Mereworth (Mereworth)/West Peckham/East Peckham/Wateringbury 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. Introduction:

1.1 Members will recall that this application has been reported to the Area 2 Planning Committee on two previous occasions, 15 September 2010 and 14 April 2011. On both occasions, Members heard oral representations from third parties, Parish Councils and the applicant. On the latter occasion, it was resolved that a Members' Site Inspection be held. That Site Inspection took place on 21 May 2011, when selected areas of the site, and its surroundings, were seen from a number of viewpoints.

1.2 This report carries forward and updates the information provided to Members in my earlier reports, and proceeds to put forward a recommendation. In view of the length of my earlier reports, and the fact that this current report includes a lot of what was said there, I have not on this occasion reproduced those reports as an annex. However, copies can be provided to Members upon request.

2. 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.

2.2 Members may recall that, when the application was reported in April, it was suggested that it might be amended to exclude any fields where polytunnels are proposed within the Parish of Hadlow. The purpose of this was to simplify the

process that the Borough Council has to go through, by removing the need to report also to Area 1 Planning Committee. The applicants have now amended the application as suggested, and they have submitted a separate application for the one field that is now left out of this application (ref: TM/11/01344/FL). The applicant are however at pains to point out that this should not be seen as diluting their intention of dealing with the proposal on the basis of a "whole farm" approach.

2.3 The total extent of the application site is some 557 hectares and, aside from the amendment mentioned above, comprises a modified version of that originally submitted. 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.

2.4 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.

2.5 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 327ha are identified as being suitable for rotational tunnels however, because of the rotational regime proposed, it is intended that the coverage would be limited to fields totalling a maximum of 91ha in any one year.

2.6 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.

2.7 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.

2.8 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; an Addendum to the Landscape and Visual Impact Assessment was submitted in December 2010;
- a Flood Risk Assessment; and
- an ecology report (submitted in May 2011).

2.9 These documents are detailed and some are quite lengthy. However, I have set out a summary of some of the salient points for Members below.

<u>Planning Statement</u>

2.10 This document sets out the background to the application, explains why it has been submitted and puts forward the applicant's assessment of the relevant Planning policy considerations, as well as providing cross-references to the other submitted documents. The points raised may be summarised as follows:

- *Polytunnels have been used on the farm for the past 20 years, and the application is, in that sense, retrospective, as it seeks to regularise this situation;*

- *The application was submitted, in large part, in the light of a Planning Appeal decision relating to a site in Surrey (the Tuesley Farm case) which provided clarification on those situations in which a planning permission might be required for polytunnels;*

- *The application that is put forward has adopted a "whole farm" approach and is put forward "without prejudice" to a claim that 33ha of the site houses tunnels that have existed for more than four years and this element is lawful in the context of Planning law;*

- *The overall density of coverage that is proposed is low, when compared to other farms around the UK;*

- *Aside from the polytunnels, other farm infrastructure investment in recent years has been significant, including drainage and reservoirs, the packhouse and cool stores, and facilities for seasonal workers;*

- *The applicants adopt a responsible attitude to the management of the farm, working in harmony with the environment and carefully protecting the natural resources of soil and water;*

- *Any harm caused to the environment and the locality as a whole, as a result of the proposed development, is capable of appropriate mitigation and is more than offset by the economic and environmental benefits;*

- *The development is capable of being accommodated within the historic pattern of the existing landscape;*

- *The farm benefits from the LEAF Marque production protocol, which is a reflection of a high quality of land management in ecological and related fields;*

- *Aware of concern regarding noise that can occur if the plastic is not properly secured – this is an issue that can be addressed through a management plan and appropriate management procedures;*

- *No tunnels will be located within 30m of dwellings except where a closer relationship is agreed with the resident concerned;*

- *The development is sustainable; it enables the farm to produce fruit whilst optimising the use of precious limited natural resources; it contributes to the "food security" of the UK, and helps to keep down "food miles";*

- *The applicant has undertaken a programme of Community Involvement, including holding public meetings and exhibitions;*

- *The development is in accordance with Government policy to promote diverse and adaptable agricultural sectors.*

The Design and Access Statement

2.11 This document includes a plan identifying individual fields within the farm holding and categorises them into:

- Land suitable for rotational polytunnels (327.30ha);
- Proposed fields for successional tunnels (26.10ha gross; 20.90ha net of margins);
- Existing successional tunnels (48.00 gross; 33.40ha net of margins);
- Fields where no polytunnels are proposed (155.80ha).

2.12 It also reiterates and expands upon some of the issues mentioned in the Planning Statement. Additional points worth noting are:

- *A general description is given of the topography and geology (soil characteristics) of the application site; it is concluded that the predominantly south-facing slopes and the soil types make this an area that is well-suited to growing soft fruit, as is borne out by history and local tradition;*
- *A history is given of the farm holding and how it has evolved over the past 100+ years;*
- *The principal perceived benefits of polytunnels for fruit production are outlined, including:*
  - *Protecting the crop from rain damage;*
  - *Reducing the need for pesticide application;*
  - *Extending the season for production of home-grown produce in response to market demand.*
  - *Increasing reliability of supply;*
  - *Increasing productivity of labour and improving working conditions.*

  It is argued that consistency of quality and reliability of supply are essential for growers to be able to operate successfully, given the expectations and contractual requirements of the principal retails outlets whom they supply;
- *An explanation is given of how individual fields have been assessed with regard to their suitability of accommodating polytunnels, taking account of factors such as the slope of the land, exposure to wind, exposure to sunshine, soil quality, proximity to residential development, and shape and size of field.*

Management Plan

2.13 This document contains Tables setting out:

- On a field-by-field and year-by-year basis, the crops produced in each field and whether tunnels have been or are intended to be used; this includes historical information from 1999 onwards and the intended future programme up to and including 2015;
- The months of the year, within a rotational cycle, when fields for different crops are likely to be under tunnels;
- The suitability of each field, assessed against a number of criteria.

2.14 The overall Management Plan also contains a number of detailed elements relating to specific topics:

2.15 Management of the crop covers: *Plastic covers are used to stimulate growth in early varieties, protect the crop during ripening and picking, and extend the season into the autumn. At the end of the season they are rolled up and lowered into the gaps between the tunnel frames. At either end of the growing season, seals at the ends of the tunnels are used, and also baffles and side skirts, to maximise the temperature advantage afforded by the tunnels. Venting is adjusted by hand to maintain optimum temperatures and humidity.*

2.16 Management of water and run-off: *The applicants are keen to optimise the use of water and to conserve it as a natural resource. A detailed Water Management Plan identifies the risk of run-off at various locations and watercourses around the site, and sets out actions to reduce and manage run-off at each identified "risk point".*

2.17 Management of soils and nutrients: *The applicants are committed to the rational use of fertilisers and organic material, and to protecting the soil from erosion and compaction. A Soil and Nutrient Management Plan sets out detailed actions and checklists, as well as anticipated application rates for nutrients such as nitrogen, phosphate and potash.*

2.18 Management of waste: *A detailed Waste Management Plan is provided, the content of which is in accordance with the Agricultural Waste Regulations 2006. All plastic waste resulting from the use of tunnels is recycled by a certified disposal contractor.*

2.19 Management of crop protection (eg through the use of pesticides and fertilisers): *There are strict legal requirements for the safe and responsible use of these chemicals, and the farm holding is accredited under the highest standards available. No incident of chemical pollution or transgression of Maximum Residue Level limits has occurred as a result of tunnel use at the farm. Integrated Crop*

Management ensures pesticides are only used when necessary and other pest and disease minimisation strategies are employed (biocontrols, cultural and agronomic measures). There are no chemical pesticides necessarily used as result of tunnels; tunnels reduce the spread of water-borne fungal diseases and maximise the efficiency of beneficial insects which are predators to identified pests. A detailed Pollution Risk Assessment and Prevention Plan is provided.

2.20 A Noise Nuisance Management Plan identifies potential sources of nuisance, such as unsecured polythene, and sets out actions to deal with this.

2.21 Management of landscape features. This is dealt with in more detail in the Landscape and Visual Impact Assessment (LVIA). However, some general points are worth noting:

- *It is said that historical features, such as hedges, windbreaks and small copses have remained as a result of the landscape having been managed as a fruit farm for many years; this also applies to the patterns of small fields;*

- *Management practices have been and will be adopted that include allowing some hedges to increase in height to provide additional screening, permitting individual trees within hedgerows to grow above the line of the hedge to break up long distance views, maintaining existing woodland and coppicing on a 17-year cycle, additional tree-planting in field corners and to provide shelter belts and so on, and managing field margins and footpath margins for biodiversity.*

2.22 Management of biodiversity: A detailed Conservation and Biodiversity Management Plan is provided. The following key points are made:

- *The use of tunnels has positive benefits through allowing the creation of new habitats and minimising applications of chemical crop protection products;*

- *Regular farm surveys have been undertaken by FWAG and RSPB; there are significant populations of red and amber list bird species present on the farm and management practices seek to retain and protect these habitats;*

- *KWT advisors have completed a Farm Environmental Record using the framework required by the Entry Level Scheme and the farm is registered on this scheme with Natural England;*

- *Beneficial insects and bees are encouraged through management practices.*

<u>Economic Reports</u>

2.23 The Regulation 4 Direction letter, issued by the Borough Council in June 2009, requested the applicant to submit a detailed business case to identify the economic benefits that the use of tunnels on the scale proposed would bring, and to demonstrate how this impacts upon the viability of their enterprise. They were

also asked to submit an appraisal of how this contributes to the local economy more generally. Following further discussions, it was agreed that, in addressing these matters, it would be appropriate to seek answers to the following questions:

- What contribution does the farm (with the polytunnels in place) make to the rural economy?

