

16 DCCW2006/2534/F - RETENTION OF POLYTUNNELS IN CONNECTION WITH RAISED-BED STRAWBERRY PRODUCTION AT BROOK FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ET.**For: S&A Davies per White Young Green, Ropemaker Court, 12 Lower Park Row, Bristol, BS1 5BN.****Date Received: 31st July, 2006****Ward: Sutton Walls****Grid Ref: 52638, 48158****BVPI Expiry Date: 30th October, 2006**

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

1.1 Brook Farm is located on the eastern side of the C1120 road that runs north from Marden to Bodenham. The site contains a large number of portacabins used as temporary offices and administration centre for S. & A. Davies.

1.2 The proposal is to retain 35.5 hectares of polytunnels located in the field to the east of Brook Farm, Marden. The tunnels are 8 metres wide with a maximum height of 3.63 metres. They are constructed of galvanised steel and covered with a clear plastic membrane. Underneath the tunnels raised beds have been constructed within which strawberries are grown. This application is an amendment to two previous planning applications which were withdrawn due to technical reasons. The amendment also removed 14.5 hectares of fields to the north of Brook Farm.

1.3 An Environmental Impact Assessment has been submitted with the application.

2. Policies

2.1 National Guidance:

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1 - Sustainability
Policy S4 - Employment
Policy S7 - Natural and Historic Heritage
Policy DR2 - Land Use and Activity
Policy DR3 - Movement
Policy DR4 - Environment
Policy DR6 - Water Resources
Policy DR7 - Flood Risk
Policy DR11 - Soil Quality
Policy DR13 - Noise
Policy E6 - Expansion of Existing Businesses
Policy E8 - Design Standards for Employment Sites
Policy E10 - Employment Proposals Within or Adjacent to Main Village

Policy E13	-	Agricultural and Forestry Development
Policy T6	-	Walking
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy LA3	-	Setting of Settlements
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscape Schemes
Policy NC1	-	Biodiversity and Development
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habits and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora
Policy HBA4	-	Setting of Listed Buildings

2.3 Herefordshire Council – Polytunnel Code of Practice

3. Planning History

- 3.1 DCCW2004/0804/F Proposed erection of permanent polytunnels. Withdrawn 18th January, 2005.
- 3.2 DCCW2005/0698/F Siting of polytunnels in connection with raised bed strawberry production. Withdrawn 18th August, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: “The Environment Agency request a DEFERRAL pending the receipt of additional information detailed below. If you are unable to defer this application this response should be considered as an objection.

Water Resources:

The development/strawberry growing process will receive its water from the river Lugg. The method of use is known as trickle irrigation and is currently exempt.

The Applicant / Consultant is asked to clarify the following points, within the ES, with regard to the potential impact that the abstraction of water will have on the river Lugg SSSI.

Section 5.11, of the ES, considers the pollution impact on the river Lugg, however does not consider whether any reduced flows from abstraction will raise the potential risk of pollution in general. Section 5.21 (in the conclusions) states that there is no impact on the river Lugg SSSI. However, in the absence of any reference to the abstraction of water from the river Lugg, which is required to irrigate the strawberries, we cannot support this conclusion.

Notwithstanding the above, I would like to make the following comments.

Surface water flood risk:

I refer to the drainage appraisal, as undertaken by JDIH, (dated July 2006) as submitted in support of the above planning application. Based upon the information

submitted, the assessment is considered to be acceptable, which satisfactorily addresses the 1% plus climate change storm run-off.

We note that the polytunnels in areas 31 and 11 (as shown on the Site Plan, Dwg. No. 94.448.C1-1G) are aligned with the slope, so the surface water would run-off straight down the slope and not percolate through the ground, as explained in the Drainage Appraisal. This may exacerbate flooding in the area. Therefore the following condition would be recommended, in order to ensure there is no increase in flood risk, to neighbouring property/third party land etc.

