supported. Policy E1 states that development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where:
- the proposal is appropriate in terms of its connectivity, scale, design and size;
  - the proposal makes better use of previously developed land or buildings;
  - the proposal is an appropriate extension to strengthen or diversify a existing business operation;
- 6.18 Policy RA6 of the CS deals specifically with the rural economy and recognises that rural areas have consistently played a strong role in local, regional and national food and drink production, particularly in areas such as agriculture and farming. The policy supports proposals which help to support economic growth and generate employment, including those which support and strengthen local food production. It directs that applications will be permitted where they:
- ensure that the development is of a scale which would be commensurate with its location and setting;
  - do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell;
  - do not generate traffic movements that cannot safely be accommodated within the local road network; and
  - do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4
- 6.19 Officers recognise that food security is an issue of concern for the UK and the growing of soft fruits have become important and successful rural businesses. The success of such businesses can largely be attributed to the use of Poly tunnels. Their use enables better yields, greater efficiency and better quality of soft fruit to be produced. They protect developing fruit from rain damage, thereby greatly reducing losses from rot and fungus whilst allowing continual picking at harvest time, unconstrained by the weather. Poly tunnels have also improved plant stock and allowed for an extended growing seasons.

- 6.20 The supporting planning statement identifies that there has been a continued growth in the demand for fresh fruit in recent years. Officers recognises that the expansion of polytunnel developments has resulted in greater volumes of locally produced soft fruits which in itself have resulted in substantial benefits of reducing international transportation of fruit by air and road (food mile reduction). Therefore the economic benefit is not limited to that of the farmer, but also for the wider local and national economy through the associated supply chain, with the consumers demanding a reliable, year round supply. The Governments PPG further seeks to reinforce the benefits associated with polytunnel development:

*‘Where the local planning authority has to consider planning applications or prior approval applications for polytunnels, it is important that appropriate weight is given to the agricultural and economic need for the development. Circumstances where polytunnels can play an important role include to provide protection for plants or young livestock, to secure improved quality produce and to extend the growing season to provide greater opportunity for home grown produce.*

(When is permission required?)Paragraph: 113 Reference ID: 13-113-20170728

- 6.21 The NPPF at section 6 seeks to promote strong rural economies through the sustainable growth and expansion of business in rural areas and the development and diversification of agricultural and other land based rural businesses. The Councils Polytunnel Planning Guidance (2018) recognises that the CSs overall development strategy was produced in the light of the need to promote a diverse and strengthening rural economy, whilst protecting its quality landscape and making sustainable use of natural resources. Policy SS5 in the CS seeks to encourage and promote the continuing development of the more traditional sectors of farming and food and drink manufacturing.
- 6.22 It is recognised that the proposed polytunnel development has ultimately been driven by economic factors. The proposed development will expand the applicants existing business, and utilise the existing infrastructure. The development will create a number of full time permanent jobs, whilst utilising the existing temporary seasonal workforce. The planning statement confirms that there is sufficient existing accommodation available at the current site and there is no requirement for any further to be provided. The occupation of the existing accommodation is for employees of S&A working at Brook Farm only and is controlled through conditions. In addition to the direct employment, the scheme will also support the indirect economy in terms of polytunnel maintenance and supply, local fruit markets, hauliers, packaging suppliers etc. It is considered that overall the proposal would make a positive contribution to the rural economy with regards to employment.
- 6.23 The proposed polytunnels are to be installed in association with the existing tunnels to the west of the site, with the fruit grown to be processed and transferred via the existing infrastructure at Brook Farm. The proposed scheme is considered to have benefits for the local economy, for UK food production and for sustainable food distribution. The additional tunnels on the site would reinforce spending in the local economy through orders to suppliers and through employee’s expenditure.
- 6.24 The preceding context makes clear that there is clear support ‘in principle’ for developments which support a prosperous economy, particularly those in the rural agri-economy in Herefordshire. The general agricultural economic justification for the polytunnels and associated infrastructure on the site is considered accepted in principle, supporting the growth of an established business, promoting employment and catalysing the social benefits associated with this. It would also contribute to increased food security and the resilience of having a supply of UK grown produce, reducing the need for produce to be imported from overseas. These benefits would align with the policy objectives of CS policies SS5, E4 and RA6. However, these now need to be balanced against the topic based material planning considerations, to establish whether the proposal is representative of sustainable development when viewed in the round.

