

REPORT SUMMARY

REFERENCE NUMBER: 23/503752/FULL		
APPLICATION PROPOSAL: Erection of polytunnels with year round coverage. Concreting of existing access track over a 40m section and construction of 2(no) concrete bin pads with partial grain walls, with associated landscaping, drainage infrastructure and engineering operations.		
ADDRESS: Linton Growing, land at Burford Farm, Redwall Lane, Linton, ME17 4BD		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Both Linton Parish Council and Hunton Parish Council have requested for application to be considered by Planning Committee if officers are minded to recommend approval. These requests are made for reasons outlined in consultation section below.		
WARD: Coxheath & Hunton	PARISH COUNCIL: Linton	APPLICANT: Linton Growing Ltd AGENT: Bloomfields
CASE OFFICER: Kate Altieri	VALID DATE: 18/08/23	DECISION DATE: 24/06/24
ADVERTISED AS A DEPARTURE: No		

RELEVANT PLANNING HISTORY - There are various applications for Burford Farm, including:

- 24/500085 – Enforcement case: Laying of hardcore without prior consent – Pending consideration subject to current planning application
- 24/501440 – Concrete access track for tray field and concrete yard area - Approved
- 24/500562 – Prior notification for concrete road for all year round access to tray field area. For its prior approval to: Its siting and means of construction – Prior approval not required
- 22/504667 – Change of use to store 8 mobile homes for seasonal agricultural workers including engineering operations required to provide a sewage treatment unit - Approved
- 22/502698 – LDC (proposed) for siting between 1 March to 30 Sept of 8 mobile homes for seasonal agricultural workers - Approved
- 22/502578 - Prior notification for agricultural engineering operations consisting of sections of cut and fill to create level propagation area and drainage ditches and creation of drainage basin. For its prior approval to: Siting – Prior approval not required
- 22/501015 - Prior notification for erection of agricultural building for cold storage. For its prior approval to: Siting, design & external appearance - Prior approval not required
- MA/08/0038 - Erection of agricultural building for grain storage - Approved
- MA/04/0627 - Grain dryer and holding silo together with handling equipment - Approved

MAIN REPORT

1.0 SITE DESCRIPTION

1.01 Burford Farm extends to approximately 30ha and forms part of Linton Growing Ltd’s holding, and the farm is used for the propagation and growing on of blackberry, strawberry and raspberry plants. The applicant, Linton Growing Ltd, acquired the site in 2019 and they are a propagation company that is run by and alongside Clock House Farm to produce British propagated soft fruit. The applicant is also part of Driscoll’s nursery network, and is one of only five other UK plant propagators which belong to the network. The application site itself is located on (and accessed from) the southern side of Redwall Lane, some 215m to the east of the junction with George Street. In general terms, the land drops in a general north to south direction (from Redwall Lane to the River Beult).

- 1.02 There are residential properties and listed buildings in the surrounding area; and there are a number of public rights of way in the locality, including public footpath KM129 that runs through the southern end of the site in a general east/west direction. There is also other agricultural development in the locality (including buildings and polytunnels), such as Berry Gardens Growers; Wares Farm Estate (Firmin); and Rankins Farm, some 600m and more to the east of the site.
- 1.03 For the purposes of the Local Plan the proposal site falls within the countryside. The southern part of the site falls within a KCC Minerals Safeguarding Area and an area of archaeological potential; the River Beult, to the south of the site is a Site of Special Scientific Interest (SSSI); and the southern part of the site is within Flood Zones 2 and 3.