CONDITION: All polytunnels shall be aligned perpendicular to the direction of the slope (parallel to the contours) in accordance with Figure 2 of the Drainage Appraisal.

REASON: To prevent flood risk from surface water run-off.

Landscape:

Under Section 7 of the Environment Act, the Environment Agency has a duty to take into account the effect of a proposal on the beauty of any urban or rural area. We would ask that the LPA pay particular attention to the impacts of this development on the rural landscape.

We note that according to the ES that..."Assessment of the impact of the permanent polytunnels is based on the assumption that if the application proposals were not carried out, the use of temporary polytunnels would continue." We would question whether or not this is an appropriate baseline. By definition, the current situation is temporary. We would suggest that a 'no polytunnel' scenario should also be considered. It is noted that this has been done for the hydrology assessment, so could apply to the landscape assessment?

Ecology:

We note the conclusions of the report that, given its current use as intensively farmed land covered in polytunnels for temporary periods, the site is unlikely to be valuable for rare or protected species.

If this development is granted permission, we would recommend that the mitigation and enhancement measures, as outlined in the ES (page 16) are made a condition of any planning approval."

- 4.2 English Nature: "We do not wish to comment on this application."
- 4.3 Countryside Agency: No observations received.
- 4.4 Herefordshire Nature Trust: No observations received.
- 4.5 Ramblers' Association: "We object to this planning application on the grounds that the original planning application DCCW2004/0804/F, we believed, was for a limited period of two years. This blot on the landscape of Herefordshire should be removed, and the natural ambience of the Public Rights of Way should be allowed to recover.

We ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times."

- 4.6 Open Spaces Society: "We would point out that various public footpaths cross this site. At least one of them would be obliterated by polytunnels. We would therefore urge you to refuse this application."

Internal Council Advice

- 4.7 Traffic Manager: No objection.
- 4.8 Head of Environmental Health & Trading Standards: "I have no objection to this proposal as I am of the opinion that this proposal is unlikely to cause an increase in nuisance (noise, dust, etc.) to residents of the locality."
- 4.9 Conservation Manager – Landscape: "Brook Farm is located on the north-western edge of Marden, just outside the settlement boundary. There is an Area of Great Landscape Value to the west of the farm. The land included in the application site is described as 'Principal Settled Farmlands' in Herefordshire Council's Landscape Character Assessment. The application site is fairly well contained visually, due to the topography, and the framework of tall hedges which screen the site. A number of footpaths and bridleways cross the site.

With regard to the northern part of the site, described as site character area i: northern valley in the Landscape Assessment Appendix, the decision not to site polytunnels on this area of land has overcome my concerns, stated in my previous memo dated 13th May 2005, which were that polytunnels sited on this area would be visually intrusive and would have a harmful effect on the rural character of the countryside.

I am in agreement with the Landscape Assessment that siting polytunnels in the middle section of the application site (site character areas ii and iii) would have a minimal adverse impact because this part of the application site is related to the farm complex, and is well contained, visually.

I still have some concerns about the extent of polytunnels in the southern part of the application site (site character area iv). My view is that the southern section of the block of polytunnels labelled 31 on the site plan, will detract significantly from the character of the area of small fields and orchards (site character area v) and also impinge to an unacceptable degree on views out from the housing that backs onto the application site. This is because there is only a low hedge dividing the polytunnel site from the strip of small-scale fields and orchards. In 2004, the temporary polytunnels were set further back – three fields away from the houses. The temporary polytunnels were less visually intrusive, when viewed from the south, because they were screened by a succession of field boundaries.

The Landscape Assessment recognises that the area of small fields and orchards acts as a buffer: it *'provides a visual separation between the residential areas to the south and the production areas to the north. It consists of an attractive mosaic of small fields and the relics of orchards.'* I advise, therefore, that there would be a significant benefit in omitting the southern section of the block of polytunnels labelled 31 and instead, planting a new hedgerow, including trees, in line with the existing hedgerow which forms the northern boundary of field 7090. The new hedgerow should run across to abut the eastern boundary of field 4283. The resulting parcel of land could be managed as pasture or a new traditional orchard could be planted within it.

