

Hadlow/Mereworth (Mereworth)/West Peckham/East Peckham/Wateringbury
Hadlow, Mereworth And West Peckham/East Peckham & Golden Green/Wateringbury

565153 154052 **8 July 2010** **TM/08/03739/FL**

Proposal: Erection of agricultural polytunnels covered with clear plastic sheeting. To include rotational tunnels and successive tunnels with no more than 165ha (30%) of the landholding covered with tunnels in any one calendar year

Location: Barons Place Farm Seven Mile Lane Mereworth Maidstone Kent ME18 5NE

Applicant: Mrs M Regan

1. Purpose of report:

1.1 Members will recall that this application was reported to the meeting of Area 2 Planning Committee on 15 September 2010, when it was resolved that consideration of the application be deferred to allow Parish Councils and other consultees an extended time period (until 31 January 2011) to comment on the application. Members requested that the application be reported back to A2PC following the extended consultation period, in order for Members to review the representations received, at which time Members would give further consideration to the need for a Members' Site Inspection.

1.2 The purpose of this report is therefore to:

- Summarise for Members the responses received as a result of consultation;
- Seek Members' endorsement to the holding of a Members' Site Inspection; and
- In anticipation of that, to provide Members with some background material that they may wish to have in mind, when the Site Inspection takes place.

2. Brief Description of the Proposed Development:

2.1 The application seeks planning permission for the erection of agricultural polytunnels in certain identified fields within the applicant's agricultural holdings. Although the location of the development is given as Barons Place Farm, the geographical extent of the area over which the polytunnels are proposed includes other farm holdings operated by the applicant and extends from Beech Road (Kings Hill) in the north to Stanford Lane and Bullen Lane (East Peckham) in the south and from Forge Lane and Martins Lane (West Peckham) in the west almost

to Canon Lane (Wateringbury) in the east. The total extent of the application site is some 557 hectares and now comprises a slightly modified version of that originally submitted. However the application proposes that, within any calendar year, only fields totalling a maximum of 165 hectares, or 30% of the total site area, would be covered by polytunnels. The application further clarifies that, of that 165ha, only an estimated 125ha would be covered in any year, when allowance is made for headlands, field margins and uncropped field corners. The application includes a Table setting out the cropping pattern over recent years and the likely future cropping patterns, up to 2015, including a field-by-field indication of which fields will contain polytunnels in which years.

- 2.2 The purpose of the polytunnels is to provide protection and improved growing conditions for soft fruit crops (primarily strawberries and raspberries). Within this overall proposal, there are two distinct types of tunnel: “rotational” tunnels and “successional” tunnels.
- 2.3 Rotational tunnels are used to cover crops grown in the ground and are in place only for the duration of that crop (i.e. whilst that particular cohort of plants is in production). Plantation life is said to be a maximum of three years for strawberries and six years for cane fruit. So, typically, tunnels would be in place in any one field for between two and six years, depending upon the type of crop and site conditions. The tunnels are then removed as the field is then used for other crops as part of the crop rotation. At the end of each harvest, the plastic covers are slipped off and rolled up to await the start of the next growing season. The hoops remain in the field until the next season. Fields totalling 91ha are identified for rotational tunnels.
- 2.4 Successional tunnels are used where the crop is planted into pots or bags containing growing media, either on raised beds on the ground or in bags or troughs on raised “table tops”. The tunnel framework stays in place for successive crops (i.e. the individual plants are replaced from time to time) and is intended to remain as long as soft fruit is grown in that field. Fields totalling 74ha are identified for successional tunnels. It is these two different types of approach to tunnel use that make up the 165ha referred to in paragraph 2.1 above.
- 2.5 The tunnels themselves comprise a series of steel framed hoops fixed into the ground at intervals of 2.2m over which plastic sheeting is provided to protect the crop. The hoops are fixed to the ground by posts screwed or pushed into the soil to a depth of 40-60cm. They comprise a series of adjoining “bays”, depending on the size and shape of the field. The maximum height of the tunnels is 4.5m and their maximum length is 200m.
- 2.6 The application was first submitted in late December 2008 and, following some careful assessment, in June 2009 I requested a wide range of additional information to enable the full and proper consideration of the application. The applicant responded in July 2010 to that request by providing substantial additional

documentation (which also incorporates some amendments to the proposal). The supporting information now includes:

- a Planning Statement describing the background to the proposal and identifying key issues,
- an updated Design and Access Statement,
- a detailed Management Plan (which includes separate sections dealing with, for example, water management, soil management, waste management, crop rotation, nuisance management and biodiversity),
- economic reports setting out the contribution that the farm makes to the rural and agricultural economy, and the role that the use of polytunnels plays in underpinning this,
- a Landscape and Visual Impact Assessment, and
- a Flood Risk Assessment.

2.7 An Addendum to the Landscape and Visual Impact Assessment was submitted in December 2010.

3. Reason for reporting to Committee:

3.1 This application covers an extensive geographical area and has given rise to a substantial level of public interest. It raises a wide range of policy considerations, involving the need to balance potentially conflicting objectives. The material planning issues are complex and, in some respects, novel.

4. Planning History:

TM/01/00152/FL Grant With Conditions 2 May 2001

Extension to existing bunk house to provide additional accommodation for agricultural workers and new shower and toilet block

TM/01/01237/FL Grant With Conditions 10 August 2001

Erection of a building for pre-cooling and packing of soft fruit, condenser unit, new vehicular access, parking and turning facilities

TM/02/01503/FL Grant With Conditions 10 October 2002

Unloading canopy to pre-cooling and packing of soft fruit building

TM/69/10688/OLD grant with conditions 18 March 1969

Grain and Potato Store.

TM/74/12545/OLD Grant with conditions 5 November 1974

Erection of barn to store farm implements

TM/76/10956/FUL grant with conditions 29 March 1976

Conversion of existing oast house to dwelling.

TM/87/11765/FUL grant with conditions 8 May 1987

Agricultural packing shed and toilet block.

TM/91/10610/FUL grant with conditions 20 February 1991

Erection of hostel for fruit pickers.

TM/93/00855/FL grant with conditions 16 November 1993

Erection of steel frame building for storage of pallets, boxes etc

TM/02/02142/FL Grant With Conditions 14 October 2002

Retention of a building for pre-cooling and packing of soft fruit, condenser unit, new vehicular access, parking and turning facilities (Revision to scheme approved under TM/01/1237/FL)

TM/03/03019/FL Grant With Conditions 7 November 2003

Retention of use of land for the storage during winter months of portable sleeping cabins used by seasonal workers

TM/05/01017/FL Grant With Conditions 11 July 2005

Erection of a storage barn

5. Consultees:

- 5.1 There have been three main rounds of consultation on this application: the first when the application was initially received (consultation undertaken in January 2009), the second following receipt of the main bulk of additional information (August 2010) and the third following receipt of the Addendum to the Landscape and Visual Impact Assessment (January 2011). The following paragraphs summarise the representations received. Bearing in mind the process, some of the comments made are superseded by later representations.

Parish Councils

- 5.2 West Peckham PC (February 2009) (Summary): We recommend that TMBC should refuse planning consent for the proposal in its current form. If planning permission is granted, it should be a temporary permission (1yr) and be subject to binding conditions and planning obligations regulate the activity and to mitigate its impact. The Parish Council's submission contained much detail, commenting on a range of issues including economic impact, the density and distribution of the tunnels, use of pesticides, drainage and run-off, residential amenity, PROW impact, landscape and visual impact and effect upon listed buildings and Conservation Areas.
- 5.3 West Peckham PC (September 2010): Requests an extension of time to fully consider the complex nature of the case. The applicants advisors are clearly still confident that in a fall back position of the claiming the four year rule on certain fields. As has been previously brought to your attention the Council is running a risk that if this is proven (or even remains a grey area) that other farmers in the vicinity will claim it to avoid the need for planning.
- 5.4 West Peckham PC (Final Summary Comments): You will recall that WPPC recommended temporary approval of the initial application received in December 2008, on the basis that certain assessments were undertaken – many of which were mirrored by the Council in their letter of Direction of July 2009. The decision to recommend temporary approval was based on the recognised need to protect the applicants business interests whilst due planning process was undertaken. WPPC came to this conclusion despite the very real concerns and objections of local residents and the need to start the process of regularising the use of polytunnels on other farms in the Parish and Borough.