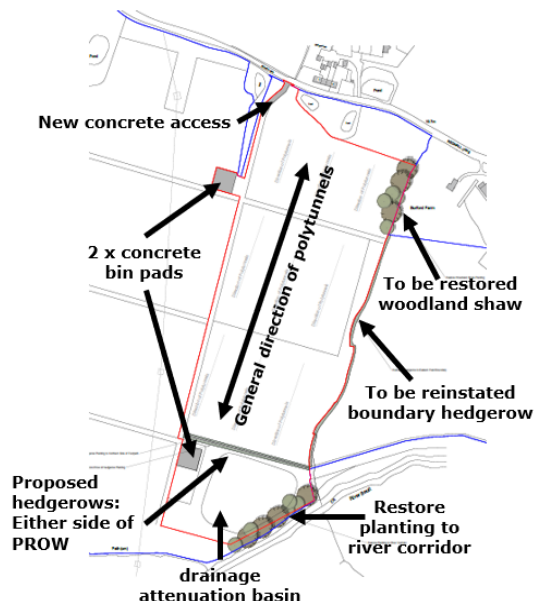
2.0 PROPOSAL

2.01 The application is described as: *Erection of polytunnels with year round coverage. Concreting of existing access track over a 40 metre section and construction of 2(no) concrete bin pads with partial grain walls, with associated landscaping, drainage infrastructure and engineering operations.*

2.02 In summary the submission sets out the following:

- *Proposal site is currently in horticultural use and prior to that it was in arable use, with site located to west of existing propagation field and farmyard area at land at Burford Farm; it measures some 7ha in area, with application seeking to provide 5.6ha of polytunnels in 3 blocks; and each polytunnel will run in north to south direction, with a drainage attenuation basin to south west of polytunnels.*
- *Proposed (Spanish) polytunnels measure max. of 4.72m in height and max. of 9.2m in width; they comprise a series of steel frame hoops fixed to ground in multibay system over which plastic polythene sheeting is spread to protect crop; hoops are fixed to ground using posts screwed in (to depth of 0.8m); and clear colourless polythene is used to encourage natural behaviour of pollinating insects and to maximise photosynthesis.*
- *Polytunnels are required for growth and onward care of propagated fruit plants; and they are required for year round coverage, to overwinter propagated plants or mother plants providing them with protection from frost and weather. This reduces disease and improves yields during the next production year.*
- *Polytunnels are required to provide an all year round controlled growing environment for propagated plants, primarily strawberry and raspberry plants. Mother plants for production of young plants would be planted out in January, with preparation for their growth starting in December. Mother plants are used to produce young plants within tunnels up until July. Following on from this production of propagated young soft fruit plants, mother plants are then used in polytunnels and used for production of soft fruit in order to provide different growth production cycle to provide a soft fruit crop across a longer season.*
- *Ability to control plant propagation and extend seasonal supply not only reduces food miles which is more environmentally friendly and supports Clock House Farm Ltd and Linton Growing Ltd pathways to become carbon neutral, it improves efficiency and reduces costs.*
- *Propagation and growth of soft fruit plants locally means plant miles and overall food miles of produce is reduced even further, as longer haul imports and shipments of plants is not required. There is also corresponding reduction in risk of importing diseases with plants.*
- *Plants are cut from 'runners' of existing healthy plants or canes and then grown on from runners to nearly mature plants, ready for their first year of growth and cropping.*
- *Application includes 40m long concrete strip at existing access road and provision of 2 25mx25m concrete bin pads with partial grain wall sides. Proposed bin pads will store fruit and plant bins (as impermeable platform out of mud to improve their longevity and prevent them from rotting, whilst allowing access in all weathers). As part of concrete access road, a wheel wash facility will also be installed to clean wheels of agricultural traffic before it enters highway; and as a betterment, provision of concrete will allow any potential spillages to be controlled far easier than running on to permeable ground.*
- *Site is accessed via existing access from Redwall Lane and there are no proposed changes to this arrangement. Amount of traffic that will access and leave site will not alter in any meaningful way as site is already used to propagate and sell on soft fruit plants and soft fruit, this application seeks to improve health of plants. Polytunnels will improve yields and overall plant health but this will not amount to additional journeys.*

2.03 In terms of landscaping, the submission sets out that existing landscape structure/vegetation on site is well established and includes mature boundary hedges/trees. The drawing below also provides a general overview of what the proposal entails:



3.0 RELEVANT POLICY & GUIDANCE

- Maidstone Borough Local Plan Review 2021-2038 (adopted March 2024)
- Landscape Character Assessment (2013) & Landscape Capacity Study (2015)
- National Planning Policy Framework (2023) & National Planning Practice Guidance

3.01 **Maidstone Borough Local Plan Review (LPR):** The LPR was adopted by the Council on 20th March 2024 and this document attracts full weight. There have been two strategic level challenges to adoption. The LPR effectively deletes the 2017 Local Plan from Maidstone’s Development Plan and it has no weight as a result. Please note here that elements of the 2017 Local Plan that were still relevant have been absorbed into the LPR. Relevant policies within the LPR are considered to be: LPRSS1 (Spatial strategy); LPRSP9 (Development in countryside); LPRSP14(A) (Natural environment); LPRSP14(B) (Historic environment); LPRSP15 (Design); LPRTRA2 (Assessing transport impacts); LPRENV1 (Development affecting heritage assets); LPRCD5 (Agricultural buildings/structures); LPRQD2 (External lighting); LPRQD4 (Design principles in countryside). Of most relevance is LPR policy LPRCD5 that allows for new agricultural buildings/structures on land in use for agricultural trade or business, subject to certain criteria. This policy will be discussed in more detail later on in this report.

3.02 **Council’s Landscape Character Assessment:** The Maidstone LCA identifies the application site as falling within the Beult Valley Landscape Character Area (Area 58), and the landscape guidelines for this area is to ‘*CONSERVE & RESTORE*’. The summary of actions are summarised below:

- *Conserve river and its corridor by promoting improved water quality and reducing nitrogen-rich runoff from nearby arable fields and discharges*
- *Conserve oak as dominant hedgerow & plant new oak standards in hedges to replace ageing species*
- *Conserve species rich hedgerows, ensuring that they are correctly managed and gaps replanted*
- *Encourage restoration of lost hedgerow boundaries in arable areas*
- *Conserve and restore habitat opportunities around water bodies and ditches by promoting and managing a framework of vegetation with links to the river*

3.03 Within the Council’s Capacity Study, the overall landscape sensitivity of this LCA is ‘*HIGH*’ and is sensitive to change. It also comments: *Pressure for development to spread onto the visually sensitive valley floor, notably at Yalding & Headcorn, should be resisted to maintain open character of floodplain. Minor development to support existing scattered settlements & farmsteads could be considered.*

- 3.04 **NPPF:** The NPPF is clear that good design is a key aspect of sustainable development, section 12 of the NPPF referring to 'achieving well-designed and beautiful places'. Paragraph 180 also states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside; and paragraph 84 seeks to help support a prosperous rural economy.

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local residents:** 21 representations received raising concerns over impacts upon: Character and appearance of countryside including Greensand Ridge; flood risk/surface water drainage; highway safety/traffic generation; ecology and SSSI; residential amenity; footpath damage; odours and noise pollution; and loss of property value. Some representations have also been received by the Hunton Parish lead Flood Warden and Hunton Parish Councillor. These detailed comments have been sent to KCC, as the Leading Local Flood Authority, prior to their response (as set out further on in the report).

5.0 CONSULTATION RESPONSES

(Please note that summaries of consultation responses are set out below; and comments are discussed in more detail in the appraisal section where considered necessary)

- 5.01 **Linton Parish Council:** Wish to see application refused and request it be reported to Planning Committee if officers are minded to recommend approval. In summary they comment:

Height of polytunnels dominating Low Weald at Rankins Farm are 4.3m & 7.8m wide (18/500214). Height of proposed polytunnels are 6m and 9.2m wide. This is staggering amount of unscreened plastic. Proximity of proposal to Berry Gardens packhouse (14ha: 16/508659) that too dominates landscape and 10ha of plastic at Rankins Farm amounts to more than significant harm to landscape of open countryside. Proposal also significantly harms purpose/use/role of PROWs crossing/surrounding proposal site (PROWs: KM229; KM129; KM143; KM131; KM164 joins 131; and KM134). Proposal will undermine MBC's Biodiversity Strategy (2019). Applicant states KM129 sensitivity impact to polytunnels is high but with screening will be minimal after approx. year 10. Why is open countryside being taken away given sensitivity and high value of Greensand Way; and where's evidence natural screening can achieve 6m in height by year 10? Screening proposed is designed to conceal polytunnels north of KM129 and PROW south of site, what of PROWs north of site listed earlier, which is most of landscape impact. To screen site from surrounding hillside from northeast, north and northwest will need to be far greater than anything currently proposed and timescale of 10yrs is fanciful. Site is situated in similar topography to polytunnels at Rankins farm. Significant issue here is dreadful sun glare. This harmful glare impacts PROWs, homes & businesses. In particular, latter use their location as advertising plus point since it infers quality and green credentials. Some use vista as attraction for customers; and not only tourism on ground but in air too: hot air balloons, microlights and other pleasure craft. We see no benefits, only harm to area in terms of impact on ecosystem, residents & public; and our concerns have not been addressed about collective impact of 3 sites, being so close together, to River Beult. All this land covering can't be good for quality of it or river and natural drainage system or ecosystem. Weather and climate change should also be a consideration.

- 5.02 **Hunton Parish Council:** Wish to see application refused and request it be reported to Committee if officers are minded to recommend approval. In summary they comment:

- *Lack of data on increased traffic, especially number of heavy vehicle movements through Hunton Parish to other growing sites, or transport for all year round site personnel, etc.*
- *Visual impact of polytunnels from public footpaths/other viewpoints, especially George St, Redwall Lane and East St, particularly as proposal is for year round cover.*
- *Siting of attenuation pond in functioning flood plain. Our Flood Warden has reported separately on this.*
- *Site in Nat En Strategic Opportunity Area for GCNs, which is not mentioned in documentation; BNG is not mentioned; and insufficient assessment of local/adjacent ecology of woodland and riverine environments.*
- *Footpath KM129 is often flooded in winter and sometimes impassable. Flooding will worsen with erection of polytunnels, causing direct faster run-off arriving at French drain alongside footpath.*
- *Polytunnels used to produce soft fruit for market & provide plant nursery- result in further increase in traffic.*
- *Proposed landscaping insufficient as land slopes upwards so polytunnels will not be hidden by hedging, when viewed from south. Proposed hedging will also take 10yrs to grow.*
- *Application does not meet 'rotational requirement' for polytunnels (LPR policy LPRCD5).*

5.03 **Marden Parish Council:** Neither object nor support application but comment (in summary):

Although outside Marden parish, application would create significant landscape impact when viewed across River Beult including from public footpaths in area. Cllrs therefore recommend conditions be installed on any approval of (a) require removal of polytunnels for period over winter when landscape impact is most prevalent; and (b) polytunnels should be completely removed should use that they were installed for ceases.

5.04 **KCC Flood and Water Management Team:** Raise no objection to proposal (see main report).

5.05 **Environment Agency:** Raise no objection (see main report).

5.06 **KCC Biodiversity Officer:** Raises no objection (see main report).

5.07 **Agricultural Advisor:** Overall, in agricultural terms they have no issue with proposal given the size and scale of the existing business (see main report).

5.08 **KCC Highways:** Raise no objection to proposal (see main report).

5.09 **Landscape Officer:** Raises objection (see main report).

5.10 **MBC Conservation Officer:** Raises no heritage objection to proposal (see main report).

5.11 **Environmental Protection Team:** Raise no objection to proposal (see main report).

5.12 **Upper Medway Internal Drainage Board:** Raises no objection to proposal (see main report).

5.13 **Archaeological Officer:** Raise no objection (see main report).