- What percentage of the soft fruit market does the farm contribute to the soft fruit industry nationally, regionally and locally?

- Is the use of polytunnels necessary for the competitive production of soft fruit?

In dealing with these issues, it was also considered helpful to consider what might happen if polytunnels were not to be used, what this would mean for the productivity of the farm and any consequential effects.

2.24 In responding to the issues, the applicant has submitted two reports, one addressing the contribution that the farm makes to the rural economy and one that looks at the economics of soft fruit production and considers the economics of alternative crops. As estimation was made of the contribution to the local economy that would be lost if polytunnels were not employed. The impact on jobs both at this farm and in the local businesses from which the farm buys goods and services was also considered. The production economics of tunnelled and non-tunnelled crops was examined, and an analysis was made of the practicality and economics of an alternative farming regime if soft fruit production were to cease at the farm. An executive summary is reproduced as **Annex 1**.

2.25 Some of the salient points that may be drawn out of these reports are:

- *The farm's Gross Value Added contribution to the economy averaged £5.4 million in 2007 and 2008; this is estimated to represent 31% of the Gross Value Added in Tonbridge and Malling from the agricultural and horticultural sector overall; the farm makes an overall contribution to the economy of £7.3 million annually, 68% of which is spent in Kent, including 22% in Tonbridge and Malling;*

- *The estimated lost contribution if polytunnels were not employed is £6.9 million per annum; this is also likely to lead to the loss of over 100 full-time jobs either on the farm itself or at supplying businesses;*

- *The farm's contribution is significant when measured in the context of the rural economy as a whole, let alone just Kent; it would all but disappear without the use of polytunnels and is difficult to replace even in the longer term;*

- *Comparison of the economic viability of producing soft fruit crops with and without tunnels shows that protected crops produce better yields (tonnes per*

hectare), a higher proportion of Class 1 fruit (ie reduced grade-outs and less waste) and generally achieve higher and more consistent prices;

- *Unprotected crops produce either a loss or only a very small surplus at Gross Margin level, with all of the unprotected crops showing a loss after the subtraction of business overhead costs;*

- *The use of polytunnels is therefore vital to competitive soft fruit production at Hugh Lowe Farms*

- *If the growing of soft fruit crops were no longer possible, the most logical response would be to concentrate on arable cropping; the farm already has staff and machinery to deal with these crops; top fruit would require a very high commitment in terms of new investment; hops are a marginal crop and sheep or beef production would be uneconomic;*

- *Arable cropping alone is unlikely to support a financially viable business on this farm holding for a number of reasons, including that the soils are such that they would require irrigation to support arable crops and the field size is unusually small (average less than 3ha), which has the general effect of suppressing yields overall;*

- *The adoption of an all-arable farming system would not only generate a considerable financial loss, but it would also create the need to increase field size through hedgerow removal and field amalgamation.*

Landscape and Visual Impact Assessment (LVIA)

2.26 This comprises a comprehensive assessment of the existing character of the landscape, categorising the local setting by reference to the Landscape Assessment of Kent (2004). The LVIA splits the proposed tunnel sites into eight distinct character areas. Nationally accepted Guidelines are used to assess the sensitivity of the landscape and the likely impact of the polytunnels on overall landscape character and in terms of visual impact generally. A landscape strategy is put forward, in the light of this analysis, for each of the eight character areas. It is noted that the detailed proposals regarding the siting of polytunnels have been amended since the original submission, mainly in the light of the landscape impact analysis that has been undertaken.

2.27 Some of the key points to come out of this assessment are:

- *The LVIA has been prepared by Landscape Architects with extensive experience in dealing with polytunnel applications. It critically appraises the impact of the polytunnels on the landscape and visual resources of the proposed growing areas (excluding areas identified as not suitable for polytunnels) and on the surrounding countryside in accordance with accepted*

methodology, dividing the farmland into eight Areas. Impact was assessed following a field survey and then a case study and analysis.

- *The farm does not lie within any area of special landscape designation and is outside the AONBs. The base line for the preparation of this report is "no tunnels".*

- *The historic pattern of small, often irregular, hedged fields has been retained, unlike much of the country where hedges have been removed to create large arable fields and pastures. The extensive hedgerows, field boundary trees and woodland provide a high level of containment, and indicate that, in principle, tunnels could be accommodated on the application fields, with all but close views restricted.*

- *The most significant views are from PROWs crossing and bordering application fields. However, the topography of the farm is complex, with a number of highly productive elevated fields on sloping ground. The more elevated parts of the site are more exposed than the flat, lowland fields, and are thus more sensitive to polytunnel development, despite retaining their hedged field boundaries.*

- *The parts of the farm most sensitive to polytunnel development farm have been identified as:*

    - *The ridge and south facing slope from north of West Peckham to King's Hill i.e. the northern section of Area 5 (Stan Lane); the northern section of Area 4 between Seven Mile Lane and Mereworth village; and Footways Field to the east of Mereworth. Primary viewpoints are middle distance views from the south of Mereworth between the A228 and footpath MR284 to the west of Mereworth Park. The slope is not a designated landscape, but is valued by the local population. Views north from the A228 are normally seen as part of a transition route through the landscape, but those from footpath MR584 are likely to be of higher significance, with viewers using the footpath for recreation and appreciation of the landscape.*

    - *The elevated eastern section of Area 8 bordering Mereworth registered park and Conservation Area. Primary viewpoints are from footpath MR281 north of West Peckham and the elevated land to the north of Mereworth.*

- *The significance of these aspects, and their sensitivity, has been recognised both by amendments to the proposed extent of tunnels and specific proposals in the landscape strategy for each character area.*

- *A significant area of the farm, approximately 156 hectares (28% of the application site area), is identified as not suitable for siting polytunnels for one or more of the following reasons:*

- *Slope of land*
- *Exposure to wind*
- *Exposure to sunshine*
- *Soil quality*
- *Proximity to population centres*
- *Shape and size of field*
- *Impact on the character and appearance of the area*
- *Impact on ecology and biodiversity*

- *This is illustrated by the exclusion of fields around St Lawrences Church Mereworth and St Michaels Church at Roydon where there could be an impact in terms of character, appearance and setting.*

- *In reaching conclusions in relation to the overall significance of the proposed polytunnel development it has been necessary to include a number of factors and calculate a residual significance post mitigation for each identified area. This considers the length of time that tunnels are on a field; the length of time that they are covered, to include the seasonal effects of the tunnels not being covered during the winter months; and the impacts of the mature mitigation when there are no tunnels on a field.*

- *Over an entire rotation, using the significance matrix, in which only 'major/moderate' and 'major' impacts are considered to be significant, the calculated post mitigation impacts are not significant.*

- *This does not mean that there is no impact, either positive, neutral or negative, but that the impact is not significant in terms of the overall rotation using the thresholds adopted. This includes the positive impacts when the mitigation measures are in place and there are no tunnels on a field, which will normally account for over 50% of a rotation. In the case of successional fields, this differs, as detailed in the LVIA, because the tunnels remain in place, although not covered throughout the year.*

- *In a typical rotation the most significant landscape and visual residual impacts, which in most cases are in the minor and moderate/minor categories, only apply for 15% of the rotation. For the remainder of the period (85%) impacts vary but are of low significance and, during the arable rotation (53%), are almost always positive impacts. Thus, the underlying landscape character remains intact, often enhanced by the mitigation measures recommended in this document and the detailed long term management programmes already in place on the farm.*

- *Extensive field boundary hedge and tree planting will enhance the quality of the landscape and will reinforce the traditional pattern of field boundaries and enclosure. In addition this will be of significant benefit to bio-diversity. The maintenance of wide field margins and the adoption / continuation of management practices which will prevent extensive massing of tunnels in any locations identified as more visually sensitive, will also ensure that there is no unacceptably harmful impact to the character or appearance of the landscape.*

- *The proposal will have no permanent impact on the historic environment, having no impact on buried archaeology, no impact on the current and historic field patterns and no significant impact on listed building settings.*

2.28 As noted, that there have been some significant changes made to the application since it was originally submitted in December 2008. These have been made as a result of the ongoing analysis of impact on the landscape, residential amenity, bio-diversity and for other reasons such as further information on soil type. The changes that have been made include:

- Six fields, or parts of them, have changed from being "suitable for rotational tunnels" to having no tunnels;

- Two fields have changed form having successional tunnels to having no tunnels;

- Six fields, or parts of them, have changed form having successional tunnels to being identified as "suitable for rotational tunnels";

- On the other hand, four fields have changed form being identified as "suitable for rotational tunnels" to having successional tunnels, mainly because of further assessment of the soil type and the impact of pests.

2.29 For each of the eight character areas, a landscape strategy is put forward. Some of the key points worth noting are:

- Boundary hedges, including those on the roadside, will be retained, managed and enhanced; tree belts will be "gapped up";

- Field margins of at least 3m width will be introduced and retained along public footpaths; these will be managed for biodiversity;

- Where a public footpath bisects a field, only one side of the footpath will have tunnels at any one time;

- Tunnel rotation will be managed so that the concurrent use of adjacent fields is limited;

- The field know as “Footways”, between Butchers Lane and the A228, will be covered with tunnels for no more than 3% of the three-year fruit phase of the rotation (ie approximately eight weeks), due to its prominence and intervisibility with St Lawrence Church;

- A “tunnel exclusion zone” has been proposed on the eastern part of “Castle” field on the upper parts of the slope above and to the east of the Alders roundabout;

- Specific locations are identified for the creation of new tree shelter belts and small copses / woodlands;

- A mixed native woodland is proposed on Arnold’s Bank, above Adam’s Well and Stan Lane fields.