5.4.1 Some 18 months on from that letter of Direction, WPPC is writing to you with its response to the assessments provided by the applicant in August 2010.

Recognising the complexity of the application WPPC has sought and received outside help from both residents, independent experts and have indeed asked TMBC to clarify a number of points with the applicant. It is deeply regrettable that TMBC were unable to provide the clarification or answers to the questions.

5.4.2 Our agreed recommendation to you, bearing in mind the applicants stated intention to use the four year rule to legalise their use of many of the tunnels, is that the application be refused and that immediate enforcement proceedings be started.

5.4.3 We have reached this decision with deep regret. It is our opinion that the assessments have not been completed in a diligent manner, in accordance with the accepted methodologies, in an error free way or in the spirit of accepted best practice in planning process. We have therefore not been able to reach a conclusion as to the merits or otherwise of the application. Furthermore the stance of the applicant regarding their fallback position with respect to the four year rule leaves us with no known alternative but to insist that you take immediate enforcement action to allay the associated risks.

5.4.4 Documents attached:

- Economic and business case review;
- Farm plan review;
- Landscape and visual impact assessment review – David Huskisson Associates.

[DPTL note: The submitted documents are quite lengthy and detailed; they are therefore summarised below. The complete documents are available for Members' inspection, and have also been placed on the Borough Council's website.]

5.4.5 Business Case Review – Our overview of the business case concludes that:

- The applicant has not recognised the special status that agriculture and farming have in the planning process and have not produced a document in the spirit of planning process. Many of the claims/figures given are unsubstantiated or not reconcilable with other data. Other data is incorrect, includes errors or is misleading. In short, the applicant has not put forward a business case that proves the claims, let alone the case for the polytunnels.
- The applicant has dismissed any form of diversification without the level of diligence expected. Where diversification has been explored (cereal) it has been done without looking to reuse the existing infrastructure.

- The methodologies used attempt to hide facts such as the low level of economic benefit to Tonbridge and Malling (circa £2K) and the high levels of benefit to non-UK economies (circa 4,000K).
- Much is made of the local jobs (the numbers for which are not substantiated), that the applicant claims are dependant on this application being accepted. However no explanation is given as to why locally based employment on the farm has only marginally increased in recent years compared to the exponential increase in the use of polytunnels.
- It is clear from the assessments that Hugh Lowe Farms and its shareholders have prospered significantly from using polytunnels in soft fruit production. However the contributors to this report can find little benefit that can not be retained and potentially enhanced by diversification, to other local areas of the economy.

5.4.6 Neither of the Business Case Reports has proven the case that polytunnels are required to ensure the viability of agriculture on this land or that their use today provides any significant or irreplaceable benefit to local Tonbridge and Malling, Kent or UK economy.

5.4.7 Landscape Review – The Landscape and Visual Impact Assessment carried out for the applicant has been reviewed by David Huskisson Associates, an eminent firm of Chartered Landscape Architects.

5.4.8 It is the view of WPPC and that of David Huskisson Associates that there are several factors that have either been omitted or are not clear in the methodology adopted for the applicants LVIA. These issues indicate that the assessment has not been carried out in accordance with the spirit of best practice as advocated in the published guidance. Whilst it is accepted that landscape and visual assessments must inevitably involve subjective professional judgements, the principles of the guidance are to allow transparency in the process.

Errors/omissions noted are:

- The Introduction is too short and contains marketing information which is irrelevant to the LVIA.
- There is no reference to any consultation with the Local Planning Authority.
- There is no reference to whether other field layouts have been investigated and it is not clear if or how the LVIA has informed or influenced the placing of polytunnels. As referred to in our Field Plan response, no explanation is given for why many fields are marked as “not suitable for polytunnels” and why other fields are marked as “suitable” are not being used.
- There is no reference to whether the cumulative effect of intervisibility of polytunnel sites has been considered.

- Methodology does not appear to have been scoped or discussed with the Local Planning Authority.
- The LVIA uses “sensitivity” which appears to be a combination of “capacity” and “value” thus making it unclear if or how the latter two issues have been taken into account.
- The Magnitude of Landscape Effects states that the “worst case scenario” has been used, yet there is no mention as to whether crop rotation has been considered.
- Great store is placed throughout the assessment on the claimed transient nature of the proposals and that they can be readily removed. However, as far as the LVIA is concerned, no time limit on the permission is proposed, thus successional tunnels can only fairly be considered as permanent and rotational tunnels as at least semi-permanent, not being time limited. As such, the guidance is that permanent features may be expected to give rise to more serious impacts.
- Only one long distance viewpoint (2km) has been used and therefore there is a failure to properly record the widespread visibility across areas and as a consequence under record the spatial extent of the effect.
- Equestrians have not been used as receptors despite there being a large number who ride the PROWs in the area affected by the application.
- It is not clear how average polytunnel coverage of 5 or 35 weeks equates to 14 to 17 weeks for rotational and 31 weeks for successional.
- Landscape and Visual Issues in Area 5 are shown to understate the negative effects particularly with respect to views from PROWs MR363, Weald Way and MR365, south of West Peckham to Goose Green and other areas in the vicinity of West Peckham.

5.4.9 Farm Plan Review Summary – Looking at the application as a whole and taking into account the land that is marked as “suitable for polytunnels” ONLY, the land under coverage in any one year equates to >60% and not 33% as stated in the application. The effect of this area and the residents is substantially greater than assumed for the application.

5.4.10 Taking into account West Peckham only, the average cover during the 5 years shown on the field plan, and only for fields within the boundary of West Peckham village, is 49%. At the highest coverage period (2012) we see 66% coverage. Far greater than the 33% claimed by the application.

- 5.4.11 Our report also questions the usage of all the fields stated within the HLF application. There is currently a maximum of 34.47 hectares tunnelled, within the immediate vicinity of the village and residential boundaries over the 5 year period of the plan. All of these fields have an effect of the visual outlook of the village and the residents of West Peckham.
- 5.4.12 Detailed analysis of the HLF Field Plan shows that there are over 51 hectares of fields marked as “suitable for polytunnels” (>1 hectare) all of which have lower visual and residential impact. During the 5 year period of the HLF Field Plan none of these fields are used. With more detailed planning consideration by HLF and TMBC, these fields could be considered for use therefore lowering the visual and residential impact for West Peckham and other areas affected.
- 5.4.13 Analysis of the fields marked “unsuitable for polytunnels” shows > 56 hectares (>1 hectare) that would appear, from their visual topography, to be suitable for polytunnels. Review of their usage from 1999 – 2015 clearly shows that 20% (>10 hectares) has been used in the past for soft fruit growing. Throughout the application there is no reason stated as to why these fields are not suitable for tunnels, when clearly some have been used in the past.
- 5.4.14 Analysis of the application clearly shows that there are other areas that could be utilised for polytunnels within the farm holding. In total this equates to a potential 107 hectares. Serious consideration needs to be applied to these fields as alternatives and would also call into question why these have not considered to date, given the visual and residential impact on many areas within the application.
- 5.4.15 As a whole the impact on West Peckham residents is far greater than within any other Parish within the application. As far as can be determined from the application detail, no other area has the density of polytunnel coverage within close proximity to residential property or such a visual impact within a populated area.
- 5.4.16 As determined by this report the impact is not 33% of coverage over any one area but in many cases higher than 60% coverage of land marked as suitable for polytunnels over a 5 year period.
- 5.4.17 Flood Risk – WPPC has had the flood risk assessment submitted by the applicant reviewed by local residents and a local expert. The feedback from local residents and which the PC empathises with, is that the document is largely theoretical and bears little relation to what is actually being seen on the ground. On several occasions over the last year alone, residents have experienced significant rain water run off, localised flooding and silt blocking drains etc. This is particularly affecting the residents around Parsons Corner, West Peckham and the road way by the A26 between Hadlow Manor and the Seven Mile Lane roundabout. The expert opinion advised that the plan was marginal and borderline and left no room for exceptional conditions.