## **Landscape and visual impact**

- 6.25 By their very nature the effect of a polytunnel scheme on the character and appearance of the landscape is a key consideration and has been raised as a concern with the majority of representations received. Paragraph 4.15 of the Polytunnel Planning Guide recognises that 'in Herefordshire where the high quality of the landscape is part of the intrinsic character of the area, the visual impact of polytunnels is often the most significant negative planning issue in connection with this type of development'. Officers consider that the existing lawful polytunnels form part of the existing landscape baseline and agree with the Parish Council that their presence has changed the appearance of the landscape within the locality. However, their presence does not provide a precedent for further expansion. In assessing the impact of the proposed tunnels on the landscape, Officers have considered the impacts of the proposal in isolation and cumulatively.
- 6.26 Herefordshire has a distinctive and varied landscape, much of which is rural in nature, however it is varied in character. Paragraph 5.3.7 of the CS recognises the importance of the landscape, not just as scenery but because it links culture with nature, and the past with the present. The Polytunnel Guidance acknowledges this in more detail.
- 6.27 Policy LD1 of the CS relates specifically to landscape and requires all development proposals to demonstrate that the character of the landscape has positively influenced the design, scale, nature and site selection, whilst incorporating new landscape schemes to ensure development integrates appropriately into its surroundings. Policy RA6 of the CS and M7 of the MNDP are also relevant in so far as they require that proposals in the rural economy should ensure that the development is of a scale which would be commensurate with its location and setting. From the NPPF, Chapter 15 deals with Conserving and Enhancing the Natural Environment. Amongst other things, Para 180 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside
- 6.28 Within the MNDP policy M10 deals specifically with Landscape Character. The policy requires all development proposals to show regard to the distinctive landscape character of the Herefordshire Lowlands by retaining field patterns and boundaries, including hedgerows and tree cover. Policy M7 also requires proposal for the expansion of businesses to not harm the character, appearance or environment of the site and its surroundings.
- 6.29 The application has been supported by a Landscape and Visual Appraisal (LVA) dated May 2023, which assess the landscape and visual amenity of the site and resulting landscape and visual effects of the proposed development upon the receiving landscape and visual resource. The overall conclusion of the report is that the scheme would create a localised moderate adverse effect upon the overall character of the site itself. However, the proposed mitigation and subsequent assessment ensures that the visual and physical impact on the landscape is not to be overbearing, and takes into careful consideration the existing landscape, historic context and public viewpoints. The LVIA identifies that there would be direct benefit to the overall landscape character, predominantly within areas where polytunnels are being proposed and direct benefits to the overall landscape fabric within the site.
- 6.30 It is also contended that within the conclusions of the LVIA that the effects on visual receptors are limited due to the mature and well established field boundary vegetation. Having visited the site and surrounding area several times, Officers concur with this conclusion. The choice of fields brought forward under this submission are set back from any highways, and the safeguarding of existing field boundaries, along with the topography of the site, results in the visual receptors largely being that of users of the PROWs and Bridlepaths. The extensive networks of Bridlepaths and PROWs within and adjacent to the site are acknowledged and recognised for affording views into and across the site.

- 6.31 The application site is in a rural landscape which the Herefordshire Landscape Character Assessment defines as being a 'Principal Settled Farmlands' landscape character type. This type of landscape is found in the rolling, lowland area of Herefordshire. They are settled agricultural landscapes of dispersed, scattered farms and small villages. The primary characteristic of the landscape are networks of small winding lanes nestled within a matrix of hedged fields hedgerows used for field boundary's and mixed farming land uses. Tree cover is largely restricted to thinly scattered hedgerow trees, groups of trees around dwellings and trees along stream sides and other watercourses. Hop fields, orchards, grazed pastures and arable fields, together make up the rich patchwork which is typical of Principal Settled Farmlands.
- 6.32 The NPPF in section 15 emphasises the importance planning policies and decision have in contributing and enhancing the natural and local environment. This is achieved by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. It can also be achieved by recognising the intrinsic character and beauty of the countryside.
- 6.33 The proposed mitigation as set out within the LVIA (section 5) and on the Landscape Masterplan includes several areas of soft landscape buffering which has been designed to enhance the existing landscape fabric and site charter whilst also providing biodiversity benefits. It also proposes several section of new hedgerows, including one to the north of Field Drakely 1 which will help filter views from the highways and from residential properties.
- 6.34 It is acknowledged that the proposed mitigation will not fully screen the polytunnel development. The Bridlepaths and PROWs that run through and adjacent to the site are where the impact will be most severe. Views from the surrounding highways will be limited due to the set back of the development, the topography and high dense mature hedges which exist on field boundaries. High hedges are a typical feature of Herefordshire, especially in this area.
- 6.35 The Landscape Officer has fully considered the LVIA submitted and has visited the site and surrounding area, accompanied by the case officer, to assess the impact of the landscape character and visual amenity. Officers agree that the impacts of the proposal as presented within this submission are localised and limited to specific visual receptors on the adjacent PROWs and Bridlepaths. There are some residential properties to the south and west that will be afforded views of the development, especially from first floor windows. However, due to its topography, the existing vegetation and the proposed mitigation the development is considered to be visually contained within the local landscape.

#### Public Rights of Way

- 6.36 With regards to the cumulative impact of the proposal with the existing tunnels, from a landscape character and visual amenity perspective the impacts will be largely on the users of the PROWs. The proposal although not directly adjacent to the existing tunnels, does represent an expansion of the existing business, and the increase in tunnels will lead to a sprawling effect when viewed from the network of PROWs. The scheme does not obstruct any of the routes, but will have an increased presence.
- 6.37 It is recognised that polytunnels can have a significant impact on the PROWs and Bridlepaths with regards to the use and enjoyment. The Polytunnel Planning Guidance advises that where distant views over polytunnels are available from PROWs, consideration needs to be given to impacts on both local tourism economy and on those who choose to live and work in Herefordshire.
- 6.38 The scale and visual effect from Bridlepaths MR19, 20 and 22, and footpaths MR5 and 22A, have all been considered within the LVIA and by Officers on site. It is also noted that local residents have raised particular concern about the impact upon the bridleways. The application sought to address this at the outset by ensuring that the buffers either side of the tunnels were included. The scale of visual effect along the bridleway are considered to be high, although an open corridor



and adequate spacing have been provided in accordance with guidance. The Councils PROW Officer has raised no objection to the proposal and is satisfied that the plans demonstrate that acceptable distance are incorporated to ensure both PROWs and Bridlepaths will not be obstructed.