5.14 **Southern Water:** Raise no objection (see main report).

5.15 **Natural England:** Raise no objection and considers proposal will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

5.16 **KCC PROW Officer:** Comments impact of Public Rights of Way have clearly been given a lot of consideration in relation to proposal and confirm they do not have any objections to application.

5.17 **KCC Minerals & Waste Policy Team:** Confirm they have no land-won minerals or waste management capacity safeguarding objections or comments to make on this application.

5.18 **UK Power Networks:** Raise no objection (see main report).

5.19 **Kent Police:** Confirms application falls outside of their scope to comment on.

5.20 **Scotland Gas:** No representations received.

6.0 APPRAISAL

6.01 The site is considered appropriate in terms of its location, being linked to an existing destination that is directly accessed from Maidstone Road (A274). As such, the key issues for consideration relate to:

- Assessment of proposal against LPR policy LPRCD5;
- Highway safety; and
- Miscellaneous.

6.02 The details of the submission will now be considered.

ASSESSMENT OF POLICY LPRCD5: Proposals for agricultural....structures on land in use for agricultural trade/business which meet following criteria will be permitted:

Proposal is proportionate and necessary for purposes of agriculture

6.03 The submission has been reviewed by an independent Agricultural Advisor, on behalf of the Council, and overall in agricultural terms they have no issue with the proposal given the size and scale of the existing business.

6.04 In summary they have commented as follows:

Proposal is for Poly tunnels for year-round coverage, concreting of existing access and construction of 2 concrete bin pads. Proposal has been made at Burford Farm, that forms part of Linton Growing Ltd - a propagation company that is run by and alongside Clock House Farm to produce British propagated soft fruit. Application seeks to provide 5.6ha of poly tunnels over three blocks. Proposal is assessed against local plan policy LPRCD5.

Proposal is supported by planning statement and in this it details poly tunnels will in main be used to overwinter propagated plants or the mother plants. Existing land holding extends to approximately 30ha at Burford Farm. Linton Growing is well established business that specialises propagation, currently most UK based fruit growers either purchase or import young stock or propagate their own. Stock is usually purchased from Europe, however since Brexit this has been complicated and made importing more expensive and quality of produce has reduced due to increased transportation time. By producing these locally, it will contribute to reducing plant miles.

There has been a demonstrable local need for young plants from nearby growers who are no longer wishing to import young stock. Plants are cut from 'runners' of existing healthy plants or canes and then grown on from runners to nearly mature plants, ready for their first year of growth and cropping. Poly tunnels will provide all year-round coverage and allow for a greater growing season. In terms of agricultural need there is a demonstrable need for poly tunnels, that themselves are of typical size. Proposed concrete bin pads and hardsurfacing are also reasonable. We hold no objection to proposal in terms of agricultural requirement.

6.05 On the basis of this specialist advice, it is considered that the submission has demonstrated that the proposed development is necessary for the purposes of agriculture.

Proposal would not have adverse impact on amenity of existing residents

6.06 No residential property would be immediately adjacent to the proposal. Given the separation distances involved between the proposal and any dwelling, together with the proposal site already being in horticultural use where there is already a certain amount of noise and comings and goings; and the proposal not amounting to a significant increase in vehicle journeys to and from the site, it is considered that the proposal would not have an adverse impact upon any surrounding neighbour (when they are trying to enjoy their own property) in terms of privacy, light, outlook, odour and general noise and disturbance, when compared to the current situation. The Environmental Protection Team have also not raised a specific issue in terms of noise and odour. On this basis, it is considered that the proposal would not have an adverse impact on the amenity of any existing resident, when they are trying to enjoy their own property (internally and externally).