- 5.4.18 The expert noted that the application land is in the catchment of the Bourne and the Wateringbury Stream. Both watercourses are known to be at risk from flooding following severe weather. He noted that the application significantly affects the surface water drainage characteristics of the site of wide areas of the catchments and an application such as this, gives an opportunity to improve the surface water characteristics of the area. He noted that it should not simply be a case of producing calculations that show if everything works to plan and the installed drainage is adequately maintained then it will not be worse than before.
- 5.4.19 Moving Forward – WPPC are eager to find a conclusion in this matter and recognise the benefits to High Lowe Farms of this application. Should Hugh Lowe Farms wish to reapply for permission WPPC would be delighted to consider an application that includes revised and completed landscape and business case assessments and provides answers to the flood risk concerns. We would also be delighted to work with the applicant in preparing a plan that balances the needs of the business with the wishes of the local community by agreeing field usage and plans to minimise the landscape and other effects of polytunnels.
- 5.5 West Peckham PC - Landscape and Visual Impact Assessment Addendum – With respect to the Landscape and Visual Impact Assessment Addendum, it is with regret that WPPC are unable, given the time frame, to comment. We do not expect that the contents, given the subject matter, would result in a major change to our overall comments. We do reserve the right to comment at a later date should circumstance change.
- 5.6 The Committee should also note that I have been in detailed correspondence with the Parish Council in recent times and have provided some detailed responses to various questions posed about the content of the application and procedural issues.
- 5.7 East Peckham (January 2009): Objects on the following grounds:
- Scale, size, bulk and mass of the proposed development;
 - Overdevelopment of land already blighted by polytunnels;
 - Degree of permanency of the proposed development;
 - Detrimental effect on landscape, environment and wildlife;
 - Impact on the surrounding area;
 - Impact on tourism;
 - The area is considered to be of special landscape importance;
 - Greater demand on water supplies;

- Flooding and run-off;
- The land should be used to grow seasonal crops in tune with the climate.

5.8 East Peckham (January 2011): Objects on the following grounds:

- Potential flood risk without adequate measures in place to prevent water run off from the land;
- Size, scale and mass of the proposal;
- Negative impact the application would have on the environment and ecosystem;
- Serious concerns regarding the disposal of redundant plastic and plant material.

5.9 East Peckham PC - Landscape and Visual Impact Assessment Addendum – Objection. Previous comments reiterated.

5.10 Mereworth PC (January 2009): Mereworth PC raises no objections to the above planning application for polytunnels and fully supports this application.

5.11 Mereworth PC (December 2010): At their planning meeting on Tuesday 14th September, Mereworth PC was given a presentation by the applicant – Mrs Marion Regan - who gave a detailed update on the work carried out to date on the application. She brought with her all of the associated papers, plans and reports which included the Planning Statement, the Landscape and Visual Assessment plan, the flood risk assessment, the Economics report, the design and access statement and many others. The presentation was found to be most informative for PC members and they were very impressed with the enormous amount of supporting information now available for this application. The PC were also referred to the TMBC web based system for access to all documents associated with this application and subsequently a large proportion of this information has now been read and duly considered by PC members, who as 'laymen' must accept the findings of the independent reports.

5.11.1 Mereworth PC have previously confirmed to TMBC Planning department, unanimous support of this application and having now considered the extensive supporting information available, are even more confident that their original decision was correct. In addition, since the application was lodged in 2008, the PC have kept the local community fully informed of the background to the proposals, primarily through the local village magazine and it can be reported that in all that time, the PC has not had one resident formally object to the proposals. The only comment that has been made by one or two residents is with regard to the view of the tunnels on the hillside as Alders roundabout is approached from the Paddock Wood side, where the plastic covering material is fairly prominent in the overall

landscape. However, the PC is fully appreciative that this aspect has been fully covered in the Visual Impact Study that has been carried out along with all other key viewpoints in the area.

5.11.2 The reasons for the ongoing support of the PC can be summarised as follows:

5.11.3 The council still appreciates the fact that there was no requirement in part for such an original application, and that it was done primarily to regularise the existing situation, where polytunnels have been used for more than 4 years at the farm, and bring it under formal planning control in the future. In addition, local residents will know in detail where polytunnels are to be located and which sites remain free for up to at least 2015, which is clearly beneficial for those living in close proximity to the tunnels.

5.11.4 It is noted that the South East Plan recognises the need for active management of the landscape and that Barons Place Farm supports the local landscape character by already adopting an extensive conservation and management plan.

5.11.5 It is recognised that current government policy emphasises that sustainable development and home grown produce should be encouraged, particularly as only 10% of our fruit is produced nationally.

5.11.6 The area covered in the application is approximately the same as the area currently covered and so there is no significant change overall in this regard and for some years to come. It is also noted that the 30% of the farm which is used for soft fruit protection is considerably less intensive than many other soft fruit holdings in the UK.

5.11.7 From an economic stand point, it is very clear that the ongoing use of polytunnels is vital to competitive soft fruit production. Without the use of polytunnels in the UK climate, a great proportion of fruit would be lost due to rain damage etc and the farm would not be economically viable for soft fruit produce. This would mean that this lost fruit market would primarily be supplemented by importing soft fruits from abroad. It would also have a significant impact on the rural economy with a lost contribution of around £6.9m/year and the loss of over 100 full time jobs (approximately 40 of which are local). Alternative use of the grade 3 land is very limited and from the Economics report it is noted that the adoption of an arable farming system would result in an annual trading loss of £100,000 and, if adopted, would also necessitate the loss of many hedgerows and trees. Clearly the farm would inevitably become economically unviable to run if it was reliant solely on crop production and it is of great concern to the village of Mereworth, that other industrial use or additional house building on the farm land could be very detrimental to the whole local rural environment.

5.11.8 Amongst all the various reports, it is clear that the Landscape and Visual Assessment is of greatest importance, as the visual impact on the local community is the thing that matters most to the general public. It was therefore very

reassuring to read that there were no areas identified where polytunnels are located, that made a significant visual impact. Also, those mitigation measures included in the report and now in place, for the relatively small amount of visual impact cases identified, would be implemented following planning approval. This in turn will improve screening from hedges generally in the area, and again have a very beneficial effect on the local environment.

- 5.11.9 It was reassuring to read in the Design and Access Statement (7.2.5) that any concerns by residents about the closeness of polytunnels to their properties have been alleviated by the applicant's confirmation that polytunnels will not be sited less than 30m from the property boundary. It was also fully recognised that under current planning law there is no consideration given to objections due to loss of a view from a property or the effect on property prices. The PC took these two factors into account when making their decision on the application.
- 5.11.10 It is fully recognised and appreciated that the use of polytunnels represents a transient and non-permanent development form, particularly with plastic covers being removed as soon as cropping is complete. Within the documentation there are plans showing the current and also the future locations of polytunnels up to at least 2015 which will be of great benefit to local residents.
- 5.11.11 It is understood that there was an initial concern by some about the use of polytunnels increasing the use of pesticides on the farm. This has been categorically proved not to be the case and that in fact, pesticide use is actually reduced when polytunnels are used.
- 5.11.12 It is also understood that there had been concern about flooding resulting from the use of polytunnels and noted that the EA have no objection to the application as the measures proposed in the Flood Risk Assessment will prevent any increase in surface water run off.
- 5.11.13 As an old rural village, Mereworth greatly values the presence of a farm that was established over 110 years ago by the applicant's ancestors and has, over those years, provided employment for many generations of local families. In order for this farm to continue providing such employment, together with all of the previously mentioned matters above, Mereworth Parish Council's Planning Committee decided to continue to fully support this application.
- 5.12 Mereworth PC - Landscape and Visual Impact Assessment Addendum – No objections.
- 5.13 King Hill PC (February 2009): Members had no objection and were fully supportive of the application.
- 5.14 Kings Hill PC (October 2010): No comments to make.