This option would have the following benefits: it would enhance the character of this zone of the site, 'small fields and orchards' and it would compensate for hedgerows

lost elsewhere on the application site in the past - the Landscape Assessment states that *'it is apparent that previous intensive agricultural practices have led to the loss of some hedgerows on the site, resulting in an increase in field sizes.'* To have a succession of field boundaries between the housing and the southern edge of the polytunnels would improve screening, as would orchard planting. The creation of traditional standard orchards and the planting of a native species hedgerow would meet the conservation aims for Principal Settled Farmlands, and would also meet the objectives for orchards and hedgerows set out in the Herefordshire Biodiversity Action Plan. In my view, it is reasonable to require this type of mitigation, given the scale of the proposed development and its proximity to the village.

With regard to the Landscape Strategy, Landscape Enhancement and Mitigation Proposals, I agree with the principles set out in these sections. I have just a minor comment concerning the choice of fencing to separate the production areas from the rights of way that cross the site. The design principle is to use post and rail fencing. In my view, standard agricultural post and wire, or post and netting fencing would be more appropriate, in terms of maintaining the rural character and it is less visually intrusive - post and rail fencing can be quite dominating and it has more of a 'ranch' feel.

I conclude that the proposed development is acceptable, from a landscape perspective, providing that the issue that I have raised regarding the adverse impact of the southern section of the block of polytunnels labelled 31 can be addressed satisfactorily.

- 4.10 Ecology – “The main great crested newt population would appear to be in Pond 1, as indicated in the results section of the report, but they were also found in ponds 2 and 7. The methodology of the survey states that an egg search was also carried out, but the results of these do not appear to be included within the report, and no results for ponds 8-20 and Ditches 1&2. I would like to see these results before a final decision is made. I would also like to know what has happened to the pond to the north east of the main brook Farm building complex (GR 521 481) clearly shown on the OS 1:25000 map?”

I can appreciate that the “above ground” growing regime could have positive benefits for great crested newts, but have serious concerns about the welfare of migrating newts before and after their March to July aquatic phase. There was a lot of vehicular traffic on the farm on the day that I visited, and I do not think that intensive strawberry farming operations will be able to be carried out in certain areas without harming and/or killing newts. This is unacceptable for a protected species. One possible solution is the creation of a buffer zone of at least 10 metres around pond 1 with new hibernaculae within, and the installation of a newt proof fence around this. This will require a licence from Defra. I need to see a management strategy for the implementation of the above in order to write a **non-standard condition** for its enforcement.

Reasons

To conserve and enhance protected habitat, and to maintain the foraging area for protected species in compliance with UDP Policies NC6, NC7, NC8 and NC9 and PPS9.

To comply with UDP Policy NC5 and Circular 06/2005 (paragraph 98) with regard to development proposals that may have an adverse effect upon species protected by

Schedules 1, 5 or 8 of the Wildlife and Countryside Act (1981), which includes great crested newts.”

4.11 Head of Parks, Countryside & Leisure Development (PROW): Essentially provided the polytunnels are constructed in such a way as to avoid the footpath completely therefore we have no grounds to object. I would however like you to consider a number of conditions:

- 1) The tunnels and the beds should remain clear of the surface of any public rights of way and should not cover any rights of way either in plastic or supports.
- 2) The production and harvesting of the fruit should not effect the public right of way, i.e. plastic crates etc. being left on the path.
- 3) No spraying of water or chemicals should be carried out over the path.
- 4) Appropriate advice should be provided to supervisors and workers on the site about the public right of way.
- 5) Appropriate signage should be erected and maintained by the applicant clearly advising the public and the workers of the location of the footpath.

4.12 Drainage Engineer: No observations received.

5. Representations

5.1 Marden Parish Council: “At the meeting on Tuesday 29th August 2006 Marden Parish Council (MPC) resolved to make the following comments on the application.