Structure would be located within or adjacent to existing group of buildings, in order to mitigate against visual impact of development, unless it can be demonstrated a more isolated location is essential to meet needs of holding. Where isolated location is essential, site should be chosen to minimise impact of structure on character and appearance of countryside

6.07 The application is accompanied by a Landscape and Visual Assessment (LVA). The landscape and visual assessments made within the LVA are on the basis of 'Day 1' of the proposal being implemented, and therefore represents a 'worse case' scenario in terms of assessed effects; and the assessments also consider the proposal at 'Year 10', allowing time for the proposed planting to establish.

6.08 In summary the LVA concludes:

- *Scheme would be implemented alongside a landscape strategy to include hedgerow planting, restoration of woodland shaw and reinforcement planting to hedgerow to south of site. A number of agricultural developments have taken place in Beult Valley in recent years. This includes construction of packhouse facility at Wares Farm to east and a development of approx. 30ha of polytunnels at Rankins Farm. With regards to Burford Farm, planning permission has been granted for 8 mobile homes for agricultural workers on land to north of proposal site and siting of a tray field and associated drainage to east of site, alongside several smaller applications.*
- *With regards to assessed landscape impacts of proposal, LVA has determined a slight adverse importance of landscape effects because of transitioning from open agricultural field to perceived built form. Gradual expansion of polytunnel developments in surrounding area, however, reduces impact of this effect.*
- *Importance of visual effects of proposal varies greatly between receptor locations, with views from Greensand Ridge to north heavily filtered by vegetation and landform, whereas footpaths running to south often provide panoramic views across site. Views from south are most prominent where riparian vegetation is sparse, and hedgerows are gappy. LVA has assessed overall importance of visual effects of proposal regarding receptors to south of site is slight adverse, with proposed landscape strategy providing screening to most of these localised views. To north, however, overall importance of visual effects if considered minimal adverse as landform and existing vegetation generally block or filter views to site.*
- *LVA therefore concludes proposal would have a minimal/slight adverse impact on landscape and visual amenity of Burford Farm and surrounding area.*

6.09 The LVA has been independently reviewed on behalf of the local planning authority and overall it is accepted that the LVA is generally well structured and has been carried out in accordance with the principles of Guidelines on Landscape and Visual Impact Assessment (GLVIA3). The review also advises to not necessarily take all the conclusions of the LVA at face value, but instead make an independent and informed judgement about the landscape impact acceptability of the proposal, based on all information available. The agent has considered this independent review and ultimately endorses that the Council should take its own informed view of the proposal.

6.10 When considering the submission, including the LVA details, the view is taken that the proposal would not be in an isolated location given the houses/buildings found to the immediate north of the site (on Redwall Lane); the houses/buildings to the west of the site, beyond the farm (on George Street); and to the north-east of the site, the complex of buildings and tray fields associated to Burford Farm, and there being permission for the stationing of mobile homes for agricultural workers. Further to this, the development would not result in the loss of any significant landscaping, and in terms of additional landscaping the submission shows the reinstatement of native hedgerow along the eastern boundary of the site; native hedgerow planting either side of public right of way KM129 (within the application site); the restoration of woodland shaw in the north-eastern corner of the site; and the restoration of native planting along the river corridor. These details can be secured by way of condition, along with a programme for the future maintenance and enhancement of the existing field margins. The additional comprehensive planting, through time, would help the development to positively integrate with the surrounding landscape, as well as providing strong natural boundaries to the site; and it is acknowledged that the Council's Landscape Officer has raised no objection to the shown landscaping enhancements, subject to appropriate conditions. A condition will also be imposed to control external lighting in the interests of safeguarding the amenity of the countryside hereabouts.

6.11 No land level changes are required for the polytunnels construction that includes a series of steel frame hoops fixed to ground; and the submission confirms that the covering of the polytunnels will be of clear and colourless plastic polythene sheeting. So whilst this would likely show the polytunnel frames, this transparency would also allow the polytunnels to blend in better with the surrounding landscape, than say a usually more opaque covering found on polytunnels.