Flood Risk Assessment

2.30 The principal issue examined is the likely impact of the tunnels on rainwater run-off. The topography and geology of the farm holding are analysed, along with the way in which the siting and orientation of the tunnels is likely to influence run-off patterns. A detailed description is given of the way in which run-off can be managed, using the “leg row channels” as swales, or temporary water storage pounds, to regulate the rate of run-off.

2.31 The Non-Technical summary is reproduced at **Annex 2**.

Ecology Report

2.32 This gives details of a series of ecological surveys undertaken on the site and evaluates the likely impact on a range of identified ecological receptors (flora, badgers, bats, birds, amphibians and reptiles) as well as on specific habitats, both during the construction phase and subsequent operation of the polytunnels. Mitigation measures are identified and the residual impact following mitigation is set out. The Summary and Conclusions are reproduced at **Annex 3**.

2.33 Key conclusions are:

- *There are no designated nature conservation sites within the application site;*

- *The overall impact on habitats and fauna during construction was found to be “negligible”;*

- *During operation of the tunnels, where there is an identifiable impact, this is found to be “medium beneficial”.*

3. The Site:

3.1 As described in paragraph 2.1 above, the overall site 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.

3.2 The whole of the site lies within the Metropolitan Green Belt. It adjoins a number of settlements including West Peckham, Mereworth, and Kings Hill and is close to Hadlow and Wateringbury. There are other enclaves of residential development and individual dwellings within the general extent of the site and nearby.

3.3 The application site includes small areas of land within the Mereworth and Roydon Conservation Areas, but no tunnels are proposed on these areas of land. The site also adjoins the Conservation Areas of West Peckham and Mereworth Castle. It adjoins the designated Historic Parks and Gardens at Mereworth Castle, Mere House, Oxen Hoath and Yotes Court.

3.4 The application site includes part of an area liable to flooding to the south of Mereworth village (TMBCS policy CP10) but no tunnels are proposed in this area.

3.5 Similarly, it includes land designated as Local Wildlife sites at Mereworth Woods and Hazel Wood (MDE DPD policy NE1(t) and (ap)), but no tunnels are proposed within these areas. It also adjoins the Local Wildlife Site at Paddling Brook Shaw.

4. Reason for reporting to Committee:

4.1 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.

5. 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

6. Consultees:

6.1 There have been four 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 fourth round of public consultation took place more recently, following the submission of the Ecology report in May 2011. Any additional responses received as a result of this consultation will be included in a supplementary report.

6.2 The following paragraphs summarise the representations received. Bearing in mind the process, some of the comments made are superseded by later representations.

Parish Councils

6.3 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.

6.4 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.

6.5 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.

6.5.1 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.

6.5.2 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.

6.5.3 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.

6.5.4 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.]

6.5.5 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.

6.5.6 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.

6.5.7 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.

6.5.8 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.

6.5.9 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.

6.5.10 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.

6.5.11 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.

6.5.12 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.

6.5.13 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.

6.5.14 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.

6.5.15 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.

6.5.16 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.

6.5.17 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.

6.5.18 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.

6.5.19 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.

6.6 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.

6.7 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.

6.8 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.

6.9 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.

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

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

6.12 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.

6.12.1 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.

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

6.12.3 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.

6.12.4 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.

6.12.5 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.

6.12.6 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.

6.12.7 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.

6.12.8 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.

6.12.9 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.

6.12.10 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.

6.12.11 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.

6.12.12 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.

6.12.13 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.

6.13 Mereworth PC - Landscape and Visual Impact Assessment Addendum – No objections.

6.14 King Hill PC (February 2009): Members had no objection and were fully supportive of the application.

6.15 Kings Hill PC (October 2010): No comments to make.

6.16 Kings Hill PC - Landscape and Visual Impact Assessment Addendum – No objections to this application and supports the proposal of additional planting as suggested.

6.17 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.

6.18 West Malling PC (September 2010): No comments to make.

6.19 West Malling PC – Landscape and Visual Impact Assessment Addendum – No comments to make.

6.20 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.

6.21 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.

6.22 Hadlow PC - Landscape and Visual Impact Assessment Addendum – Agreed.

6.23 Wateringbury 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. Wateringbury 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 Wateringbury PC and are set out below:

6.23.1 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.

6.23.2 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.

6.23.3 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.

6.23.4 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?

6.23.5 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.

6.23.6 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.

6.23.7 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.

6.23.8 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.

6.23.9 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 causal 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 Wateringbury PC supports the use of polytunnels by farmers and appreciates their benefit to the agricultural industry the scale of this development makes it unacceptable.

6.23.10 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. Wateringbury 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. Wateringbury 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.

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

6.25 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 vey 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.

6.25.1 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".

6.25.2 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".

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

6.25.4 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.

6.25.5 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.

6.25.6 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.

6.25.7 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.

6.25.8 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”.

6.25.9 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.

6.25.10 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.

6.25.11 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.

6.25.12 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”.

6.25.13 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.

6.25.14 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.

6.25.15 Food miles are recognised as an important consideration, but it is not the only consideration when an industrial scale development resides amongst the community.

6.25.16 Polytunnels policy – with other Parish Councils, we are pressing for a policy to be established relating to polytunnels, 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 polytunnels, total acreage, acreage to be covered by polytunnels at any one time, and duration of such cover each year, including any set-up and dismantling time.

6.25.17 Other factors might be: whether the metal frames should be erected and removed at the same time as the polythene, whether the polytunnels 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.

6.25.18 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.

6.25.19 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 polytunnels 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.

6.25.20 We are worried about a precedent being set that would encourage further large scale use of polytunnels in a well populated area with undulating countryside that would make them very visible and unattractive from a distance.

6.25.21 We ask that the scale of any permitted polytunnels 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 polytunnels policy, any permission is only given on a temporary basis.

6.25.22 We support the position of those Parish Councils immediately affected by this application.

6.26 Barming PC: Echoes views of Teston PC above.

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

Other Statutory Bodies and External Consultees

6.28 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.

6.29 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.

6.29.1 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.

6.29.2 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.

6.29.3 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.

6.29.4 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.

6.29.5 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.

6.29.6 On the basis of the present information, the mitigation proposed seems sufficient.

6.30 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.

6.31 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.

6.31.1 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.

6.31.2 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.

6.32 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.

6.32.2 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.

6.32.3 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.

6.32.4 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.

6.33 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.

6.33.2 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.

6.34 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.

6.35 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.

6.35.1 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.

6.35.2 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.

6.35.3 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.

6.35.4 CPRE refers the LPA to the conclusions of the attached Flood Risk Assessment Report, produced by Protect Kent (CPRE Kent).

6.35.5 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.

6.35.6 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?

6.35.7 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.

6.36 PROW: No objections.

TMBC Internal Consultees

6.37 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

6.38 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.

6.39 **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.

6.40 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

6.41 **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 Lowe Farms are endorsed by the LEAF Marque – LEAF promotes environmentally friendly farming and is well regarded in the industry.

6.42 Geographical analysis of letters of support:

Area	**Number "1st round" (2009)**	**Number "2nd 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

6.43 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,

7. Determining Issues:

Policy Background

7.1 Planning policy at a number of levels is relevant to the consideration of this application.

7.2 The following policies of the South East Plan 2009 are the most relevant: SP5 (Green Belts), C4 (Landscape and Countryside Management), CC6 (Sustainable Communities and Character of the Environment). The Government has indicated its intention to revoke Regional Plans through the Localism Bill, and the Courts have held that this indication may be a material consideration in planning decisions.

7.3 TMBCS policy CP1 requires all new development to result in a high quality sustainable environment. It says that the need for development will be balanced against the need to protect and enhance the natural and built environment. In determining planning applications, the quality of the natural and historic environment, the countryside, residential amenity and land, air and water quality will be preserved and, where possible, enhanced.

7.4 Policy CP3 applies national Green Belt policy (as set out in PPG2) to those areas of the Borough designated as such.

7.5 Policy CP6 says that development will not be permitted in the countryside where it might unduly erode the separate identity of settlements or harm the character or setting of a settlement.

7.6 Policy CP14 relates to development in the countryside and says that such development will be restricted to, amongst others, development that is necessary for the purposes of agriculture or forestry.

7.7 Policy CP24 requires that all development be well designed and of a high quality in terms of detailing and use of appropriate materials. It must through its scale, density, layout, siting, character and appearance, be designed to respect the site

and its surroundings. Development which, by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.

7.8 Turning to the MDE DPD, issues concerning the development of polytunnels were a specific matter that was raised during the preparation and adoption of this document. Having heard evidence on the matter at the Public Hearing, the Inspector accepted the Borough Council's case that relevant issues were capable of being dealt with through existing policies and that there was no need for a specific policy to deal with polytunnels. Paragraph 7.1.8 of the MDE DPD says

"Recently, the area has grown in importance for soft fruit farming on a relatively intensive scale which has given rise to a locally distinctive growth in the use of polytunnels. In cases where planning permission is required for polytunnels the Council will consider the economics of the farm in the context of an overall **Farm Plan** balanced against the landscape and other considerations such as land drainage and biodiversity."