- 6.39 Whilst acknowledging that there will be some visual harm, to varying degrees, both in isolation and cumulatively with the existing tunnels, this harm must be considered in the planning balance in the decision making, and overall the harm is not considered to be substantial. Simply being able to see a polytunnel from a particular view point is not considered sufficient reason to find the visual impact unacceptable. Consideration has been given to the magnitude of the impact, and overall given the context and existing vegetation which breaks up the views, the impact is not considered to be severe.

#### Conclusion on landscape impacts

- 6.40 Officers have given full consideration to the magnitude of the impacts of the whole of the development. The main impact on the landscape would arise from the introduction of the polytunnel coverage themselves. It is recognised that polytunnels are temporary in nature and can be removed from site without resulting in the loss of elements within the landscape. The site is located within a rural context, surrounded by agricultural fields and enclosed by a network of hedgerow lined bridle paths and PROWs. When viewed from within the site, the polytunnels would undoubtable change the landscape character from what is currently has an open countryside appearance.
- 6.41 There are a few glimpses of the existing tunnels from the site, however the existing tunnels are well contained and screened by tall hedgerows boundaries. There is a distinct visual separation from the existing and that which is proposed, which is considered to help prevent a significant mass of tunnels. It is considered that the impact of the scheme on the landscape character would be localised. The varied topography of the site is such that where the proposed yard and general purpose building and water tanks will be located close to the lowest point. The associated infrastructure proposed will not be seen in isolation to that of the polytunnels.
- 6.42 It is acknowledged that there will be a visual intrusion on a small number of existing residents and users of the PROWs. The proposed site does benefit from both a varied topography and extensive vegetative cover in particular along field boundaries. The blueberry planting and new hedgerows, some of which is already in place, will mitigate these views further once fully established and with planting within the framework of the site these identified effects could be mitigated further.
- 6.43 The Landscape Officer has outlined that the mitigation measures proposed in the LVIA will need more details to ensure that the layout of the tunnels does not encroach on existing trees. It is has also been highlighted by the Landscape Officer and residents that the landscape master plan could go further with regards to additional tree planting and securing longer term landscape and biodiversity. This can be secured through appropriate conditions.
- 6.44 Bringing all the above together, Officers are of the view that the whilst the development will be visible from the network of PROWs and Bridlepaths and a number of residential properties, the proposed mitigation measure will enhance and reinforce the existing landscaping, and over time once mature reduce the overall impact. The selected fields and siting of the polytunnels is considered to be a contributory factor which helps reduce the visual intrusion of the development and integrate the development appropriately into its surroundings. Overall, officers would conclude, having regard to the above assessment that the proposal, with the appropriate mitigation secured by the conditions suggested, would comply with the requirements of policy LD1 and LD3 of the CS and policy M7, M10 and M12 of the MNDP and with the guidance contained within the NPPF.

## **Surface water runoff, flood risk and drainage**

- 6.45 The impact of the proposal upon surface water run-off rates and the implication for localised flooding is a material planning considerations which many of the representations have raised. The application has been supported by a Flood Risk Assessment (FRA) and Surface Water Management Plan (SWMP) for the polytunnels and the associated proposed development. The application site is located within flood zone 1 and therefore has a low risk of flooding and the sequential and exception tests required by policy SD3 of the CS and chapter 14 of the NPPF are not required.
- 6.46 Policy SD3 in the Core Strategy requires measures for sustainable water management to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quality; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation.
- 6.47 Policy M11 of the MNDP requires all development proposals to be designed to maximise the retention of surface water on the site and to minimise runoff. The policy supports the inclusion of water attenuation features such as ponds within the development site and where appropriate opportunities to help conserve and enhance watercourses and riverside habitats.
- 6.48 It is recognised that water availability is fundamental to the success of soft fruit businesses and therefore it is common for rainfall to be captured and recycled to ensure sufficient water is available for irrigation throughout the growing season. The site is already served by a large recently constructed reservoir and a network of smaller ponds. The surface water management strategy for the site is to intercept the surface runoff from the proposed tunnels and divert into French Drains, located down gradient of the polytunnels, which will discharge directly into the balancing ponds and reservoir, to be used for irrigation. The Councils Drainage Engineer is satisfied the scheme has been designed to mitigate flood risk to 1 in 100 year event with 70% climate change allowance.
- 6.49 During the application process, as a result of comments made by the Councils Land Drainage Engineer, the applicant has provided further information and clarification on the overall surface water runoff. The Councils Drainage Consultant is of the opinion that the Applicant has submitted sufficient information regarding flood risk and drainage aspects for planning permission to be granted.
- 6.50 The Councils Land Drainage Engineer has recommended conditions be imposed that seek to ensure the submission of detailed surface water design drawings. The drawings will include the catchment areas as well as the proposed pipe network and, flow controls, outfalls and drainage features. The details will be required prior to the commencement of development. This approach is considered to be acceptable and along with other information highlighted in their report, will be subject to conditions to ensure that maintenance of this approach is undertaken. It is considered that, subject to the submission of satisfactory detailed drainage drawings, the proposal would not lead to an increase in flooding on adjoining land and can protect the availability and quality of water resources and groundwater. No private water supplies within the area have been identified by Officers that would be impacted by the development.
- 6.51 The application has demonstrates that the scheme is capable of delivering sustainable water management throughout which will protect and enhance groundwater resources. The Drainage Consultant has concluded that the scheme is, having regard to SD3 and SD4 of the CS and NPPF section 14 principally, are acceptable and capable of being approved subject to conditions.