- 5.15 Kings Hill PC - Landscape and Visual Impact Assessment Addendum – No objections to this application and supports the proposal of additional planting as suggested.
- 5.16 West Malling PC (April 2009): Members fully understood the applicant's reasons for this proposal but have nonetheless expressed concerns about the environmental aspects and also the possible impact on residents, particularly with regard to noise.
- 5.17 West Malling PC (September 2010): No comments to make.
- 5.18 West Malling PC – Landscape and Visual Impact Assessment Addendum – No comments to make.
- 5.19 Hadlow PC (January 2009): We are concerned at the amount and extent of the polythene tunnels and their impact on the countryside. The Council is concerned that this many tunnels will spoil the beautiful Kent countryside.
- 5.20 Hadlow PC (November 2010): Approve but request consideration be given to the following:
- Code of practice is adhered to;
 - Noise pollution – consideration given by employees particularly in the morning when using radios etc. Mindful of noise caused by flapping PVC especially near to residences;
 - Respectful of distance between polytunnels and/or footpaths/residences.
- 5.21 Hadlow PC - Landscape and Visual Impact Assessment Addendum – Agreed
- 5.22 Watringbury PC (January 2011): Objects. This is not a blanket objection to polytunnels on this application site but a request to seriously consider whether a development of this scale is appropriate to this setting. Watringbury PC would welcome an amended application with a greatly reduced area of land to be covered in polytunnels and a more sympathetic approach to both the residents that are immediately adjacent to the proposed development and the effect on the beautiful landscape of the Kent countryside. In reaching this decision members of the Planning Committee have attended and listened to talks by both the applicant and other interested parties together with carrying out independent research. Various aspects of the application have been considered by Watringbury PC and are set out below:
- 5.22.1 Scale – the average size of a soft fruit farm in England is 50acres (Tunnelfacts and Pro-Tech Marketing). We believe that the scale of this proposed development is not in keeping with the Garden of England's landscape and heritage. Industry literature for the promotion of the use of polytunnels states that 'because

polytunnels increase fruit yields, they have reduced acreage' (Pro-tech Marketing). We therefore request that this development should be controlled and proportionate, sympathetic to both the landscape and the immediate neighbours whose lives will be blighted by such extensive development. Other farms in the immediate vicinity have polytunnels. These should be illustrated on a plan so that the overall effect of the polytunnels can be taken into account. Although the applicant is seeking permission for 30% of their land to be under plastic at any one time this is not distributed evenly and West Peckham will have up to 50% of its agricultural land under plastic if this application is approved.

5.22.2 Diversification – we do not believe that full consideration of alternative crops has been fully considered. Top fruit, hops, arable, cereal and other vegetables (courgettes etc) or fruit (blackcurrants, vines etc) are all grown successfully in the region. It seems from the reports submitted that no serious consideration has been given to reinstating the land to its former use. This proposal is not simply a matter of finding a profitable use for land already owned or leased by Hugh Lowe farms. The applicant has recently made a conscious decision to expand its soft fruit acreage by leasing additional land previously not used for soft fruit production. The applicant has explained that this application is simply seeking to legitimise polytunnels that are already in use. There are currently no polytunnels on land between Pizien Well and Canon Lane in Wateringbury. However, the proposed development shows all of the applicant's land in this area under polytunnels.

5.22.3 Flooding – Wateringbury PC has grave concerns over the effect of the proposed polytunnels on the local water table and the potential to cause flooding. Wateringbury PC has particular concern about potential flooding on the fields that slope towards the A26 between Pizien Well and Canon Lane. These fields become waterlogged during the winter months so that tractors cannot access the bottom of them. Erecting polytunnels over this area will exacerbate this situation and potentially cause flooding on the A26. We believe flooding is also a concern to the residents of West Peckham.

5.22.4 Landscape – The proposed development sits in an open valley landscape. It is a visually sensitive area and the south facing slopes are visible from many surrounding roads, bridleways, footpaths and houses. Many long distance viewpoints will be spoilt by this proposed development. Many residents of Wateringbury and other Parishes currently enjoy walking along the footpath from the Kings Hill golf course down to Pizien Well on the A26. This walk and others would be completely ruined by the erection of polytunnels along both sides of this footpath. Who would want to walk in the countryside without wanting to see it?

5.22.5 I notice that the proposed polytunnels not only butt up to the conservation area in Canon Lane, Wateringbury but also show that polytunnels will adjoin The Stables in Canon Lane which is a beautiful Grade II Listed Building. This would

significantly affect the setting of the listed property. The applicant also proposes to erect polytunnels adjoining the property of Mereworth Castle which is a beautiful and rare example of a Palladian Villa.

- 5.22.6 Tourism – Has the effect on tourism been taken into account? This is an area that attracts many tourists particularly during the summer months. This is mainly due to its rich history (with many gardens and castles open to the public) and its reputation as the ‘Garden of England’. This term refers to the small scale ‘market gardening’ that has been prevalent in the area for centuries, supplying London and the Home Counties with fresh fruit and vegetables, not to large scale agri-business that ruins the beauty of the landscape. Many foreign tourists visit the area. However, the numbers may reduce if the beauty of the area is reduced.
- 5.22.7 Neighbours – Negative effects of the polytunnels for those living in close proximity to them include excessive glare, noise from the plastic flapping and the rain beating down on the plastic. In high winds the metal frames rattle. There is also the noise and disturbance generated by the fruit pickers with neighbours already complaining about loud radios, tractors and buses bringing workers to site. Historically this may have happened for several weeks a year in one particular field but as the picking season is increased from approx 1 month to 5 months so the disturbance to immediate neighbours is increased fivefold. The polytunnels do and will have a negative impact on residential amenity.
- 5.22.8 Environment – A study by University of Herefordshire claims that the carbon footprint benefit of producing soft fruit in England under polytunnels is miniscule compared to equivalent imports from Spain. With regards to the ‘successional’ tunnels the fruit is not grown in the ground but put on raised metal trestle tables using grow bags and hydroponic systems. The use of grow bags that are made in Holland and contain coconut husk/coir from Southern India makes a mockery of the produce being called local. The fruit that is found in local supermarkets will have been transported to London or further afield to be distributed back down to Kent. As the polytunnels do not allow for natural rain to fall on the fields the land has to be irrigated. This seems an unnecessary industrialisation of the countryside. As the Kentish soil plays no part in the production of fruit in the successional tunnels the fruit could just as easily be produced on a brownfield site like a disused airstrip. These tunnels have no need whatsoever to be placed in such a beautiful landscape and no relationship to local agriculture.
- 5.22.9 Economics – The potential benefit to the local economy and agriculture in general is the only ‘positive’ element the polytunnels can bring to the area. However, this has to be weighed up against all the negatives. Most of the employees are casual labour from Eastern Europe so one must assume that a high proportion of the money paid in salaries will not end up boosting our local economy. Historically, holiday jobs on farms for local students have always been available but as the picking season is extended and the casual labour is imported local students cannot now get this work. Although house prices cannot be directly

taken into account, surely it will affect the local economy if what were considered to be desirable houses cannot be sold because their aspect has been ruined by polytunnels. Although the economic benefit to Hugh Lowe Farms is obvious, if this large development is approved smaller producers may well be displaced and smaller farms could well go out of business. This would not benefit the local economy. Whilst Watringbury PC supports the use of polytunnels by farmers and appreciates their benefit to the agricultural industry the scale of this development makes it unacceptable.