7.9 Other relevant policies in the MDE DPD are:

- Policy NE1 – Local sites of Wildlife, Geological and Geomorphological Interest
- Policy NE3 – Impact of Development on Biodiversity
- Policy NE4 – Trees, hedgerows and woodland
- Policy SQ1 – Landscape and Townscape Protection and Enhancement
- Policy SQ3 – Historic Parks and Gardens

7.10 Relevant Government policy includes that set out in PPG2: Green Belts, PPS4: Planning for Sustainable Growth, PPS7: Sustainable Development in Rural Areas and PPS5.

7.11 The most relevant passages in PPS7 are:

"The Government's objectives for rural areas that are relevant to this Planning Policy Statement (PPS) are:

(iv) To promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants.

"Sustainable development is the core principle underpinning land use planning. The following key principles should be applied in combination with all the policies

set out in this PPS:

(i) Decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of:
– social inclusion, recognising the needs of everyone;
– effective protection and enhancement of the environment;
– prudent use of natural resources; and
– maintaining high and stable levels of economic growth and employment.

"14. The policies in this section apply to the largely undeveloped countryside that separates cities, towns and villages. Whilst much of the land use activity in the countryside is outside the scope of the planning system, planning has an important role in supporting and facilitating development and land uses which enable those who earn a living from, and help to maintain and manage the countryside, to continue to do so. RSS should recognise the environmental, economic and social value of the countryside that is of national, regional or, where appropriate, sub-regional significance. Policies in RSS and LDDs should seek to maintain and enhance these values, so enabling the countryside to remain an important natural resource, contribute to national and regional prosperity and be enjoyed by all.

"27. The Government recognises the important and varied roles of agriculture, including the maintenance and management of the countryside and most of our valued landscapes.

Planning policies in RSS and LDDs should recognise these roles and support development proposals that will enable 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) diversify into new agricultural opportunities (e.g. renewable energy crops); or
(v) broaden their operations to 'add value' to their primary produce."

7.12 In PPS4, although agricultural development can be interpreted as being within the definition of "economic development" set out in paragraph 4, the individual policies are, by and large, written in a way that is not readily applicable to agricultural and related development but they do have some relevance in part. Three specific policies that are relevant are EC6.1, EC10.1 and EC10.2:

EC6.1 Local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.

EC10.1 Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning

applications that secure sustainable economic growth should be treated favourably.

EC10.2 All planning applications for economic development should be assessed against the following impact considerations:

(a) whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change

(b) the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured

(c) whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions

(d) the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives

(e) the impact on local employment.

7.13 PPG2 says that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The retention of land in agricultural, forestry and related uses is highlighted as one of six objectives in relation to which the use of land in Green Belts has a positive role to play. The construction of new buildings in the Green Belt is inappropriate unless it is for one of a number of specified purposes, one of which is identified as being buildings for agriculture and forestry. Consequently, by definition, the proposed polytunnels are not inappropriate development in the Green Belt.

7.14 It is also necessary to have regard to the Government's recent policy announcement with regard to the encouragement of economic growth. The Written Ministerial Statement: Planning for Growth, issued by the Minister of State for Decentralisation on 23 March 2011 says:

"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy….

"When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of

sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

"In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions."

Nature of the development

7.15 Before assessing this proposal in detail against Planning policy and other material considerations, it is necessary to explain in a little more detail the nature of the development for which planning permission is sought and the reasons why such permission is required.

7.16 In terms of planning law, the erection of polytunnels of the type included in this application is regarded as a building operation. Until comparatively recently, there had been varying opinions as to how polytunnels should be regarded under planning law. However, this matter was clarified somewhat as the result of caselaw following an Appeal decision on a site in Surrey (Tuesley Farm) in 2005. Using the tests which have historically been established for determining whether a particular development constituted a building operation – the size of the development, the degree to which it is affixed to the ground, and its permanence – it was held in that case that "Spanish" tunnels of the type described in this application did amount to "development" and therefore required planning permission. The current applicants have acknowledged that the tunnels

comprised in this application are of a similar nature and that is one of the reasons that led to this application for planning permission.

7.17 It is pertinent to note that some plastic tunnels – of a different design or a lesser scale, for example – might not fall within the Planning Act definition of "development" and thus might not require permission. It is also worth mentioning that some polytunnel developments might benefit from permitted development rights for agricultural buildings contained within the GPDO, and thus avoid the need for a planning application. However the size of those currently proposed, both individually and collectively, precludes that in this instance.

7.18 The High Court has ruled that agricultural polytunnels similar to those proposed here are, in terms of Green Belt policy, buildings that are "not inappropriate" in the Green Belt, as defined in PPG 2.

7.19 Although the use of "table-top" growing methods does not rely on planting crops in the ground, this still clearly falls within the definition of "agriculture" given in the Town and Country Planning Act 1990:

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in farming the land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes

There have been a number of planning appeals in recent years relating to polytunnels, including those where "table-top" methods are employed within the tunnels and I have been unable to find any instances where Inspectors have concluded that this method is outwith the definition of agriculture.

7.20 One particular question that has now been resolved 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 is: *"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 a conclusion to be reached with some confidence on this matter and a formal

Screening Opinion was issued on 17 March 2011, determining that EIA is **not** required in this instance.

7.21 It is part of the applicant's case that polytunnels have been used on the farm for the protection of soft fruit for many years and that what they are now seeking planning permission for is in reality no more than a continuation of this practice on broadly the same scale. In the light of this, the application is described as being "retrospective". Planning permission is sought to place tunnels on fields covering up to 30% of the total farm area in any one year,and it is true that, based on the historical figures and field-by-field analysis provided by the applicant, since about 2004 the percentage coverage has generally been between approximately 26% and 29%. To that extent it is reasonable to describe the application as being retrospective. However, because a significant proportion of the tunnels, both historically and proposed, are "rotational", they are located in different fields in different years and so, when one looks at individual fields, it is not necessarily the case that the application is retrospective with regard to the use of that particular field.

7.22 The applicant has also identified a number of fields where, it is claimed, polytunnels have been in existence for more than four years. Members will be aware that where a building (which for this purpose includes a polytunnel) has been in existence on the same site for four years or more, it will acquire immunity from enforcement action and thus become lawful under planning law. 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.

7.23 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.

7.24 So, in summary this section has highlighted the relatively recent evolution of the interpretation of planning law and practice applied to such cases. Bearing all those factors in mind, I turn now to an assessment of the proposed development in terms of relevant planning policy. In accordance with the principles laid out in paragraph 7.1.8 of the MDE DPD, an appropriate starting point is to consider the economic case put forward, balanced principally against the landscape impact, and then taking into account other factors such as land drainage and biodiversity.

The Economic Issues

7.25 The case put forward by the applicant is, essentially, that soft fruit production on this farm would be uneconomic without the protection afforded to the crops by polytunnels at the level proposed because they would no longer be able to supply fruit of the quality and consistency demanded by the major retail outlets that they supply. It is further argued that the contribution that the farm makes to the economy, both locally and more widely, is significant and that this would be lost if soft fruit production were to cease or markedly reduce and that the most obvious alternative farming regime, arable production, would not only itself be uneconomic but would also be likely to engender detrimental and permanent changes to the landscape through a need to increase field sizes.

7.26 Objectors to the development, on the other hand, argue that the economic arguments propounded are flawed, based on inaccurate or unsubstantiated data, and misleading. It is said that the significance of the farm to the local economy has been overestimated, as has the number of local jobs that are dependent upon the farm. It is suggested that the use of polytunnels merely serves to enhance the profitability of the farm and that this benefits a relatively small number of people. It is also argued that the opportunities for diversification into other crops and activities have not been fully explored.

7.27 These are complex issues requiring detailed knowledge and analysis. The Borough Council therefore commissioned an independent and experienced specialist consultant, Mr George Ellis of Horticulture Consultancy International Limited, to advise on these matters. The matters that we asked Mr Ellis to look at on the Council's behalf are:

- the agronomic justification for using polythene tunnels to produce soft fruit;
- whether the data submitted in support of the proposal appears to be realistic;
- the significance of soft fruit production from this farm to the local economy;
- the economics of alternative enterprises (particularly arable crops).

In addition, we requested his expert opinion on the main comments of the letters of objection.

7.28 With regard to the agronomic justification for using polytunnels, Mr Ellis agrees with all the major arguments advanced by the applicants. His conclusions are:

- Tunnels protect the crop from rain – helping to guarantee more regular supplies. This is an essential requirement for serving the supermarket outlets which now represent a very large proportion of the total soft fruit sales in the UK. Although in my experience complete crop losses under unprotected

systems can occur – they are relatively rare – more usually it results in just a significant loss of crop. However, by protecting the crop the Strawberry Industry is provided with much greater security – particularly important when investment is needed to support forward plans and supermarket customers need to be kept on board.

- They improve yields – as a result of a "kinder" growing environment and also as a result of fewer losses to wet weather. Main crop strawberry yields are now typically in the range of 25 to 30 tonnes/ha under Spanish tunnel production whereas the latest figures from producing unprotected strawberries for market sale is barely half this average.

- Also, fruit quality is higher under tunnels. For maincrop strawberries, the percentage of Class 1 fruit (the only fruit taken by the supermarkets) from tunnelled crops is in the order of 80 to 95% whereas for unprotected crops Class 1 fruit rarely represents more than 70%.