## **Impact on Ecology/Biodiversity**

- 6.52 The CS objectives relating to environmental quality are to be delivered through supporting development proposals that add to Herefordshire biodiversity. Policy LD2 of the CS requires

development proposals to conserve restore and enhance the biodiversity and geodiversity assets of Herefordshire through ensuring new development does not reduce the coherence and effectiveness of the ecological networks of sites and through the restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological network. The policy also seeks to support the creation of new biodiversity features and wildlife habitats where possible.

- 6.53 Policies M7 and M11 of the MNDP also require development to retain and enhance any built and natural features and areas that contribute to the biodiversity of the area. The policies also seek to ensure than any likely significant effect of the River Wye SAC is avoided or adequately mitigated against.
- 6.54 Section 15 of the NPPF from the NPPF amongst other things states within Para. 180 that planning decisions should minimise impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.55 In accordance with the relevant local policies and section 15 of the NPPF the application has been supported with an Ecological & Resources Protection Assessment and Ecological Impact Assessment (EIA) and a Shadow Habitats Regulations Assessment by RammsSanderson for the project which includes mitigation techniques. The EIA identifies that the land currently consists mainly of arable fields which are divided up by intact hedgerows surrounded by agricultural land with some small pockets of woodland within the wider landscape.
- 6.56 The EIA identifies the habitats present on the site are largely connected to the hedgerows which provide a high habitat potential and are generally noted to be in a good condition and well managed. The proposed tunnels would be within the confines of the existing fields and, though they would be erected very close to boundaries, they would not require the removal of any existing hedge or tree. The Council's Landscape Officer has highlighted concerns with the root protection of some of the existing trees on site and appropriate conditions requiring an adequate standoff to protect tree roots has been recommended to ensure there is no conflict with policy LD3.
- 6.57 In terms of habitats and protected species, the Council's Ecologist has reviewed the proposals alongside the supplied Shadow HRA. The Ecologist is satisfied that undue impacts to habitats and species such as bats, birds and reptiles can be avoided subject to the imposition of appropriate conditions. The impact of the development on the existing wildlife has been raised in a number of representations. However, it is considered that the proposed layout and landscaping ensures that corridors for wildlife are retained.
- 6.58 The reports identifies that there are no statutory protected sites within the site, however the site lies within the Lower Lugg catchment of the River Lugg SAC and lies within the hydrological catchment of the River Lugg SAC, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna. The nearby local wildlife site is identified as being over 2km from the site.
- 6.59 Having reviewed all the supplied information the Planning Ecologist, on behalf of the LPA, formally adopted the supplied Shadow HRA by RammSanderson as the majority part of its own required HRA Appropriate Assessment. Officer are satisfied that all the supplied information supporting the adopted HRA provides detailed scientific certainty that the development will create a nett reduction in agricultural (diffuse) pathway for nutrients (phosphates) into the Lugg SAC catchment. This nett reduction will be achieved by reducing rainfall and water movement through existing top soils reducing the pathways for 'legacy' P to enter the hydrological catchment; stopping direct application of any fertilisers to the soil through normal agricultural cropping-management; and by utilising a closed system of irrigation with managed nutrient addition for the table top growing systems within the proposed poly tunnels.

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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- 6.60 The supplied details of the application identify clean surface water created by the proposed polytunnels is to be utilised to provide required crop irrigation with any excess being diverted in to the local pond systems to maintain their biodiversity potential. Furthermore all irrigation water is to be managed on a demand and supply basis and any outfall from table top cultivation systems is directly recycled so any residual nutrients remain within the 'closed' system. It is recommended that the relevant water management schemes should be controlled and maintained by appropriate conditions.
- 6.61 The reports submitted take account of national and local policies which relate to the protection and enhancement of biodiversity and green infrastructure. Representations have highlighted concerns with regrades to the construction of the tunnels and the impact this could have on the wildlife and habitats. The Ecologist has recommended that a detailed Construction Environmental Management Plan (CEMP) be secured and approved via a pre-commencement condition. This will ensure that any potential effects from the actual construction process are fully considered and relevant mitigation and risk avoidance measures implemented.
- 6.62 With mitigation and plans secured to achieve Nutrient Neutrality (nett reduction), a CEMP secured to mitigate any construction effects, and no identified effects on SAC species, the Ecologist has agreed with the finding of the reports in that the proposed development will not have an adverse impact on protected species and has raised no objection to the proposal subject to the inclusion of conditions relating to habitat protection and ecological enhancement. Natural England have concurred with the findings of the HRA assessment adopted, providing that mitigation measure are appropriately secured through conditions. Overall officers consider there is no conflict with policy LD2 of the CS and the relevant policies of the MNDP and am satisfied that there has been detailed consideration to the natural environment to allow the scheme to be delivered in compliance with polices LD2 and LD3 of the CS.