6.12 The proposed concrete access track would effectively make good, and not noticeably enlarge, an existing track that already has some landscape impact. The new surfacing will also improve the useability of the track and would likely reduce nuisances such as mud on the road through the more wetter months. The proposed concrete bin pads with 2m high grain walling would be

contained within the site and read in the context of its farm surroundings. It is considered that these elements of the proposal would not cause significant harm to the character and appearance of the countryside hereabouts.

- 6.13 For the purposes of the LPR the application site is within designated countryside and it is acknowledged that the new polytunnels, given their scale and nature, would change the character of the site; and that there would be public views of them from Redwall Lane and the surrounding footpath network, including from the Greensand Way. However and in accordance with policy LPRCD5, the proposal would not be located in an isolated location. Furthermore, existing development and landscaping within the surrounding area would help to screen the proposal from public view, and the LVA's conclusion that the proposal would have a minimal/slight adverse impact on landscape and visual amenity of Burford Farm and surrounding area, is agreed with; and the shown landscaping mitigation would also help to future blend the proposal into the landscape hereabouts. It should also be emphasised here that the development is considered to be appropriate to improve the functioning of an existing agricultural business; and it is worth noting that the proposed polytunnels would cover an area of some 5.6ha, which is relatively modest compared to the polytunnels approved at Rankin Farm (to the east of the site) that appear to cover some 30ha in area.
- 6.14 In short, the proposal is considered to accord with this part of policy LPRCD5 and other LPR countryside protection policies, in that it would not cause significant harm to the intrinsic character and appearance of the countryside hereabouts.

Furthermore, policy LPRCD5 expects the following to be addressed for polytunnels:

How surface water run-off will be dealt with and controlled within boundaries of site

- 6.15 KCC, as the Leading Local Flood Authority initially raised concerns about the proposal. After the submission of an amended Flood Risk Assessment and Drainage and SUDs Strategy; and then further correspondence from the applicant's specialist, KCC no longer raise an objection to the scheme and have commented as follows (in summary):

Thank you for clarifying approach to infiltration and discharge to River Beult. Our previous concerns are purely operational for surface water drainage and affective attenuation of flows from impermeable areas. Having reviewed latest info, at this stage we accept arguments presented and whilst having concerns with some statements, are accepting these can be dealt with as part of detailed design submission. So, should LPA be minded to approve we request conditions relating to need to submit a detailed sustainable surface water drainage scheme (pre-commencement) and a Verification Report pertaining to surface water drainage system.

- 6.16 These conditions are considered reasonable and necessary, as they would ensure that the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding; and would ensure that flood risk from the development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems. The agent has also agreed to the pre-commencement condition.
- 6.17 The Environment Agency have no additional comments to make on the amended Flood Risk Assessment and Drainage and SUDs Strategy.
- 6.18 Southern Water raise no objection to the proposal, and refer to the potential adoption of the SuDS system under certain circumstances; and that where SuDS rely upon facilities which are not adoptable by sewerage undertakers, the applicant will need to ensure arrangements exist for long-term maintenance of SuDS facilities. The specialist views of KCC, as the Leading Local Flood Authority, have been considered in this respect.
- 6.19 Further to this, the Upper Medway Internal Drainage Board (UMIDB) have not raised a specific objection to the proposal but have commented that it is likely to require consent from them (as set out in Land Drainage Act 1991 & the Board's Byelaws). The UMIDB therefore advises for the required consents to be sought prior to the determination of this application. Whilst there is the potential for conflict between the planning process and the Board's regulatory regime, it is not considered reasonably necessary to delay the determination of this application for this

purpose; and a suitable informative will be added to remind the applicant of this separate requirement under the under Land Drainage Act 1991 and the Board's Byelaws.

Inclusion of rotation programme for covering/uncovering of structures/frames, explores possibility of following seasons

- 6.20 The submission has made it clear that the proposed polytunnels are for all year round cover, and the landscape impact of this has already been addressed above.