The attention of Herefordshire Council (HCC) is drawn to comments made on the previous applications dated 6th April 2004 and 6th April 2005, both subsequently withdrawn by the applicant.

MPC expressed a high degree of scepticism on the impartiality of an environmental study that was both commissioned and paid for by the applicant or their agents. There are a number of anomalies in the accompanying Environmental Impact Assessment. The Landscape Impact Assess compares the situation 2003 when there were temporary polytunnels on the site, with the present situation. The Parish Council believes the assessment should be based on the pre-polytunnels landscape. The increased abstraction of water to serve the polytunnels is already affecting wells and boreholes in the area, and the suggestion there is sufficient water available is wrong.

The Parish Council has received a number of representations from residents close to the polytunnels who say that noise from early morning and late evening work in the polytunnels is affecting their lives, and while they may have been willing to tolerate this on a temporary basis, they are alarmed that the use of the area for permanent polytunnels means there would be no end to these disturbances.

The Parish Council is concerned that the presence of the permanent polytunnels will lead to an increase in lorry and farm vehicle traffic on roads on the area that are already overloaded and unsuitable for the existing volumes generated by the company's operations.

It is thought likely that the permanent polytunnels will lead to an increase in employee numbers during the fruit season, raising concerns that there will be future applications for yet more worker accommodation.

It had been reported that the presence of the operation close to the village has affected property prices, and some residents have had difficulty in selling their houses because Marden has now a reputation for being dominated by S. & A. Produce.

For these reasons the Parish Council is opposed to this application, and asked Herefordshire Council to refuse it and for the land at Brook Farm to be returned to non-polytunnel agriculture.”

5.2 101 letters of objection have been received, the main points are:

- The proposal is contrary to Government Guidance and the policies of the Development Plan.
- The proposal would result in the loss of a significant amount of Grade 2 agricultural land.
- Poly tunnels, by virtue of their number, size and prominent locations will be an intrusive and harmful feature of the landscape.
- The local highway network is not capable of safely accommodating the additional traffic that could be generated.
- Development will set an undesirable precedent and should not be considered in isolation.
- The on-going incremental expansion of activities at Brook Farm immediately on the settlement boundary of Marden is unacceptable. It should be moved to the Moreton-on-Lugg Business Park or a similar site where infrastructure is available.
- The Environmental Statement (ES) is far from neutral and not a balanced appraisal of the development.
- Poly tunnels have a detrimental impact upon the tourist industry for the county.
- There is a potential increase in flood risk due to an increase in overload flow of surface water created by the poly tunnels.
- There is a permanent loss of habitat.
- This operation and the on-going impact is too much for Marden.
- The village suffers huge amounts of HGV's, taxis and commercial buses driving through from early morning to late at night.
- Rotation of tunnels has a limited impact whereas permanent tunnels would have a greater impact.
- Footpaths and bridleways are badly affected and sometimes blocked.

- The permanent siting of polytunnels will inevitably require more foreign workers.
- Pesticides, well documented in strawberry production, will contaminate the water table.
- Property is blighted by the continued expansion of polytunnels.
- The proposal is contrary to the Council's stated objectives of 'Providing for communities, Promoting the County, Protecting our future.'

5.3 Two letters of support have been received, the main points raised are:

- As a longstanding resident of Marden I would like to redress any concerns which are raised.
- Marden has always been a working village which before the building boom of the 60's was comprised of largely farms and cottages together with a few large houses.
- Brook Farm has been in the Davies family for many years and always had a productive nature.
- The present business provides a large number of jobs for local people and creates business for the local Post Office and shop.
- It is good to see agricultural work in action, small tractors going through the village, people actually working in the fields etc.
- There are problems such as road maintenance but these can be safeguarded through planning agreements.
- I live in the countryside where I do not consider the sound of farm machinery, tractors, etc. to be a noise nuisance, rather it is a harmonious sound of the country.
- Farmers do rise early and work late especially at harvest time, an aspect of country life.
- Extending the picking period to five months is good business.
- S&. Davies provide toilet facilities in all its fields.
- S&A Davies have shown that British farming can be successful.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 Applicant's Case

This current planning application follows the withdrawal of two similar schemes. The planning application seeks the permanent retention of 35.5 hectares of polytunnels to the east of Brook Farm.