### **Impact on Heritage Assets**

- 6.63 The application is supported with a Heritage Impact Statement produced by Marrons that identifies the designated and non-designated heritage assets within a wider study area. A number of representation have identified concerns regarding the impacts the development will have upon the setting heritage assets within the locality, especially the residential listed properties close to the entrance of the site.
- 6.64 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting: "*to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"
- 6.65 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm "considerable importance and weight".
- 6.66 Importantly, this does not mean that an authority's assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or "less than substantial" and to harm that it considers would be "substantial".
- 6.67 While Policy LD4 of the CS does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the

planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.

- 6.68 Paragraphs 195 - 209 of the NPPF deal with the approach to decision-making according to the significance of the heritage asset and the degree of harm arising as a consequence of development. Paragraph 200 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 201 then states that any harm to, or loss of, the significance of a designated heritage asset (from alteration, destruction or development within its setting) should require clear and convincing justification. Paragraph 203 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use .
- 6.69 Accordingly it is necessary for the decision-maker to judge, on the evidence before them and having particular regard to expert heritage advice, whether the proposal in this case represents substantial harm to or total loss of significance of the setting to any of the listed buildings within the local area.
- 6.70 The HBO has confirmed that the heritage statement meets the requirements of the NPPF as it has describe the significance of the heritage assets and the contribution made by setting. The aerial image below identifies the location of heritage assets who's setting have been assessed. In terms of the setting of the nearby listed heritage assets, it is not felt that those aspects of their setting which contribute to its significance would be harmed by the proposal. There is sufficient spacing and intervening vegetation between the proposal and identified heritage assets. Officers are therefore satisfied that in the absence of any harm to the significance of any of the heritage assets the proposal is compliant with CS Policy LD4 and the NPPF.



#### *Archaeology – buried heritage assets*

- 6.71 Policy LD4 in the CS recognises that the historic environment is of cultural value and where proposals effect the wider historic environment proposals should record the understanding of the significance and assess its value. Within the HIA it is identified that although the site is located within a rich archaeological landscape, there is no known evidence for the existinacat archaeology within the site.

- 6.72 Due to the moderate potential for remains of local archaeological interest to be impacted upon, and a low potential for remains of local to regional significance to be impacted upon, the Councils Archaeologist has recommended that a programme of archaeological fieldwork should be required as a condition of planning permission. Accounting for the localised impact of the polytunnels, any programme will be restricted to areas of more extensive groundworks. Subject to conditions no conflict with policy LD4 has been identified.

### **Impact upon local Highway network**

- 6.73 Traffic generation arising from the proposed polytunnels in connection with the construction, servicing, labour and produce movements represents a key issue for many of the local residents and has been identified in representations. As already highlighted, the scheme does represent an extension to an existing established business and will utilise the existing infrastructure (pack house, offices, storage, plant and machinery) at the headquarters at Brook Farm. The need for the upgraded access proposed within the submission is a result of the strawberries needing to be transported back to Brook Farm once picked to be processed before being dispatched.
- 6.74 Policy MT1 of the CS deals with traffic management, highways safety and promoting active travel. The policy, amongst other things, requires that all development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network; ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, and have regard to with both the council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices. The requirements of policy MT1 are reiterated in policy M7 of the MNDP.
- 6.75 The Councils Polytunnel Planning Policy Guidance at paragraphs 4.44-4.46 advises that all applications should be accompanied with a written statement which addresses the amount and type of traffic to be generated and the adequacy of the local highway network to cater with that traffic both in terms of design and capacity. This application has been supported with a Transport Statement (TS) which outlines the details of the site access strategy and gives an assessment of the anticipated traffic movements generated from the proposed development.
- 6.76 For clarification, no HGVs will access the site at Drakeley. The fruit will be transported back to Brook Farm by small tractors and custom made trailers to be processed. The TS identifies an increase of 1-2 additional HGV movements a week from Brook Farm as a result of the development. The proposal will result in approximately 12 tractor/trailer movements per day during the harvest (summer months) onto the C1124 Marden Road back to Brook Farm. The workers are to travel to and from the site via the PRow network.
- 6.77 When considering the highways impact of the development the starting point is the consideration to the existing lawful use across the site and the traffic generation. The land at Drakeley Farm has been farmed in arable production for many years and has generated tractor and trailer movements. The Highways Officer has highlighted that the existing agricultural use could generate a significant level of movements by larger agricultural vehicles without requiring planning consent. The Highways Officer considers the levels of traffic from the site once operational to be a similar level of agricultural traffic movements during harvest time as that of the existing and as such the Highways Officer does not consider the traffic generation to be severe in terms of the NPPF.
- 6.78 In terms of the proposed new upgraded access, this has been designed to achieve an 85th percentile speeds which have been derived from a speed survey at the site. The current access is in the corner of the field adjacent to the residential property 3 Hawkeshead cottages. To achieve the required visibility the access is relocated further east along the C1124. This will allow for some separating and landscape buffering along the boundary of 3 Hawkeshead Cottages. The

proposed upgraded access has been widened off the highway and allows for a gate to be set back 15m. The application has been supported with detailed plans showing tractor and trailer tracking the access and being able to negotiate the access.