5.22.10 Summary – It seems that this application should be considered by weighing up the negative impact on the countryside and local residents versus the economic benefit to the immediate area. Watringbury PC feels that this proposal has unacceptable adverse effects on the character of the landscape. The Greensand Way and Weald Way are both well known walks which would be ruined by this development. Watringbury PC would urge TMBC to request a greatly reduced proposal which looks at the suitability of individual fields, reduces the impact of immediate neighbours and reduces the impact on our precious countryside. A reduction in the proposed acreage of successional tunnels would be welcomed as these tunnels have no relationship with our Kent countryside. In asking that this application is reconsidered there are obvious concerns that the ‘four year rule’ may well come into effect and ‘legitimise’ many of the polytunnels for which permission is currently being sought.

5.23 Watringbury PC - Landscape and Visual Impact Assessment Addendum – The PC felt the photographs shown with the application were not clear enough for them to comment.

5.24 Teston PC: Although we are not within Tonbridge and Malling, we would like to register our views, as this is an application of the type that causes considerable concern to rural Parish Councils and your decision on this application may set a precedent that could have unfortunate implications elsewhere. We have received the material for the above application, which was very helpful. The total area covered by this application is apparently some 550ha, with 165ha (or 30%) to be covered by polytunnels at any one time. This is polytunnels on an industrial scale and, using Google Earth, the dominant impact on the area and the many nearby homes is evident. The “industrial” aspect of this site is reinforced by the fact that 74ha (or some 45% of the polytunnels) are to cover bags or pots and the underlying agricultural land is incidental.

5.24.1 Planning Process – the applicant stresses that this is a retrospective planning application and that the activity has been going on for many years. It is also stated that “the applicant had not received any complaints about the use of tunnels on their farm from the local community.” That rather misses the point; there has been no basis upon which any person or organisation could object formally in the past, because polytunnels have been installed unilaterally by land owners, without any oversight through a planning process. At last that has been corrected and

therefore this, and other applications, should be viewed purely on their merits and should not be judged on the basis that they have been there for a while. As polytunnels are now, at last, brought within the planning process, individuals and organisations have a defined procedure within which to register their views and I suspect that you are now receiving extensive comments on this application. We contend that, as this is the first opportunity to comment on this site through a formal planning process, it should be judged afresh and not on the basis that it has been there for some time and just needs to be “regularised”.

5.24.2 Visual Impact – the applicant contends that:

- “Any harm is capable of appropriate mitigation.....and is more than outweighed by the economic and environmental benefits such as the provision of local skilled jobs and reduced food miles”;
- “It must be stressed that any impact on views from private property is not a planning issue”, which is perhaps interesting within the context of a good community policy;
- “In terms of longer distant views...not considered harmful...but part of the back drop of wider landscape reflecting the change in horticultural practices” and;
- “...the earliest tunnels may be visible in February/March, during the majority of the time when the tunnels are covered with plastic this coincides with when the landscape features are covered with leaves and this enhances the screening quality”.

5.24.3 The applicant is taking a rather narrow view of visual impact.

5.24.4 While proposed improvements to hedges and shelter belts, provision of landscape features and leaving more extensive headlands may mitigate short views, it does nothing at all to protect long views, if the topography of the land is undulating. In that case, polytunnels will clearly be visible from a distance and have a considerable adverse impact on landscape. To say that we must accept this change in the wider landscape as part of a change to horticultural practices is to try and avoid the greater rigour that is, or should be, applied to what is in effect industrial activity on a substantial scale.

5.24.5 The above comments make it clear that the applicant dismisses the impact on any long distance views and that must be of great concern to the wider community.

5.24.6 It should also be noted that the presence of polytunnels, and therefore their visual impact, is greatest just when people are more likely to be outside; that is during the central six months of the calendar year, with warmer weather and longer daylight hours.

- 5.24.7 Other impact – the applicant contends that “in terms of residential amenity, many of the points raised by local residents do not arise specifically from the use of the tunnels and are therefore not relevant considerations to this application”. That is a regrettable stance, on the assumption that the applicant wishes to be on good terms with the surrounding, and surrounded, community.
- 5.24.8 Site management – the applicant makes several references to “good management practice”. The problem is that, once any permanent planning permission is given, sanctions for not adhering to good management practice are limited and slow acting; presumably “enforcement”.
- 5.24.9 Noise from flapping polythene is dismissed as susceptible to good management practices. It may well be, but that depends upon the management plan being adhered to and that cannot be assured.
- 5.24.10 If polytunnels were subject to a licensing process, that license could be withdrawn if management requirements were not adhered to. Similarly, if the applicant sought temporary planning permission, subsequent quality of site management could be a consideration when renewal was applied for. For permanent planning permission, the community is exposed to any failure to adhere to the Management Plan.
- 5.24.11 Economic – the applicant has committed significant effort in assessing the economic contribution of Hugh Lowe Farms Limited, with the assessment performed by their retained auditors.
- 5.24.12 Hugh Lowe Farms Limited apparently represents 10% of the throughput of KG Growers, a cooperative of 70 soft and stone fruit growers in the UK; that is, the applicant has grown to some seven times the average of all members of the cooperative. That indicates that the scale of industrialisation by the applicant and reinforces the need to view this application not as horticulture but as “industry”.
- 5.24.13 The assessed impact on Berry Gardens (the marketing arm of KG Growers) notes that one of its competitors has substantially reduced strawberry production, primarily because of inability to obtain planning permissions for production sites and for infrastructure such as accommodation. That indicates that other Councils are testing the appropriateness of production facilities within their areas, presumably based on concerns similar to those raised for this application.
- 5.24.14 In terms of employment, Hugh Lowe Farms declare on their website that they are heavily dependant on overseas workers, which sets the context for potential impact on local employment and also raises issues about the calculation of estimated local contribution, should the farm, perhaps in the extreme case, cease soft fruit production.

- 5.24.15 Food miles are recognised as an important consideration, but it is not the only consideration when an industrial scale development resides amongst the community.
- 5.24.16 Poly tunnels policy – with other Parish Councils, we are pressing for a policy to be established relating to poly tunnels, with that policy to cover key factors such as: duration of permission i.e. whether re-application should be required, in any event, after a set period (to allow operational experience to be taken into account); topography of the site, screening and how effective that must be for short and long distance views, any noise implications, proximity to other sites with permission for poly tunnels, total acreage, acreage to be covered by poly tunnels at any one time, and duration of such cover each year, including any set-up and dismantling time.
- 5.24.17 Other factors might be: whether the metal frames should be erected and removed at the same time as the polythene, whether the poly tunnels may contain raised beds and, if so, source and disposal of planting materials, impact on utilities, including water, impact on flow of surface water (and impact on irrigation water), impact on wildlife, nature of, and impact on, local roads and bridges and access to the trunk road network.
- 5.24.18 In the absence of an agreed policy applicable to Tonbridge and Malling there would appear to be reasonable grounds to request that, if any reasonable doubts are raised about the merits of an application, it should not be approved other than on a short term, temporary basis, and, in the more contentious instances, not be approved at all.
- 5.24.19 Our request – we ask that this application be reviewed within the context of its large, industrial scale. In particular, the fact that some 45% of the requested poly tunnels are to cover bags or pots, irrespective of the quality of the underlying agricultural land, and could be located elsewhere than in an area that, judging by the letters on your website, has such an impact on the community and long term views.
- 5.24.20 We are worried about a precedent being set that would encourage further large scale use of poly tunnels in a well populated area with undulating countryside that would make them very visible and unattractive from a distance.
- 5.24.21 We ask that the scale of any permitted poly tunnels be substantially reduced and adherence to an appropriate Management Plan be made a firm condition. In addition, we ask that, in the absence of a poly tunnels policy, any permission is only given on a temporary basis.
- 5.24.22 We support the position of those Parish Councils immediately affected by this application.
- 5.25 Barming PC: Echoes views of Teston PC above.