PPS7 recognises the important and varied roles of agriculture, including the maintenance and management of the countryside. It also acknowledges that policies should support development that enables farming and farmers to

- i) become more competitive, sustainable and environmentally friendly
- ii) adapt to new and changing markets
- iii) comply with changing legislation and associated guidance
- iv) diversity into new agricultural opportunities
- v) broaden their operations to 'add value' to their primary produce.

It is under this set of guidance that the planning application will be considered with the key identified issues being:

- 1) Visual Impact
- 2) Vehicular Movements and Capacity of Local Highway Network
- 3) Local Jobs and Economic Development
- 4) Ecological Interest
- 5) Hydrological and Flooding Issues
- 6) Footpaths
- 7) Tourism

Visual Impact

- 6.2 Poly tunnels are an emotive issue with the potential damage to the countryside a typical response to their erection. However from a farmer's perspective they elongate the growing and harvest potential of the crop. As with all planning applications they must be treated on their own individual merit and one polytunnel site can be distinctively different from another. This particular site is relatively well concealed being generally located within the fold in the landscape. Fields to the north which had originally been included were removed due to their more prominent position within the landscape. In addition the applicant is managing the hedgerows to ensure that they are allowed to grow in height. However along the southern boundary of the site the hedgerow is not within the applicant's ownership and has generally been maintained at a lower level. The Conservation Manager raised issues in this regard. The Landscape Assessment also recognises that the area of small fields and orchards acts as a buffer and provides a visual separation between the residential areas to the south (Marden village) and the production areas to the north. In order to mitigate these concerns the proposal now provides for a row of trees to be planted. This aspect can therefore be conditioned and overcomes the concerns of the Conservation Manager in this regard. In addition the polythene is removed from the tunnels by the end of October and not required to be replaced until the beginning of March. This ensures that the screening afforded to the site through hedges and trees when they are at their least effective due to lack of foliage is mitigated by no polythene, an arrangement that can be secured by condition.

Vehicular Movements and Capacity of the Local Road Network

- 6.3 The retention of permanent polytunnels on this site will reduce the need for farm vehicles on the adjoining public highways as all of this site can be serviced from internal farm tracks to the pack house at Brook Farm. A return to rotational cropping

on this area would necessitate additional land being used with farm traffic inevitably increasing on the local road network. This, together with an extended harvesting period provides for a more sustainable development. Concerns regarding the HGV's that access Brook Farm are noted, however the use of this site as a storage, processing and distribution plant was allowed on appeal in 1997 when it was then being used as a potato distribution centre. Improvements to the existing access are subject of a further planning application and will assist in the improved management of HGV's and tractors at the entrance to the complex. Whilst transport routing is not within the planning remit, it is suggested that discussions are held with the applicant to clarify a routing system for distribution of their produce.

Local Jobs and Economic Development

- 6.4 At its height in the summer months the applicant employs approximately 1500 migrant workers on site. This reduces to approximately 500 at this time of year. In addition nearly 100 full time jobs are provided together with 38 farmers who are employed by S&A Davies but also manage their own farms and enhance their income. The applicants therefore provide for significant employment opportunities in the local economy. In addition the workforce provides significant income back into the local economy through the local shops. The loss of this employment would have significant implications within this rural area.