- 6.79 A number of the representations received from local residents have raised concerns with regards to traffic generation, however on the information that has been submitted the traffic generation is not considered to impact significantly upon the highway. It is acknowledged that the harvest time is over a longer period in the summer months and that the growing of soft fruit is labour intensive. However the site is well connected to the PRow network and in close proximity to the existing facilities to be utilised at Brook Farm. The applicants have also offered up to restrict vehicle movements to and from the site during school start and finish time during term times which can be controlled through conditions.
- 6.80 It is accepted that the proposed tunnels on the site will generate a change in vehicle movements to and from the site compared to that generated in recent years when in arable production. However on the information that has been submitted the traffic generation is not considered to impact significantly upon the local highways and the proposed upgraded access can achieved acceptable visibility splays to provide a safe entrance and exit from the site. Overall the volume of traffic that the proposal will generate can be accommodated upon the local highway network safely and overall subject to the inclusion of appropriate conditions the scheme complies with CS Policy MT1.

#### **Impact upon the Residential Amenity**

- 6.81 Policy SD1 in the CS deals specifically with sustainable design and energy efficient and requires proposals to make efficient use of the land. The policy also requires safeguarding the residential amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise. The requirements of policy SD1 are reiterated in policy M7 of the MNDP
- 6.82 The main impact on the amenity on existing residential properties in the area will be from the potential noise and nuisance from the presence of workers on the site and the vehicle movements associated with the soft fruit growing. There are a number of residential properties around the perimeter of the site, however those of particular concern are those at the entrance to the site (3 Hawkersland Cross and Oakland House in particular), to the north-east around Venns Green and the residential property Nine Wells which is located to the west and is access via the BOAT which separates the application site from the existing site.
- 6.83 From a noise and nuisance perspective the workers on the site and the machinery and vehicle movements will all be subject to the management and control of the employer. It is common practice within Herefordshire that in the interest of the amenity of nearby residents Site Management Plan are secured through planning conditions which set out the arrangements for the operation and use of the site and control hours of working, lighting, amplified music, litter collection and disposal, maintenance, amongst other things. The Site Management Plan will also control the hours of pickers on the site and that of the movement of vehicles, both within the site and to and from Brook Farm. The plan will aim to minimise the potential adverse impacts from operations.
- 6.84 The applicant has confirmed that the proposed storage building is for machinery and equipment only and there will be no running plant. It is considered that subject to appropriate conditions relating to the management of the site and control on noise and operation, the proposal would have a relatively low impact on the amenity of nearby dwellings, and is capable of being compliant with policy SD1 of the CS.

## **Planning Balance**

- 6.85 The starting point for the determination of this application is the development plan and adopted MNDP. For the reasons outlined above the proposal would accord with policies RA6 and SS5 of the CS and Policy M7 of the MND which support employment proposals in rural areas and the continuing development and diversification of the more traditional employment sectors such as farming and food, subject to satisfactorily environmental protection and mitigation. The proposal would support the growth and expansion of the existing business and provide further employment in the agricultural sector, adding value to the local food chain and reducing the amount of overseas imports that come into this country.
- 6.86 The NPPF gives strong support to sustainable economic growth to support a prosperous rural economy. The success of the soft fruit growing industry in Herefordshire in recent years can largely be attributed to the use of Polytunnels which has enabled farmers to increase productivity and adapt to climate change. In the case of the proposal put forward, the development represents an extension to the established soft fruit business of a moderated size.
- 6.87 The proposal does not directly adjoin the existing site as there is a section of land not in the applicant's ownership which will provides a visual break in the presence and overall mass of tunnels within the landscape. The proposed tunnels have been positioned and laid out to ensure that they will not be readily seen from the adjoining highways and are of an appropriate distance from adjoining residential properties. Marden is a rural parish which has a living and working landscape, largely created through human intervention, where agriculture has taken place for many years and the landscape character has largely resulted through the cultivation of the farmlands. The topography and landscape profile and form would not be altered by the proposed development, rather, view across it would change. As outlined above these changes are not considered to represent substantial harm to the landscape character and visual amenity, and mitigation secured through conditions will assist in reducing the impacts. Although there will be some harm to the landscape character and visual amenity, there are strong economic reasons for allowing the development.
- 6.88 In accordance with policies RA6 and LA1 of the CS the proposed tunnels are considered to have been carefully sited and designed to minimise the impact on the surrounding environment and ensure that the development is of a scale which would be commensurate with its location and setting. Conditions can ensure that should the polytunnel development cease to operate on the site that they are removed allowing the land to continue to be farmed.

## **Conclusion**

- 6.89 Overall officers are content that the proposed development represents a sustainable development. Across the three dimensions outlined within paragraph 7 of the NPPF, there are positive benefits associated with the economic and social dimension and neutral impacts in relation to the environmental dimension. Harm to landscape character is axiomatic, yet capable of mitigation to such an extent that an objection is unsustainable.
- 6.90 Impacts arising from additional traffic movements do not amount to any contradiction of MT1 and do not amount to residual cumulative impacts that are severe enough to warrant refusal. The proposed upgraded access ensures that vehicles can safely enter and exit the safely. Although Officers acknowledge the route back to Brook Farm is through the main village, the vehicles movements generated can be accommodated within the local road network without adversely affecting the safe and efficient flow of traffic.
- 6.91 Impacts on water resources and quality and flood risk have been fully assessed and officers have concluded that subject to conditions requiring approval of further details the proposal is unlikely to have a demonstrable effect on water quality in the area.