- Tunnels allow a considerable extension to the season of UK production.

- Also, they can reduce the need for the use of pesticides. Based on my experience I agree that the use of pesticides is usually less under tunnelled crops – but probably only slightly reduced. The large reduction in the need to spray for wet weather diseases such as cane diseases, botrytis and blackspot is somewhat offset by an increase in pressure from the major insect pests of aphid and two-spotted mite plus powdery mildew. However, biological control methods are generally more effective in a protected environment and this can often offer considerable savings in pesticide usage.

- It goes without saying that strawberries can be produced commercially without the need for polythene tunnels. However, this system of production is mostly limited to those providing for pick-your-own or farm shop outlets. Very few growers would now produce unprotected crops solely for the wholesale market. These markets mostly receive the Class 2 fruit – frequently at low prices which pull down the return of any Class 1 fruit often below economic levels.

7.29 With regard to the data and budget figures submitted by the applicant, Mr Ellis advises:

"I agree with most of Mr Pelham's comments and figures – particularly:

- The prices returned from the supermarkets of Class 1 strawberries and raspberries have remained virtually unchanged for several years – at least 10 or more.

- Costs of production have risen – some such as labour, fuel and chemicals at a rate above inflation.

- Yields per hectare in the fresh soft fruit sector have risen considerably in recent years – mainly as a result of those growers who have stayed in the Industry adopting the latest techniques. It is only by these means that the Industry has survived into the 21st century. The adoption of polytunnels by all the main producers in the UK has been a major factor.

- His figures on yields, prices and costs of production are, from my experience and records, typical of those occurring in the UK Industry.

- The prices for unprotected crops are generally considerably lower than those grown under protection. This is mainly because the supermarkets are reluctant to take fruit from farms where the crop is not grown under protection – hence this fruit is mostly destined for the wholesale markets where prices are invariably lower."

7.30 In addition, he comments that he has checked the Annual Gross Margin figures submitted and broken them down into greater detail. These figures compare protected versus unprotected cropping of rotational/successional strawberries and primocane raspberries. He has also compared these with confidential figures that he has gathered over several years from clients. He agrees that these figures – based on Yields, Grade-Out, Price and Costs of Production – are typical of those he would expect from this farm (considering its management skills, size, facilities, staff and soils). The only slight difference of opinion is that he feels that for strawberries, the cost of pest and disease control are probably very similar between protected and unprotected systems – in the Andersons Report a slightly higher cost is assigned to the unprotected.

7.31 Mr Ellis goes on to advise that the gross margin budgets in Tables 5 to 7 of the Andersons Report show big differences in the profitability of protected soft fruit production as opposed to unprotected cropping. In fact, for strawberries not grown under tunnels the figures indicate sizeable losses, and he would expect a similar scenario in respect of the primocane raspberries since the unprotected yields could well be even lower than suggested. With no history or foreseeable signs of an increase in prices – coupled with rapidly rising costs – the low yields and poorer quality of unprotected cropping have resulted in growers seeking the benefits of covered production just to stay in business. He concludes that the data submitted confirms to his satisfaction that unprotected cropping on this scale and servicing the main market outlets would be uneconomical.

7.32 Turning to the question of the significance of soft fruit production from Hugh Lowe Farms to the local economy, Mr Ellis says:

"I have checked their figures and source material and agree with the following points:

- The estimate that if the farm went out of soft fruit production and converted to arable then the present annual contribution (as "spend") in :

  (a) the Tonbridge & Malling area would fall from the present £1.5m to £0.1m,

  (b) the rest of Kent would drop from the current £3.3m to £0.25m.

- The concept of Gross Value Added as being one method of assessing a business's contribution to the overall economy. Chavereys' calculations seem sound and indicate that the farm producing a GVA of £5.4m represents 31% of the Tonbridge & Malling Agriculture/Horticulture GVA. This is equivalent to 300 employed people living in this area.

- The estimate that the farm represents over one-third of the agricultural/ horticultural labour force in Tonbridge & Malling.

- The calculation that if the farm ceased soft fruit production and went out of farming totally, then this could lead to over 100 full-time job losses – the farm's permanent staff and also workers in supplier businesses. In addition, there would be losses of all the seasonal labour jobs on the farm. However, I do appreciate that some other form of farming might replace the existing system."

7.33 In terms of the economics of alternative enterprises or crops, Mr Ellis advises:

"I agree with the Andersons Report that arable cropping is the most logical alternative enterprise to assess.

"Some of the Letters of Objections have suggested other crops – particularly apples, pears and hops which have a history of production in Kent. However, in my opinion – particularly because of the higher establishment costs, slow build up in production and tight margins – these crops would be quite uneconomic. In the whole of 35 years as a horticultural consultant – in which I have advised on these crops - I have not come across anyone who has set up a dessert apple/pear farm or hop growing business of commercial size from scratch.

"I asked Douglas Green Consulting to examine Andersons' arable budgets in detail since they have specialist knowledge of this form of production. Their findings are attached in a separate Report – the major conclusion being that they confirm that if Hugh Lowe Farms converted to arable production then the result would be a financial loss.

"The main reason for this loss is lower than average yields – due to :-

- a high proportion of headlands compared to cropping area.

- the comparatively droughty Greensand soils.

"In addition the small field sizes are likely to increase costs."

7.34 With regard to the agronomic and economic issues raised in letters of objection, Mr Ellis comments:

- Hugh Lowe Farms (HLF) as with all other UK farmers/growers, are subject to considerable legislation covering the use of chemical pesticides.

- HLF are increasingly using biological control methods for both pest and disease control – these generally work more effectively under the protected environment of polytunnels.

- From the financial information I have seen covering the 10 years of 2000 to 2009, I note that:

  (a) the Operating Profit has varied considerably from year to year.

  (b) the average annual Directors' Costs (salaries and pensions – adjusted for indexation) of £225,000 has to be split between several Directors i.e. 6 up to 2006 and subsequently 4.

  - the average Operating Profit (adjusted for indexation and Directors' Costs) to turnover figure is 11.4%.

  - the average annual return on capital is 10.6%.

  These figures do not appear high particularly bearing in mind the risks of static prices and increasing costs which threaten this Industry.

7.35 The analysis that Mr Ellis has provided is, in my view, reliable, comprehensive and independent. Although he has questioned some of the more detailed statements included in the applicant's submissions, in most material respects he has endorsed their overall conclusions. I am satisfied, in the light of his advice, that the data submitted by the applicant demonstrates that the extensive use of polytunnels is necessary for the continued economic viability of soft fruit production on the scale that takes place at Hugh Lowe Farms, that the current operation of the farm makes a very significant contribution to the local and regional economy and that no reasonable alternative cropping regime would sustain similar levels of economic benefit.

7.36 In terms of the prevailing planning policies that are pertinent to this case, I believe that these are material considerations that should be accorded considerable weight.

Landscape Impact

7.37 It is probably true to say that the visual impact of this development is the one single issue that has generated the greatest concern and comment. As with the Economic Issues, the Borough Council has commissioned an independent and specialist consultant to advise on these matters, Stephen Kirkpatrick of Chris Blandford Associates (CBA). The matters that we asked CBA to look at on the Council's behalf are:

- Whether the analytical techniques employed by the applicants in the LVIA are appropriate for a development of this scale and nature;
- Whether the geographical context of the Assessment is sufficiently broad (particularly in the light of concerns that had been expressed regarding the impact on Areas of Outstanding Natural Beauty);
- Whether the conclusions reached, as to the significance of the impact of the polytunnels on the landscape generally, are borne out by the evidence; and
- Whether it is appropriate to have subsumed an analysis of impact upon the historic landscape within the overall LVIA.

In addition, they have looked at issues raised by third parties arising out of consultation responses.

7.38 As Members will appreciate, the analysis of landscape and visual impact is something that inevitably requires elements of judgement and interpretation, however mechanistic the analytical processes employed might appear. There has therefore been a need to conduct an iterative process of discussion and debate in order to reach some conclusions on this matter. Landscape impact assessment inevitably needs to assess the immediate and direct impact of the proposal but also the degree of change and impact on the permanent underlying landscape character.

7.39 With regard to the general approach adopted, CBA use as their initial point of reference the Guidelines for Landscape and Visual Impact Assessment (GVLIA) produced by the Landscape Institute and the Institute of Environmental Management and Assessment. They note that this is national best practice guidance. They comment that the LVIA assessment methodology in Section 2.2 broadly follows current GLVIA guidance in assessing the sensitivity of the receptors and magnitude of change, leading to an assessment of impact at seven potential levels as shown in LVIA Table 1. Threshold definitions are identified for sensitivity and magnitude of change for landscape and visual resources (although these have been modified and updated as a result of the discussions that have taken place). In this regard, they comment:

"LVIA Table 1 provides a significance of impact table, which correlates magnitude of landscape or visual change/impact with landscape or visual sensitivity to determine the significance of impact. This table and the thresholds of significance adopted to determine 'significant impacts' as referred to in The Town and Country (Environmental Impact Assessment) (England and Wales) Regulations, 1999, are all in accordance with best practice guidance."

7.40 However, they also say:

"GLVIA Para. 2.35 emphasises the importance of ensuring that the assessment procedure is replicable and that the results can be clearly understood by a lay person. It also emphasises the importance of using clearly-defined terminology, "*particularly when defining the sensitivity of landscape and visual resources, the magnitude of predicted effects and in determining their significance*". However, the LVIA uses rather circular definitions with the result that the assessment findings are neither transparent nor conducive to achieving replication in assessment.