5.26 West Farleigh PC: Echoes views of Teston PC above.

Other Statutory Bodies and External Consultees

- 5.27 Environment Agency: Initially (February 2009) objected in the absence of a Flood Risk Assessment. Following submission of the FRA (August 2010) raises no objection to the application as they are satisfied that the measures proposed within the submitted Flood Risk Assessment will prevent any increase in surface water run off.
- 5.28 KCC (Heritage) (September 2010): The additional details comprise a Landscape and Visual Impact Assessment by DLA Ltd as well as a revised Design and Access Statement and revised plans. I note that some historic landscape issues are considered within the LVIA. I am disappointed that the applicant does not seem to think that the historic environment for this area of Mereworth warrants a specific assessment. There is a rich and distinctive heritage for this area and it should be a material consideration alongside the natural environment. Although there is some consideration of certain historic elements within the landscape, such as Mereworth Castle parkland, there is no integrated approach towards the historic environment and as such the assessment for heritage is rather disjointed and difficult to understand. Within Appendix C there is an extract from a possible Historic Landscape Assessment but again only selected extracts have been presented and the data provided is fragmentary.
- 5.28.1 A reasonable assessment of the historic environment should preferably present baseline data clearly. There should be a map/plan showing the HER data and basic historic environment designations. Figure 6 of the LVIA does not present heritage data clearly. There should be copies of the Tithe Map, the early OS maps, estate maps from Mereworth Castle etc; all readily accessible. This map data should be reviewed alongside documentary data and a walkover survey. Then all the evidence should be set out clearly within an assessment of the proposal and the expected impact followed by proposed mitigation. This would ensure that the mitigation and the decisions made were evidence-based. This does not appear to have been done for this application and as such there are historic landscape issues which have not been addressed.
- 5.28.2 For example, a simple map regression exercise would highlight that proposed rotational tunnels within Area 2 (Bulls Farm) could have a direct impact on possible remains of the designed historic parkland of Mereworth Castle with an avenue or walkway lined by trees, as shown on the 2nd Edition OS map. Whether any of this avenue is surviving is not made clear and as such there cannot be any reasonable assessment of the suitability of mitigation in this area.

- 5.28.3 Another example of useful historic environment assessment that has not been undertaken is the suggestions within Appendix C that Mereworth was a deer park. There is documentary evidence to support this and there may be remnants of a park pale in the locality. The LVIA does not seem to address the possible location of any park pale and whether there may be an impact from polytunnels.
- 5.28.4 On the basis of current information I suggest that it would be preferable for this application to be supported by a comprehensive and integrated Historic Landscape Assessment. The rich and diverse historic environment of the application site merits its own assessment by a suitable specialist.
- 5.28.5 However, when considering this application I note that the polytunnels are non-permanent and the proposed mitigation of hedgerows is a present day characteristic landscape feature of this area. Further historic landscape assessment would provide a better understanding of the historic environment of the application site and the impact of the proposed scheme but it may not necessarily highlight reasonable objections to the scheme.
- 5.28.6 On the basis of the present information, the mitigation proposed seems sufficient.
- 5.29 KWT (February 2009): Initially objected on the grounds that the development gives rise to disruption to wildlife and their habitats, and that there is no exceptional justification nor any compensation for this disruption. Inadequacies were also identified in the Management Plan.
- 5.30 KWT (October 2010): The submitted documents incorporate many adjustments to the operation of the farm business discussed between the applicant and the Trust's Land Management Adviser. They also confirm the significant number and impressive range of environmental initiatives that this farm business has in the past and intends in future to undertake.
- 5.30.1 The business has applied to enter into a 5-year Natural England Entry Level Stewardship scheme (ELS). This has already informed the farm's Conservation and Biodiversity Management Plan (2010-11). The ELS provides a strategic context within which actions, including those acknowledged by the LEAF Marque, can be prioritised to optimise biodiversity gains. The Trust welcomes this important initiative which should enhance significantly local biodiversity.
- 5.30.2 The ELS commitment, together with the evidence now provided of a long-established and ambitious environmental management regime at Barons Place Farm, addresses successfully all the Trust's concerns raised in its original

representations. In the circumstances, the Trust is prepared to withdraw its objection to the grant of permission for the specific package of polytunnel proposals for this farm, subject to the imposition of planning conditions to secure the following:

- A whole farm Conservation & Biodiversity Action Plan to be submitted for approval every 3 years. The submission to be supported by a report showing the results of the previous year's survey of indicator species;
- All fields currently unused for arable or soft fruit production, unless otherwise agreed, to remain un-cropped and managed in line with the selected prescriptions of the Entry Level Stewardship scheme.

5.31 Natural England: We have considered the application and the potential impacts resulting from the proposals upon the landscape character of the area, particularly in relation to the potential impacts upon the Kent Downs AONB which lies within 1.5km of the application site. Natural England is disappointed that the potential impacts upon the reasons for designation of the Kent Downs AONB do not appear to have been considered despite the scale of the polytunnels proposed. Given the potential impacts of the lack of an assessment, Natural England objects to this application pending the submission of the following information:

- A revised landscape and visual impact assessment considering the potential impacts upon the Kent Downs AONB which should include assessments from view points within the AONB and;
- A detailed plan showing the theoretical zone of visual influence resulting from this proposal.

5.31.2 We request that you also refer to the Kent Downs AONB Management Plan for detailed guidance on ways in which landscape character and local distinctiveness can be preserved when considering this application.

5.31.3 Natural England is also concerned that the wider landscape impacts of this proposal do not appear to have been fully assessed since all of the viewpoints with the exception of Viewpoint 5 are within the application site itself. Given the scale and nature of the development, there is the potential for significant impacts upon the wider local landscape and for users of well established regional recreational routes such as the Greensand Way and the Weald Way. For a scheme of this nature and size, Natural England would normally expect to see a wide selection of viewpoints, both within the application site and the surrounding countryside, to be used during the landscape and visual impact assessment to provide a robust assessment of the landscape impacts.

5.31.4 Natural England - Landscape and Visual Impact Assessment Addendum – Having fully considered the addendum to the landscape assessment we consider that by including the additional viewpoints within the landscape character

assessment, a thorough appraisal of the potential impacts upon both the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONBs) has been undertaken. We are satisfied that the topography and woodland cover between the application site and the two AONBs will mitigate any potential impacts. Consequently, Natural England is content that the applicant has demonstrated that any potential impacts upon the AONBs are insignificant and we therefore withdraw our earlier objection.

5.32 Kent Downs AONB: Supports Natural England's position that the visual impact of the proposals should be assessed from both AONBs. As the site is within the setting of the Kent Downs AONB, we would wish to see:

- A revised landscape and visual assessment considering the potential impacts upon the Kent Downs AONB which should include assessments from view points within the AONB and;
- A detailed plan showing the theoretical zone of visual influence resulting from this proposal.

5.32.2 For a scheme of this nature and size and its potential impact on the setting of the KDAONB, we support Natural England's view and would normally expect to see a wide selection of viewpoints, both within the application site and the surrounding countryside which in this case should include from the AONBs.