- 6.92 Consideration has been given to the impact on the amenity of existing residential properties that are in close proximity to the site in relation to noise and nuisance and subject to conditions to control the operation and management across the site, the development is considered to have a minimal impact on the amenity of neighbouring residents which will be reduced by the proposed landscaping when established.
- 6.93 Full consideration has been given to the impacts on heritage, archaeological and biodiversity impacts. Conditions addressing ecological management are necessary in the interest of wildlife.
- 6.94 The proposal will have benefits in terms of its economic benefits, strengthening local agriculture and food production, and there are no other matters of such weight to warrant the refusal of the application in their own right and it is therefore concluded that the benefits that would be derived from permitting the proposed development outweigh any limited harms that might be caused. The development represents a sustainable form of development and is considered to be acceptable subject to the inclusion of the recommended conditions listed below. Officers are satisfied that the proposed development complies with the relevant policies within the CS and MNDP and is therefore found to be representative of a sustainable form of development. It is thus recommended for approval subject to the conditions listed below.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

### **Standard Conditions**

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2. The development shall be carried out strictly in accordance with the approved plans listed below, except where otherwise stipulated by conditions attached to this permission.**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 3. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 57 metres in an east direction and 57 metres in the west direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy M7 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework**

### **Pre-Commencement Conditions**

4. Before any work approved under this permission commences, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The CEMP should include a plan identifying ecological buffers which should be demarcated on site and not entered except under the supervision of the Ecological Clerk of Works. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and Policy M7 of the Marden Neighbourhood Development Plan.

5. Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Site compound location
- Parking for site operatives
- Construction Traffic Management Plan

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy M7 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

6. The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

7. No development approved by this permission shall be commenced until a hard and soft landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Trees and hedgerow to be removed.
- c) Full details of all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation and irrigation details.

The scheme as approved shall be completed in full not later than the end of the first planting season following the commencement of the development on site hereby permitted.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

8. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

9. No development approved by this permission shall be commenced until a the following information has been submitted to and approved in writing by the Local Planning Authority:

1. Detailed surface water drawings of proposed drainage strategy to include catchment areas as well as the proposed pipe network, proposed storage structures, proposed flow controls, proposed outfalls and other proposed drainage features, with numbers which reference to the drainage calculations.

2. Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system, including conveyance systems;

The approved details shall be implemented before the first use of the development here by approved and maintained throughout the life time of the development hereby approved.

Reason: In order to secure satisfactory drainage arrangements are provided and to comply with Polices SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policies M7 and M11 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

#### Compliance conditions

10. Before the development is first brought into use, a 'Site Management Plan' which clearly sets out the arrangements for all the staff working on the development hereby approved and how the site will be managed and controlled shall be submitted to and approved in writing by the local planning authority. The plan shall include amongst other issues details the noise management across the site; the storage, transfer and disposal of waste; details of fruit traffic management (detailing how fruit will be transported around and from the site); arrangements for welfare facilities; the maintenance of buildings and access track;, litter collection and disposal; the control

of amplified music; lighting and car parking arrangements. The operation and use of the site shall thereafter be in accordance with the approved management plan.

Reason: In the interests of amenity of nearby residents and to ensure compliance with Policy SD1 of the Herefordshire Local Plan Core Strategy 2011-2031 and Policy M10 of the Marden Neighbourhood Development plan

11. Before the development is first brought into use, a Landscape and Ecological Management and Maintenance Plan for a period of 30 years shall be submitted to and approved in writing by the local planning authority. The plan shall incorporate both biodiversity and landscape requirements for establishment and care of the land. The plan approved shall be carried out in full accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform to policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development plan and the National Planning Policy Framework.

12. All planting, seeding or turf laying in the approved landscaping scheme under condition 6 shall be carried out in the first planting season following the commencement of development on site. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development plan and the National Planning Policy Framework.

Restrictive conditions

13. The storage building hereby permitted will be used for the storage of machinery and equipment associated with the growing of soft fruits on the application site and for no other purpose, unless previously agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to give further consideration to the acceptability of any proposed future use and to comply with Policies SD1, LD2 and MT1 of the Herefordshire Local Plan – Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

14. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (As amended) and the Town and Country Planning (General Permitted Development) Order 2015 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the polytunnels and development hereby approved shall not be used for any other purpose other than for the growing of soft fruit and vegetables.

Reason: To enable the Local Planning Authority to give further consideration to the acceptability of any proposed future use and to comply with Policies SD1, LD2 and MT1 of the Herefordshire Local Plan – Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development plan and the National Planning Policy Framework.

15. Any new access gates shall be set back a minimum of 15m metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and policy M7 of the Marden Neighbourhood Development Plan.

16. At no time shall any external lighting except in relation to safe use of the approved development be installed or operated in association with the approved development and no permanently illuminated external lighting on any building within the application boundary under this consent shall be operated at any time, without the written approval of this local planning authority. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3 and policy M10 of the Marden Neighbourhood Development Plan.