Ecological Interest

- 6.5 The previous application was withdrawn due to the lack of survey information regarding Great Crested Newts. The Ecological Survey has now been updated to cater for this aspect and the Council's Conservation Manager is satisfied that subject to mitigation measures being applied around pond No. 1 to create a buffer zone of 10 metres with newt proof fencing, the proposal is acceptable.
- 6.6 The Ecological Survey confirms that the proposal will not adversely affect the ecology of the nearby River Lugg, which is a designated Site of Special Scientific Interest and Special Area of Conservation.

Hydrological and Flooding Issues

- 6.7 The report submitted with the application confirms that the run-off and knock-on effect on watercourses and ponds is minimal. The Environment Agency have reviewed the report and have initially raised concerns. These concerns have been addressed by the applicant and additional information is already being assessed by the Environment Agency. A verbal update will be given at the meeting.

Footpaths (PROW)

- 6.8 Two footpaths cross the site being MR21 and MR22. Both footpaths are essentially free from polytunnels with the exception of MR21 just south of the crossover with MR22. Here the Public Right of Way crosses at an angle four/five rows of polytunnels. The PROW Officer objected to the obstruction of the Public Rights of Way and as a consequence the applicants have agreed to remove areas of polytunnels that go over the top of footpaths (ensuring that the footpaths are open to the elements). This will be carried out by the end of October 2006. The footpaths will be kept uncovered from then on. As a result of the above the Head of Parks, Countryside and Leisure Development has removed objections to the scheme subject to conditions. It is

suggested that the amendment at least in part overcomes the objections of the Ramblers' Association and the Open Spaces Society so far as the use of the footpaths is concerned.

6.8 Tourism

The concerns relating to tourism are noted however, as stated a precedent would not be set if permission is granted for this site. This site is relatively well concealed and the expansion of polytunnels across Herefordshire should not inhibit the development of this relatively constrained site. It is therefore considered that in this instance the benefits to agriculture and the local economy outweigh the limited harm of this site to tourism.

Conclusions

- 6.10 The concerns of the objectors are noted together with the impact of the polytunnels on the landscape. However this is a well-chosen site that together with further mitigation measures will, it is considered, be acceptable and comply with the guidance afforded by PPS7 in supporting the rural economy. Therefore, subject to a positive response from the Environment Agency, the proposal is considered to accord with the Development Plan.

RECOMMENDATION

1. **It be recorded that the Environmental Statement and associated documents and consultations on the response to the Environmental Statement and associated documents have been taken into account in the making of this decision.**
2. **Subject to there being no objection from the Environment Agency, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:**
 1. **The polythene shall be removed by 31st October each year and not replaced until or after 1st March in the following year.**

Reason: In order to protect the visual amenity of the area.
 2. **G04 (Landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.
 3. **G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenity of the area.
 4. **G11 (Retention of hedgerows (where not covered by Hedgerow Regulations)).**

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

- 5. An ecological management strategy plan shall be submitted for approval in writing of the local planning authority within six months of the date of this permission. The approved management plan shall be carried out in full and include the provision of newt proof fencing around pond no. 1 with the creation of a 10 metre buffer zone. The site shall thereafter be managed in perpetuity and in full accordance with the management plan unless otherwise agreed in writing by the local planning authority.

Reason: To conserve and enhance habitat and maintain the foraging area for protected species.

- 6. All footpaths and bridleways that cross the site shall be cleared of all polytunnels within two months of the date of this permission and no obstruction thereafter be placed across these designated routes.

Reason: In order to protect the Public Rights of Way.

- 7. To ensure the footpaths and bridleways remain unobstructed appropriate signage, details of which shall first be submitted for approval in writing of the local planning authority, shall be placed in positions to be agreed and thereafter maintained to the satisfaction of the local planning authority while polytunnels remain on the land.

Reason: In order to protect the Public Rights of Way.

Informatives:

- 1. N19 (Avoidance of doubt.
- 2. N15 (Reasons(s) for the Grant of PP/LBC/CAC.