"The LVIA provides a sparse baseline description of existing visual resources. It does not identify the full extent of visibility of the proposed development, the nature of visual amenity within this extent of visibility, or all the people who would be able to obtain views of the proposed polytunnels.

"The LVIA does not provide any detailed description of the landscape character of the site or local landscape, relying instead on character area mapping and descriptions identified in the Landscape Assessment of Kent.

"The LVIA does not provide a full understanding of existing landscape resources, the sensitivity of those resources or the potential impacts on those resources that are desirable to be conserved. In many cases, it is difficult to reconcile the assessment findings with the stated assessment criteria. The LVIA does not provide any overall assessment of the capacity of the local and wider landscape to accommodate polytunnels."

7.41 CBA is therefore critical of some of the technical shortcomings of the analysis submitted by the applicants. However, with regard to the geographical coverage, and particularly the question of impact upon the Areas of Outstanding Natural Beauty, they say:

"The LVIA Addendum provides an assessment of potential impacts on the Kent Downs AONB and the High Weald AONB, highly sensitive landscape resources located approx. 1.5km to the north, and approx. 5km to the southeast of the site respectively. This assessment of potential impacts is convincing and CBA is satisfied that there would be no significant effects on these resources."

7.42 Turning to the overall conclusions drawn out by the applicant's LVIA, CBA comment:

> "Having made a judgement about the level and significance of potential landscape and visual impacts associated with each representative viewpoint, a summary of potential landscape and visual impacts is provided on an area by area basis in LVIA Section 7.2, including an overall judgement of significance for each of the 8 development areas. Many of the key landscape and visual impacts are not identified in these summaries and there is no attempt to provide an integrated assessment of potential impacts on the wider landscape as a whole.
>
> "The Landscape and Visual Impact Assessment Explanatory Note offers an explanation for how the LVIA reaches an overall conclusion of no significant post mitigation impacts. However, this conclusion is surprising (even in full recognition of the length of time that the polytunnels would be present and the variation and length of time that the tunnels would be covered), when one considers the visual prominence of the structures and the large numbers of polytunnels that would be present in the local landscape.
>
> "It is clear from the LVIA that the most significant visual effects arise in medium distance views rather than in near distance views that are often enclosed by tall peripheral hedgerows (other than the cases where public footpaths pass across fields) and are typically restricted to glimpsed views. The above review of selected LVIA viewpoint appraisals and the landscape strategy highlights the need for the applicant to prepare either a rotation strategy or a set of guidelines for polytunnel rotation in order to minimise the landscape and visual effects of the proposed development."

7.43 Members will appreciate that the critique offered by CBA finds fault with the applicant's approach in a number of respects. To a certain extent, and having been involved in the discussions and debates that have taken place, officers believe that some of the points that have been raised reflect differences in professional approach to an issue which, as noted earlier, necessarily involves a combination of scientific analysis and professional judgement. Nevertheless, what emerges is a difference of opinion over the overall significance of the visual impact that the tunnels have and will have in the landscape. Although this may seem surprising to some, it has to be remembered that both sets of professional advisers are respected and highly experienced in their field.

7.44 With regard to the overall conclusion, I agree with CBA that the applicant's assessment that there will be no significant impact, post mitigation, is optimistic and not borne out by the facts. At best, it is too simplistic, especially given the geographical extent of the site and the complex topography within which the tunnels sit. I believe that it is undeniable that there will be a noticeable residual impact on the landscape, even taking account of the mitigating factors highlighted on behalf of the applicants, both in relation to the nature of the development itself

(such as the rotation of tunnels in different locations year on year, the length of time that they will be covered in plastic, and the seasonal nature of this) and the specific mitigation measures that are proposed.

7.45 However, I believe that the nature of this impact merits further examination in order to come to some overall planning judgements. One point that the landscape consultants seem to be agreed upon is that the most significant impact arises in middle-distance views, looking towards elevated ground. There are two particular locations where this is particularly noticeable: from the top of the hill at Roydon looking northwards towards the slopes around Mereworth, and across the same valley in the reverse direction. These vistas are explained in greater detail within paragraph 2.27 above. It would be extremely difficult – if not impossible – to obscure or disguise these particular vistas using localised screening such as trees belts or hedgerows. The applicant does recognise this, and the mitigation proposed is a rotation regime that seeks to limit the extent of polytunnel coverage at any one time. I shall comment on this further in my overall conclusions.

7.46 Turning to closer-range views where the tunnels and the fields that accommodate them are viewed more generally at eye level, I believe a number of conclusions can be drawn. Members will be aware, and will have noted from the Members' Site Inspection, that the application site is characterised by a variety of landscape and topography. There are some fields characteristic of a small scale landscape and typical of historic landscape patterns in these parts of Kent where historic field boundaries exist to reinforce the landscape structure. There is sloping ground where views of adjacent fields may be relatively well-screened by hedgerows and the like, but where slightly longer views are also available. There is also flatter, more open landscape, where the fields tend to be somewhat larger, reducing the intimacy and closeness of the landscape and the incidence of screening at close quarters but where, conversely, the longer views are more successfully screened because of the eyeline view of the observer.

7.47 By and large, this combination of different types of topography and vistas, combined with the presence of existing screening by natural vegetation and historic field patterns, serves to make the impact of the tunnels in these closer-range views much less intrusive. Again, I believe that these points were demonstrated during the Members' Site Inspection.

7.48 Where there are particular issues to address, such as the aspect when seen from public footpaths, particularly on the lower, flatter landscapes, the applicant proposes mitigation measures including that tunnels should be set back from the line of the footpath and that they should only be placed to one side of the path at any one time.

7.49 The overall conclusion on the question of landscape impact, therefore, is that some significant impact in middle distance views of tunnels located on rising land is the principal factor to be taken into account in the balance with other issues,.

Flooding Issues

7.50 The overwhelming majority of the application site lies within Flood Zone 1, as identified by the EA. Although there are small segments of the site within Flood Zone 2, no polytunnels are proposed on these parts of the site. The advice in PPS25: Development and Flood Risk seeks to guide development into areas that have the lowest probability of flooding (Flood Zone 1) by applying a Sequential Test. Given that all the proposed polytunnel locations are within Zone 1, this development meets the Sequential Test. This means that none of this development will result in a loss of storage capacity within the floodplain, nor will it impede flood flows at times of flood.

7.51 PPS25 identifies development of this nature as "less vulnerable" in terms of flooding and it is therefore appropriate for it to be located in Flood Zone 1. However, the guidance also sets out a need to examine the potential impacts of large scale development (development on a site exceeding 1ha) wherever it is located. The applicant has therefore submitted a Flood Risk Assessment (FRA), the principal objective of which is stated as being to demonstrate that the amount of water running off the farm from the polytunnel areas will not exceed the amount of run-off that would be expected from a "greenfield" site.

7.52 A number of objectors, including West Peckham Parish Council, have highlighted concerns about excessive run-off, which they attribute to the presence of polytunnels which are seen to concentrate rainwater into greater and more clearly-defined flows than would otherwise happen. Particular examples are given of where this has been seen to happen, notably at the junction of Forge Lane, Church Road and Mereworth Road in West Peckham and at certain locations on the A26 Tonbridge Road towards Goose Green.

7.53 The FRA examines in detail the hydrological and topographical characteristics of the area, identifying the natural drainage patterns and also calculating the rainfall run-off expected to arise in the event of 1 in 100 year storm situations and the ability of the soil to absorb this. It acknowledges that the polytunnel coverings create a large expanse, potentially resulting in high levels of run-off from the tunnels themselves. However, it is said that because the hydrological characteristics are typical of a rural hydrology, with grassed or vegetated soil, as opposed to an urban one, where drainage is largely controlled by pipes, the overall run-off velocity is low.

7.54 Nevertheless, without positive action to control run-off, it is recognised that concentrations will occur under some situations. The objective of the approach that has been adopted is to reduce run-off rates, in particular to reduce peak flows. A number of techniques are employed to regulate run-off. The principal method by which this is achieved is to restrict the flow of rainwater through the channels that run along the "leg rows" of the tunnels – that is where the supporting legs for the

tunnels are, which is in the “valley” between individual tunnel bays. This is explained in more details as follows:

- *When soft fruits are grown in the ground, the drainage from the polytunnels is achieved by a series of grass and straw channels that run along the line of the polytunnel leg stands. The line of the leg stands, are commonly referred to as “leg rows”. The leg row channels will have flow restrictors in the form of dams placed at regular intervals along them and will allow straw to accumulate at the dam enhancing the effectiveness of the dams. The overall result in the leg row channels is to reduce the effective gradient; increasing the resistance to flow; and therefore reduce flow velocities.*

- *With flow restrictors in place, the leg row channels also provide storage. The net result is to reduce the flow velocities and runoff rate of the overall polytunnel area, when compared to simple open channels. In essence the polytunnel growing system produces a series of drainage routes spaced 8m apart, which act as retention zones, seepage zones, and velocity reduction zones.*

- *When using the “table top” method, growing trays are located in a frame at approximately waist height and are trickle fed with water and nutrients. Because the irrigation is applied to the growing trays, there is no wetting of the natural soils and therefore the natural soil moisture content under the polytunnels will be the same or less than that outside the polytunnel. No cropping plants are planted directly into the ground. As a result the ground is covered by a grassed or vegetated sward. Because the plants do not need to be actively drained, there is no need for the leg rows to be placed in channels. It is therefore common for the leg rows to be placed directly on an unmodified land surface. Therefore, rainfall initially accumulates in the leg rows, generating runoff that then follows the natural gradient in the form of overland flow through the grass beneath the polytunnel cover, rather than being concentrated in channels.*

- *Where channels are present, channel storage comprising storage within the straw and grass and within the dammed sections, will be filled, and then flow will be initiated parallel to the tunnel orientation. At the lower end of the polytunnels, the discharge from the leg row swales is then allowed to flow to the hedge/tree lined field boundaries. This flow then either:*

  1. Enters into more farm fields that are either cropped or grassed before entering into natural drainage channels.
  2. Is routed to field drains and ditches before entering natural drainage channels.