17. None of the existing trees or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and policy M10 of the Marden Neighbourhood Development Plan.

18. None of the Polytunnels (as detailed in drawing number General Arrangement details: DWG No 37.489.2.C23) shall exceed more than 4.5. metres in height above existing ground level.

Reason: In the interest of visual amenity due to the sloping nature of the site and to comply with policy LD1 of the Herefordshire Local Plan Core Strategy 2011- 2031 and policy M10 of the Marden Neighbourhood Development Plan.

19. In the event that the polytunnel development hereby approved in the opinion of the local planning authority ceases to be functionally used, the polytunnels and all associated infrastructure shall be removed from the site within 9 months of the local planning authority indicating to the applicant that the polytunnels have ceased to be operational the land restored to its former condition.

Reason: In the interest of visual amenity and to comply with policy LA1 of the Herefordshire Local Plan Core Strategy 2011- 2031 and Policy M10 of the Marden Neighbourhood Development Plan.

**INFORMATIVES:**

- 1        **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
  
- 2        **The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.**
  
- 3        **The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.**
  
- 4        **Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.**
  
- 5        **It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
  
- 6        **This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).**

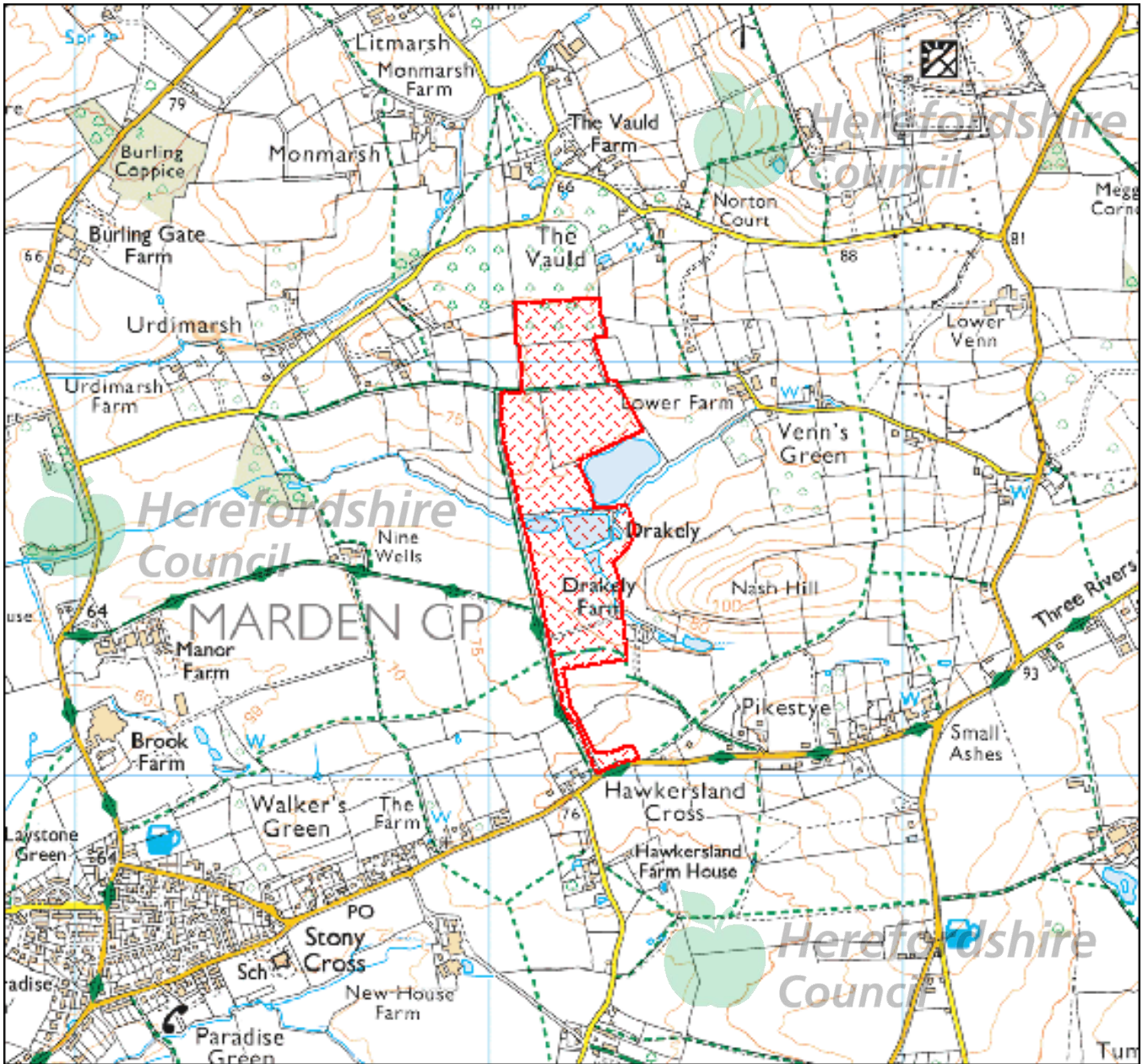
Decision: .....

Notes: .....

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**Background Papers**

None identified.



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**APPLICATION NO:** 231560

**SITE ADDRESS :** DRAKELEY FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ES

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