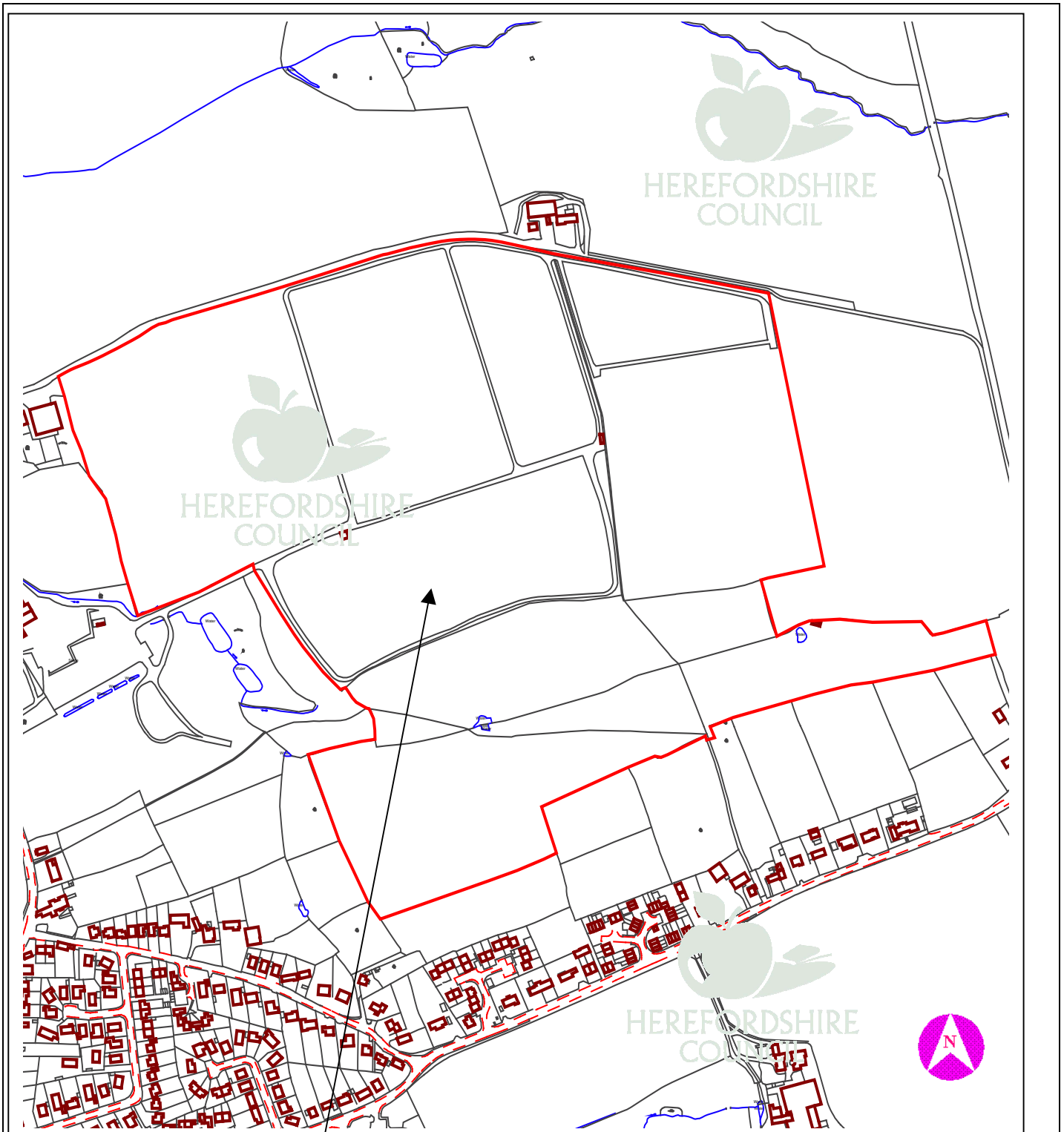
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/2534/F

SCALE : 1 : 5846

SITE ADDRESS : Brook Farm, Marden, Hereford, Herefordshire, HR1 3ET

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