- *Drainage from the “table top” growing polytunnels that do not have leg row channels accumulates in the legs rows and is then spread by overland flow*

over the grassed area lying beneath the polytunnels, following the natural topographic contours. At the open end of each polytunnel block, the runoff is allowed to leave the polytunnel area as it would in an open meadow scenario. The combination of the grassed and vegetated land surface below the tunnels together with the dispersion of the runoff between the leg rows, results in the runoff characteristics of the polytunnel area replicating that of the land surface with the exception that the losses in the system due to interception is limited. Conceptually therefore, it can be considered that in the case of "table top" growing where runoff is not concentrated in channel flow, the polytunnels will have little effect on the runoff characteristics.

- *The "table top" growing polytunnels will be orientated at 20° to 45° across the principal slope direction. Therefore, to allow the area beneath the polytunnel cover to be accessible for infiltration and the generation of overland flow, a series of flow restrictors/diverts will be placed along the line of the leg row stands.*

- *Wherever practical, the polytunnels have been placed and orientated to provide the optimum management of runoff water and mitigation of potential flooding issues. It is proposed that all the required storage to reduce the runoff rate to less than or equal to the "Greenfield" runoff rate will be contained within the individual polytunnel areas. Thereby, flows will be controlled at source and therefore, no accumulative effects of channelling and routing flows will be generated.*

7.55 It is concluded that the development will not have a detrimental effect on drainage and flood providing that flow restrictions in the form of dams are provided in the leg row swales. Sand bags or similar items are used to create these dams. The result is that peak flows are restricted to levels at or below the "greenfield" rates.

7.56 Members should note that the FRA has been accepted by the EA, and in the light of this no objection to the application is raised by the EA.

7.57 In addition to the FRA, the Management Plan submitted as part of the application also includes a Water Management Plan. This states that the farm is keen to optimise the use of water, not only for environmental reasons but also because water is a scarce and expensive resource and proper management and conservation of this resource is a sustainable approach Much of the rainwater that is collected into drainage ditches and so on is directed to catch-pits and reservoirs for re-use in irrigating the farm. The Water Management Plan contains detailed mitigation and maintenance measures for all identified watercourses and is reviewed annually.

7.58 With regard to the incidents of excessive run-off that have been documented by West Peckham Parish Council and others, although these are clearly issues of concern that need to be considered and, if possible, addressed, I am not aware of

any evidence that this has arisen as a direct result of the erection of polytunnels. There is other, anecdotal, evidence locally, as is borne out in consultation responses, that localised flooding has occurred from time to time even before the introduction of polytunnels. It is said this may largely result from a combination of the topography and the nature of the hard-surfaced road network. Be that as it may, it has to be remembered that the objective set by the FRA is to mitigate any run-off to "greenfield" rates, not to seek to improve upon that baseline position.

7.59 Additional representations have been received very close to the date of this report being printed that includes video footage showing surface water run off from the polytunnels the subject of this application that is running into adjacent land and the public highway, causing localised flooding. The date on the video footage is shown as being 16 June 2011. Submissions have also been received at this late stage commenting on the applicant's ecological report that was submitted in May 2011. It suggests that the Borough Council should not determine this application without obtaining further information concerning the ecological impacts of the proposed development. These additional representations and a detailed response to them will be set out in a supplementary report.

Residential amenity

7.60 As noted earlier, whilst many of the tunnel locations are well away from residential properties, some are located close to settlements such as West Peckham, Mereworth and Kings Hill. There are also smaller groups of dwellings where tunnels are proposed in adjacent fields, for example along the lanes between Mereworth and West Peckham, and there are a number of individual dwellings amidst the fields.

7.61 Objections have been raised on a number of grounds citing harm to residential amenity, including noise caused by plastic flapping in the wind, by rain falling on the plastic coverings and by inconsiderate behaviour by pickers; smells from rubbish left in the fields and from mobile toilets, which are also said to be unsightly; and loss of outlook.

7.62 The Management Plan submitted as part of the application includes a Noise and Nuisance minimisation plan, which sets out action to be taken to address issues such as this. Whilst I have no doubt that some of these measures have been in place for some time, it does appear that the applicants have revisited this document in the light of the objections that have been raised and, no doubt, individual complaints that have been received.

7.63 As a general measure to reduce impact upon nearby residents, it is proposed that tunnels should not be located within 30m of residential curtilages. This is consistent with NFU guidelines although it is implied that this distance may be reduced by agreement with individual householders. This is something that can be secured by a condition on any planning permission that may be granted.

7.64 Various measures are suggested in order to reduce the incidence of loose material flapping in the wind, including regular, daily checking and tightening of the coverings, paying particular attention to skirts and seals at the ends of the tunnels. This, again, is something that can be the subject of an appropriately-worded condition.

7.65 Some of the issues that have caused concern are likely to arise to some extent as a result of farming activities generally, irrespective of the use of polytunnels, such as the siting of mobile toilets and some noise from workers in the fields. However, it is fair to say that these are likely to be more prevalent with the increased intensity of use that is inherent in the use of polytunnels. To a large extent, however, these are management issues for the farm operators that do not lend themselves readily to controls through the Planning Acts. The submitted Nuisance Management Plan does, nevertheless, include measures to address these issues.

7.66 Loss of outlook from a residential property can be a material planning consideration although, as Members will appreciate, there is no "right to a view" that can be protected by the planning system. Although it is sometimes difficult to differentiate between these two concepts, the question is essentially one of distinguishing between what it is right to protect in the public interest (which is a legitimate planning consideration) and the interests of individuals (which, generally, are not). In my opinion, given the particular size and design of the tunnels, the restriction on placing tunnels closer than 30m to any residential curtilage should be sufficient to protect the outlook of individual dwellings, so far as it is appropriate to do so through the Planning Acts.

Ecology and biodiversity

7.67 Concerns have been raised over the perceived impact of the use of polytunnels on ecology and biodiversity. There are a number of strands to this. It is suggested that the polytunnels themselves upset the ecological balance within the countryside and destroy habitat; there are concerns that the farming methods employed as a result of the use of polytunnels are harmful (for example through the use of chemicals and pesticides and so on); and incidents are referred to – one incident in particular – where it is suggested that direct harm has been caused to nature conservation interest in the past.

7.68 Members will note that the conclusion of the applicant's submitted Ecology Report is that the overall effect of the introduction of polytunnels is likely to be "medium beneficial" (paragraph 2.33 above). The applicant points to a number of ways in which the farming regime and practices that accompany the use of tunnels may be said to be more "ecologically friendly" than some other forms of intensive agriculture: retention and management of hedgerow networks; the presence of extensive field headlands and margins; the encouragement of beneficial insects and bees; the retention "uncropped" (ie as unimproved grassland) of several fields that are unsuitable for soft fruit production. Taking all these factors into account,

the principal conclusion in the Ecology Report does appear to me to be well-founded. Members will note that Natural England and KWT, both having initially submitted objections to the application, have now withdrawn those objections.

7.69 It is the applicant's case that no chemicals are necessarily employed as a result of using polytunnels. They say that the reverse is true, because tunnels reduce the need for pesticides to be used. Members will note the cautious approach adopted to this conclusion by the Council's economic consultant, Mr Ellis (para 7.28 above). However, in the light of all the evidence, it does seem reasonable to conclude that, overall, the need for pesticides and other chemicals is likely to be reduced when polytunnels are in use, even if only marginally so.

7.70 Turning to the incidents of pollution that are said to have occurred in the past, the most significant one that is referred to concerns alleged harm to fish and other aquatic species at Vines Farm, in Matthews Lane, West Peckham. The applicant, however, contests this and asserts that this took place many years ago, was not attributed to any farming activity, let alone the use of polytunnels, and that soft fruit, with tunnels, has regularly been grown in fields adjacent to the watercourse alleged to have been affected, with no adverse effects on local wildlife.

7.71 A more detailed analysis of the potential effects on the ecology of this adjoining site has recently been submitted. This is currently being looked at in further detail and any additional information that comes to light will be included in a Supplementary report.

Conclusions

7.72 As indicated in paragraph 7.1.8 of the MDE DPD, and as has become apparent throughout consideration of this application, the primary issues that need to be balanced against each other are the visual impact of the development, including its impact on the character of the countryside, and the economic justification for the development in the context of the particular farming enterprise and the contribution that this makes to the economy, locally and more widely.

7.73 There are also broader, higher-level objectives, set at a national scale, that have direct relevance to development of this particular nature and which provide an important context as well. I have in mind especially the Government's objectives for rural areas set out in PPS7:

"To promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants."

and

"The Government recognises the important and varied roles of agriculture, including in the maintenance and management of the countryside and most of our valued landscapes."