5.33 CPRE (Protect Kent) (April 2009): Objection:

- The application does not regularise current practice but seeks to extend the scale of the operation;
- This is a significant development in the MGB and SLA; of particular concern is the proposal for permanent tunnels on such a large scale; the "successional" tunnels should be rejected;
- Should be conditional upon a Flood risk Assessment, Landscape Impact Assessment and waste management plan;
- If permission is granted, there should be a condition on the length of time that tunnels can remain in place;
- Detailed plans should be provided of each field to show respect for residential properties and the industry code of practice.

5.34 CPRE (Protect Kent) (January 2011): Supports the use of polytunnels for the growing of soft fruit provided that it is sanctioned by a sustainable application that is fully compliant with the relevant planning criteria. This is such a large application

that it is in everyone's interest that all local stakeholders buy into the result as being fair and proportionate to all parties. CPRE has the following concerns about the application at present.

- 5.34.1 Residential Amenity – Hereford Council has produced the only substantial criteria in the form of their SPD. We would like this application to be compliant with the residential amenity criteria as set out in that document including the specified clearance around footpaths and distances from residential curtilage.
- 5.34.2 CPRE is concerned that the applicant has arbitrarily removed 33ha of land from the application. In planning law it is our understanding that an applicant must make an application for a Lawful Development Certificate and during that process prove to the LPA that the application is lawful and fully compliant with the relevant legislation. It is not clear to us that the LPA has taken sufficient steps to engage with the applicant regarding the status of this land and to raise the prospect of enforcement action if this land is outside the planning process. It would be wrong for any applicant to avoid the planning process on a technicality and it would be wrong for the LPA to set an unfortunate precedent.
- 5.34.3 CPRE is not qualified to evaluate the business case put forward by the applicant. The LPA should employ suitably qualified consultants to carry out a robust analysis and report back on the veracity of the applicant's case.
- 5.34.4 CPRE refers the LPA to the conclusions of the attached Flood Risk Assessment Report, produced by Protect Kent (CPRE Kent).
- 5.34.5 CPRE is of the opinion that an Environmental Impact Assessment would have helped all concerned to make a more informed judgement on this application and consider that the LPA is remiss for not having requested one.
- 5.34.6 There is some evidence that rain runoff from fields causes localised flooding and mud to be deposited on the public highway. What is unclear is whether the areas covered by plastic contribute to this problem? Have Kent Highway Services been consulted in these regards?
- 5.34.7 CPRE's view is that the application is inadequate at present in the areas previously referred to and we lodge an objection at this point in time. We would encourage the applicant to address those areas of the application in need of revision and CPRE will reconsider the revised application.

5.35 PROW: No objections.

TMBC Internal Consultees

- 5.36 DHH: Environmental Protection – In the past complaints have been received about the plastic sheeting which in some cases has blown off the frames, and subsequently been ploughed into adjoining fields. This has led to the sheeting

being ripped up, and whilst some remains ploughed into the field, the rest becomes windblown, ending up in hedgerows and beyond. I would suggest that a condition be imposed, requiring the farmer to ensure that in such circumstances, all sheeting is cleared from land when it becomes detached from the polytunnel frames.

Private Representations

5.37 When the application was reported to Committee last September, Members requested a detailed breakdown of the issues raised, and also a geographical analysis of the representations received. The objections and letters of support are analysed below. Although there are some discernible patterns to the geographical source of objection and support, there does not appear to be any clear geographical pattern in the detailed issues raised, within that broad classification of objection or support.

5.38 **Objection:** Total of 84 letters of objection on the “first round” of consultation in early 2009. On the “second round” of consultation, following receipt of the additional information in July 2010, a further 107 letters of objection have been received. Summary of issues raised:

- Farmers do not need polytunnels in order to survive;
- They are a blot on the countryside;
- Area is becoming an industrial landscape, causing irreversible damage;
- Green belt land should be protected not exploited for the benefit of the few;
- Excessive use;
- Total disregard to how the structures will be monitored;
- Causes harm to delicate balance of local wildlife;
- Intensive method of production will increase pollution;
- Polytunnels should be positioned sensitively within the landscape, not dominate views of the area;
- Structures are unattractive, cause visual harm within the landscape;
- Increase in noise disturbance;
- Serious impact on water courses and drainage especially during dry seasons. Also amount of water consumption will increase in order to support increasing crops;

- Negative impact on local tourism;
- Glare from the plastic during summer months;
- Research suggests that the plastic will be ingested by local wildlife;
- Likely harm to nature conservation;
- Disproportionate project for local need;
- Will adversely affect property prices;
- Agriculture is defined as the cultivation of the soil – all applications that do not involve this should be rejected – this is industrial development not agriculture;
- Structures dominate the landscape – out of character with the landscape;
- Economic considerations are taking priority over ecological considerations;
- Concerns regarding flooding;
- Employment opportunities are concentrated to mainly Eastern European workers so arguments regarding local jobs are unjustified;
- Will set dangerous precedent for other farms to do the same;
- Large landowners should be stewards of the land;
- No economic argument for the use of polytunnels;
- Must be a limit to the acreage covered by the polytunnels;
- Great Crested Newt has been identified at Vines Farm, Matthews Lane – the presence of this species must be a material consideration. Development would pose a great danger to this nature reserve;
- Disregard for NFU guidelines;
- Statement that only 30% of the land is to be covered is erroneous because there are large areas that cannot be farmed – woodlands, reservoirs and paddocks. Figures given are misleading;
- Alternative crops have not been given sufficient consideration;
- Damage to earth underneath the polytunnels will leave the soil barren;
- Corporate customers of Hugh Lowe Farms are applying pressure on the Council in its deliberations;

- Question the relevance to the '4 year rule';
- Polytunnels should only be installed on brownfield land;
- Significant number of the polytunnels are proposed to be permanent;
- Impact on a number of listed buildings in the vicinity;
- Argument regarding reduction in food miles is incorrect.

One particular letter of objection, submitted on behalf of a group of local residents, contains a lot of detailed information but, to a large extent, draws upon similar material to that submitted by West Peckham Parish Council.

5.39 Geographical analysis of letters of objection:

Area	Number "1st round" (2009)	Number "2nd round" (2010)
Mereworth	4	2
West Peckham	27	20
East Peckham	7	14
Golden Green	2	0
Tonbridge	12	8
Hadlow	9	4
Ightham	0	1
Wateringbury	2	4
Plaxtol	4	5
Offham	1	2
Borough Green	0	1
Unknown	12	25
Outside Borough	4	21

5.40 **Support:** Total of 67 letters of support on the “first round” of consultation in early 2009. On the “second round” of consultation, following receipt of the additional information in July 2010, a further 80 letters of support have been received.

Summary of issues raised:

- Polytunnels are essential for the production of soft fruit in the 21st century especially when considering food shortage predictions;
- Can reduce the amount of pesticides needed as certain diseases can be better controlled, also potential for spray drift is better controlled
- Farm has shown a commitment to conservation and maintaining biodiversity;
- Long established local business;
- Failure to obtain planning permission would result in the applicants needing to adopt a completely different farming strategy and loss of local employment;
- Applicant is operating a sustainable soft fruit farm within a well managed environment, creating employment and generating local and national income;
- Most up to date method of soft fruit farming sustainable crops;
- Whole farm plan means that we will know where the tunnels will be and that we will know there will be no ‘tunnel creep’;
- Must not run farmers out of business by over-constraining them in an already competitive market;
- Farmers are best custodians of the land;
- Farmers must respond to change and from increasing competition from abroad;
- Polytunnels are required to ensure better quality product and a longer season;
- For centuries farmers have been providing an ever changing and evolving landscape in the answer to the country’s requirements for food;
- Locally grown food should be supported;
- Applicant is a responsible, long established local business which benefits the local economy – highly respected within the community and amongst the growing retailers they supply;
- Application is balanced and detailed;
- Density of tunnels on land will be low;

- Use of tunnels can reduce water usage from the use of substrate growing methods;
- Tunnels can become part of the local view without harm being caused to the landscape;
- Without profitable business, environmental protection/improvements can not be achieved;
- Benefits to local economy;
- Future of food production needs to be taken seriously;
- Farm is neat and tidy – land is maintained and managed to a high standard;
- Wildlife thrives in the area;
- View is not disrupted;
- Pattern of small fields, hedgerows and copses that would not all have survived had the farm been converted to arable;
- Kentish landscape has historically been altered by farming practices – it is not a natural wilderness;
- No right to a view exists;
- Polytunnels are rotational and removable, not permanent;
- Some have an unrealistic idea of a rural idyll that never existed;
- Need to ensure the ongoing vitality and viability of the rural economy;
- Proposal is no more than the normal ebb and flow of farming trends that has included creation of orchards, hop fields, oil seed rape, glass houses, strawberries under blue plastic sheeting;
- High Low Farms are endorsed by the LEAF Marque – LEAF promotes environmentally friendly farming and is well regarded in the industry.

5.41 Geographical analysis of letters of support:

Area	Number “1 st round” (2009)	Number “2 nd round” (2010)
Kings Hill	0	1
East Malling	1	2
Tonbridge	1	2
East Peckham	5	4
Mereworth	14	9
Offham	1	0
West Peckham	3	1
Hadlow	7	2
Ightham	1	1
Borough Green	1	0
Snodland	1	0
Wrotham	1	1
Wateringbury	4	6
Outside Borough	20	34
Unknown – no address given	7	17

5.42 In addition, ten letters have been received making comments and/or asking questions, but which cannot be readily categorised as expressing either objection or support,

6. Discussion:

6.1 From the brief summary I have set out above, Members will understand that this application covers a very wide area of the Borough. The site lies within the Metropolitan Green Belt adjoining a number of settlements including West Peckham, Mereworth, and Kings Hill and close to Hadlow and Wateringbury. There are other enclaves of residential development and individual dwellings within the general extent of the site and nearby. The High Court has ruled that

agricultural polytunnels similar to those proposed here are, in terms of Green Belt policy, “not inappropriate” as defined in PPG 2. However, aside from that, the application raises a wide range of planning issues.

6.2 Two particular issues have been the focus of much of the comment from members of the public and others, namely:

- the impact of the polytunnels on the landscape, and their visual presence in the countryside generally, and
- the business case, in terms of agricultural need and economic imperative, put forward by the applicant.

6.3 Both of these issues have been the subject of detailed technical submissions from the applicant, following the Borough Council’s request for additional information in June 2009. In the light of the highly specialised level of analysis that these particular issues raise, we have commissioned independent consultants to advise the Council on the applicant’s submissions and on some of the more detailed public responses that they have provoked. Whilst some initial advice has been received, I am not yet in a position to report this to Members, as there remains more work to be done. It is anticipated, however, that this will be a key component of a more detailed report that I intend to present to Members in due course.

6.4 In emphasising these two key issues I recognise fully that there are other matters, for example those relating residential amenity, that are also important in this case.

6.5 It is not the purpose of this report to enable Members to debate or consider all the material planning considerations or determining issues, but for the extent and nature of the many representations to be appreciated prior to a possible site visit and a subsequent comprehensive report back at which time the Committee will be asked to reach a decision on the case.

6.6 One particular question that we have now been able to deal with is that relating to the need (or otherwise) for a formal Environmental Impact Assessment (EIA) in connection with the application. The statutory provisions with regard to the requirement for EIA are set out in detailed Regulations that apply very specific criteria. One of the categories of development that could, in certain circumstances, give rise to the need for EIA comprises: “*Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes*”. Whilst it would be reasonable to describe this proposal as being one involving intensive agricultural purposes, and the land where the tunnels are proposed is clearly not uncultivated land, there had been some legal uncertainty over the meaning of the phrase “semi-natural areas”. This very point has, however, been the subject of a protracted legal case relating to a development in Herefordshire upon which the Court of Appeal issued a judgement in January 2011. The point at issue in that case had significant parallels with the current case. The outcome of the Court of

Appeal decision has enabled me to come to a conclusion on this matter and issue a formal Screening Opinion on 17 March 2011, determining that EIA is **not** required in this instance.

- 6.7 Another matter that has given rise to a certain level of concern, as expressed through the consultation responses, is the fact that a large number of the fields that the application identifies as intended to accommodate polytunnels have already had tunnels erected in them. Apart from the retrospective nature of the application that is implied by this, there is a concern that some of these tunnels may have acquired (or may yet acquire) immunity from formal planning enforcement action, by becoming lawful through the effluxion of time. A certain amount of explanation is required here, both as to the legal position and what this means “on the ground”.
- 6.8 Tunnels such as those included in this application are treated by the Planning Acts in the same way as structures or other buildings. A particular structure may become immune from enforcement action and thus “lawful” in Planning terms if it has been in existence for a continuous period of four years. In order to achieve such lawfulness, the same structure must be in the same place for that amount of time; removing it and re-erecting a similar one in the same place will normally be regarded as interrupting the four-year period.
- 6.9 In the current application there are 12 fields where the applicant claims that the tunnels had become lawful at the time the revised application was submitted in July 2009. There is one more field where the evidence suggests that the tunnels may have become lawful since that time. There are four more fields where the information that we have indicates that lawfulness could potentially be achieved during the next twelve months or so, assuming no action to prevent this occurs in the meantime. One factor that has a bearing on whether that situation will be achieved or not is the outcome of the current application. The applicant has indicated a willingness to surrender any lawfulness that might already have accrued, in the event that the application is approved. An alternative approach that may need to be considered, if only to preserve the current legal “status quo” pending the outcome of the application, is the service of one or more enforcement Notices in respect of individual fields where the specific situation is considered to warrant this. This is a matter that is actively being looked at.
- 6.10 Although it is of limited relevance to the determination of the current application, Members may like to know that we are also investigating what the current position may be regarding polytunnels that have been erected on other farm holdings around the Borough.
- 6.11 Given the physical nature of the development and the area over which it will be seen, its visual effect is clearly going to be a major consideration for Members to take into account. I believe it is also fair to say that few Members will be familiar with the whole of the area that the application covers or affects.

- 6.12 Members will recall that, when I reported this application to the Area 2 Committee last September, my recommendation was that a Members' Site Inspection be held. Following further discussion with your Chairman and other local Members whose areas are most directly affected, I am now reiterating the recommendation that a Members' Site Inspection be held prior to putting forward the substantive report and recommendations, in order to assist Members in familiarising themselves more fully with what is proposed and where. The intention would be to view the site from a number of carefully chosen vantage points both within and near to the site of the proposed polytunnels, so that, amongst other things, Members may see the proposed sites of the tunnels in the context of the prevailing topography and the settings of the settlements and Conservation Areas. So, the purpose of the Site Inspection will be to appreciate the visual aspects of the case first hand so that these matters can be assessed along with all other considerations when Members return to the application subsequently and, to that end, Members may wish to consider whether there are any particular vantage points that it may be beneficial to incorporate into the Members' Site Inspection.
- 6.13 Given the distance that may need to be covered, and that it is therefore likely to take some time to undertake, I have suggested that the Site Inspection might most appropriately be arranged for a Saturday morning. I would arrange a coach to transport Members between the various "viewing points". A provisional date of Saturday 21 May has been identified. I would then report back to this Committee with a comprehensive report setting out the relevant issues. Again, given the level of public interest that is evident regarding this proposal, the most practicable approach would appear to be to hold a special meeting of this Committee, dedicated to this one application. Provisionally, 9 June has been identified as a suitable date for such a meeting, but these arrangements will be confirmed nearer the time.

7. Recommendation:

- 7.1 That a Members' Site Inspection be held.

Contact: Neil Hewett