7.74 PPS7 goes on to say that farmers should be enabled to adapt to new and changing markets and broaden their operations to add value to their primary produce.

7.75 I note also the recent Ministerial statement that the Planning system should generally promote sustainable economic development support enterprise, consider benefits such as increased consumer, local economies and support applications that secure sustainable growth.

7.76 In my opinion, these policies indicate a presumption that development of the nature proposed here should, generally, be supported.

7.77 I recognise that there has been some debate as to whether this development is "sustainable", as referred to in these policies. There are points to be made on both sides. On the one hand, it is said that this development helps to reduce "food miles" and increase the food security of the UK.. Those arguments seem to be well-founded. On the other hand it is said, for example, that the importation of coir as a growing medium is unsustainable. However, my understanding is that this is something that would otherwise be a waste product and, perhaps more significantly for the future, trials are being conducted to replace this with by-products more recycled home-produced organic waste. On balance I think it is reasonable to conclude that the development in overall terms is "sustainable" for the purposes of applying the relevant policies.

7.78 Notwithstanding these conclusions in respect of national guidelines, Members will note the assessment by the Council's specialist consultant that the economic case put forward by the applicant in this case is basically sound and my conclusions that this is a matter that should be accorded substantial weight.

7.79 However, the nature and effects of the impact on the landscape cannot be denied, particularly the impact on middle distance views of rising ground. Notwithstanding the points put forward about the transient nature of rotational tunnels and the mitigation offered through landscape planting and other enhancements and the judicious use of the rotational cycle to reduce impact, I do not share the conclusion advanced on behalf of the applicant that the impact, post mitigation, will be "not significant". I believe it is the case that, initially, the choices as to where to site the polytunnels (ie which fields to use) were led primarily by factors other than those relating to landscape impact. Whilst this is entirely understandable, perhaps almost inevitable, from a practical farming perspective, it has not made any easier the job of reconciling those objectives with the ability of the landscape to accommodate the development satisfactorily. Nevertheless, the outcomes of the LVIA do include a landscape strategy for each of the sub-areas within the

application site and I recognise this approach as a serious attempt to address these issues. However, I do not consider that those landscape measures that are characterised as having a "positive" impact when the tunnel hoops are not covered in plastic will necessarily be recognised as such by the casual observer.

7.80 Again, looking at the landscape from a somewhat broader or longer-term perspective, I am persuaded by the argument that, by its very nature, soft fruit production (which is the raison d'etre for the tunnels) is a form of farming that has facilitated the retention of the pattern of small fields enclosed by hedgerows and tree belts that has historically characterised much of this part of Kent. This is a fundamental feature of the Kent countryside which would be under threat if a wholesale change to more extensive farming practices were to occur.

7.81 A further factor to be borne in mind is that some agricultural practices that do not come under the jurisdiction of the Planning Acts could well have similar visual characteristics to polytunnels, at least when viewed from a distance. I have in mind particularly the extensive use of plastic "fleece", which is not "development" so far as planning legislation is concerned.

7.82 Members will have noted my earlier conclusions that, taken overall, the concerns over specific impact on residential amenity are capable of being resolved, and that any impact on ecology and wildlife are likely to be neutral or marginally beneficial.

7.83 Taking all these factors together, I believe the merits of the proposal are substantial and that the balance lies in favour of granting planning permission,that incorporates measures to address the residual landscape impacts identified.

7.84 The approach advocated by the applicant's advisers in their landscape strategy is, as mentioned, one of mitigation principally through landscape measures and managing the rotational cycle in a way that means that the concurrent use of adjacent fields is minimised. In principle, I believe this to be an approach that is capable of delivering an appropriate and satisfactory response. Members will have noted that the Council's specialist consultant has advised that the landscape strategy highlights the need for the applicant to prepare either a rotation strategy or a set of guidelines for polytunnel rotation, in order that the desired outcome may be achieved. That, I believe, is a reasonable conclusion if only because the general statement of intent with regard to the management of the rotational cycle is somewhat nebulous and not currently robust or detailed enough to form the basis of a planning condition that would meet all the necessary legal tests.

7.85 I also have some doubts about the merits of some of the particular landscaping proposals put forward (for example the proposed woodland on Arnold's Bank).

7.86 I therefore consider that the correct way forward would be to impose conditions requiring further details of both these aspects to be submitted for consideration. I recognise that the applicant's aspiration is to retain a degree of flexibility in the choice of which particular fields may be used for tunnels in a particular year, and

that is a reasonable expectation in the context of agricultural activity, given the need to respond to weather and soil conditions, pests and the like. I therefore propose that the relevant condition should seek details of a strategy for rotation management, incorporating appropriate guidelines, rather than seeking to impose a rigid year-by-year programme. This strategy would reinforce and amplify the information provided in "table 1 : Land Use 1999 – current , with likely future rotation" of the Management Plan, which formed part of the planning submission.

7.87 My recommendation below also includes other conditions, as discussed throughout this report.

8. Recommendation:

Grant Planning Permission subject to the following conditions:

1 The development hereby permitted shall be carried out in accordance with the following approved documents, unless otherwise agreed in writing by the local planning authority :

Location Plan 01 A dated 20.05.2011, Letter dated 20.05.2010, Design and Access Statement dated 08.07.2010, Landscape Statement dated 08.07.2011, Letter dated 30.12.2010, Landscape Statement ADDENDUM dated 30.12.2010, Ecological Assessment dated 26.05.3011, Proposed Plans and Elevations 1640/3 dated 08.07.2010, Proposed Plans and Elevations 1640/4 dated 08.07.2010, Proposed Plans and Elevations 1640/5 dated 08.07.2010, Section 1640/6 dated 08.07.2010, Letter dated 09.07.2010, Planning Statement GKS/RLK: S1640 dated 09.07.2010, Flood Risk Assessment dated 08.07.2010, Email dated 26.05.2011, Report ECONOMIC CONTRIBUTION dated 08.07.2010, Report ECONOMIC dated 08.07.2011, Landscaping EXPLANATORY NOTE dated 15.05.2011, Letter dated 13.04.2011, Letter dated 18.04.2011, Letter dated 16.06.2011, Report MANAGEMENT PLAN dated 08.07.2011

Reason: In order to comply with the scale and nature of the development hereby permitted, in the interests of rural and residential amenity.

2 The gross area of fields containing polytunnels shall not exceed 165ha during any single calendar year. For this purpose, the expression "polytunnels" shall include polytunnel hoops from which the plastic covering has been removed, temporarily or otherwise. Within this overall total, the gross area of fields containing rotational tunnels shall not exceed 91ha and the gross area of fields containing successional tunnels shall not exceed 74ha.

Reason: In the interests of visual amenity.

3 Successional tunnels shall be located only in those fields identified for this purpose on the Polytunnel Status Plan (Figure 2) date-stamped 8 July 2010 contained within the revised Design and Access Statement. Rotational tunnels shall be

located only in those fields identified as “land suitable for rotational tunnels” on that Plan. No polytunnels shall be located at any time on those fields annotated “no polytunnels” on that Plan.

Reason: In the interests of visual amenity.

4 No polytunnels shall be located closer than 30m to the boundary of any residential curtilage.

Reason: In the interests of the residential amenity of the occupiers of residential property in the vicinity of the application site.

5 The measures to regulate and control surface water run-off from and within the site, as set out in the Flood Risk Assessment dated August 2009 and date-stamped 8 July 2010, shall be implemented in relation to all fields whilst polytunnels are present in those fields. The mitigation and maintenance measures set out in the Water Management Plan, contained within the Management Plan date-stamped 8 July 2010, shall be carried out fully in accordance with the regime set out therein.

Reason: In the interests of flood prevention and the protection of amenity.

6 The measures set out in the Management Plan date-stamped 8 July 2010 with regard to the inspection, management and maintenance of polytunnel coverings shall be fully undertaken in accordance with that Plan.

Reason: In order to minimise the noise caused by loose or poorly secured covers, in the interests of residential and rural amenity.

7 Within six months of the date of the granting of this planning permission, details of a strategy for the location of rotational tunnels shall be submitted for the approval of the local planning authority. The strategy shall include details of the measures to be taken to minimise the concurrent use of adjacent fields for the location of tunnels within Areas 2, 3, 4, 5 and 8, as identified in the Landscape and Visual Impact Assessment. Following approval, this strategy shall be adhered to at all times.

Reason: In the interests of visual amenity.

8 Notwithstanding the outline details set out in the Landscape and Visual Impact Assessment, within six months of the date of the granting of this planning permission, full details of a landscape strategy including details of additional planting and a timescale for the implementation of the strategy, shall be submitted to the local planning authority for approval. The approved strategy shall be implemented in accordance with the agreed timescale.

Reason: In the interests of visual amenity.

9 All polytunnels and associated equipment shall be permanently removed from the application site in the event that the land ceases to be used for soft fruit production.

Reason: In the interests of visual amenity.

10 No polytunnel shall be covered with plastic sheeting for more than nine months in any calendar year.

Reason: In the interests of visual amenity.

11 No polytunnels (including uncovered hoops) shall be erected within 3m of the edge of any Public Right of Way. Where land to both sides of a Public Right of Way is included within those areas where polytunnels may be located under the terms of this permission, tunnels shall only be erected to one side of the Public Right of Way at any one time.

Reason: In the interest of visual amenity.

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