Inclusion of programme for maintenance and enhancement of existing field margins in interests of encouraging biodiversity

- 6.21 There is an opportunity here to discuss the wider biodiversity implications of the scheme. The KCC Biodiversity Officer has reviewed the submission and in summary have concluded that the submitted ecological information is sufficient to determine the application. In summary, they have commented:

Preliminary Ecological Appraisal (PEA) provides certainty for Council of likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, development can be made acceptable. Under section 40 of Natural Environment and Rural Communities (NERC) Act 2006 and NPPF paras 174 & 180, biodiversity should be maintained and enhanced through planning system. As such, if permission is granted, we advise 2 conditions relating to all mitigation and enhancement measures and/or works to be carried out in accordance with details contained in submitted PEA; and for a Biodiversity Enhancement Strategy for protected and Priority species to be submitted.

- 6.22 These conditions are considered reasonable and would be duly imposed if the application were to be approved. The agent has agreed to the pre-commencement condition.

- 6.23 Subsequent to this, a local representation was made that in summary questions whether or not potential impacts upon Great Crested Newts have been considered properly; and the Environment Agency had also initially objected to the proposal because there was not enough information, in terms of assessing risks, to know if the development could meet their requirements for ecology and physical habitats. These representations were passed to the KCC Biodiversity Officer, to see if they altered their views. The following (summarised) response was received:

Our advice is largely still valid. Site is largely unsuitable for GCN currently due to current management. Therefore while enhancements are limited to enhancement of hedges buffer planting along River Beult it will improve connectivity. We do agree that creation of a pond is beneficial to GCN there is a need to ensure any pond created will be managed appropriately. PEA did not fully consider impact on creation of SuDS pond. Are you able to confirm distance between edge of SuDs ponds and edge of River Beult?

- 6.24 Subsequent to this, the amended PEA confirms that the proposed SUDs pond will be located some 5m inside the redline boundary of the application site and would therefore be some 15m from the River Beult; and a river bank plan shows that planting will not take place within 8m of the riverbank. On this, the KCC Biodiversity Officer is satisfied that sufficient ecological information has been provided and in summary they have commented as follows:

We highlighted original PEA did not fully consider impact on creation of SuDS pond in south of site, however it has been updated and we are satisfied PEA has adequately assessed impact on protected/notable species and adjacent SSSI. Works will be carried out to create SuDS pond within 15m of River Beult and we advise a detailed mitigation strategy is submitted as a condition detailing how works will be implemented to avoid damage to SSSI during construction.

- 6.25 The recommended condition is considered reasonable and necessary and shall be duly imposed. This application was submitted prior to the need to demonstrate Biodiversity Net Gain Assessment through legislation.

- 6.26 The Environment Agency (EA) have also further reviewed the amended PEA and river bank plan and no longer object to the proposal, subject to a pre-commencement condition seeking details of a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse. Such a condition is considered reasonable, in order to conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity, in accordance with NPPF paragraphs 180 and 186 and LPR policy. The EA also comment that the

recommended condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive, which stress the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. The recommended pre-commencement condition has been agreed by the agent. The informative recommended by the EA, regarding Flood Risk Activity Permits shall also be added to any permission.

- 6.27 Overall, there are no biodiversity/ecology objections to the proposal; and through the imposition of the recommended conditions (including the landscaping condition), it is considered that the development (if approved), would encourage biodiversity.

OTHER CONSIDERATIONS

Highway safety

- 6.28 The submission makes it clear that the proposal would utilise the existing access from Redwall Lane and that there are no proposed changes to public highway proposed because of development. Further to this, the agent has confirmed that the propagation of soft fruit currently occurs at Burford Farm, so there is already an established amount of traffic entering/leaving the highway; and that this amount and type of traffic will not alter as the propagated plants are now grown and transported onwards without polytunnels. The proposed polytunnels will make the propagated plants healthier and higher yielding for future fruiting, so that once transported to their production site, the plants will then go on to create higher yielding crops. The proposal has also been designed so that vehicles will drop off on a concrete road within the site and cleared, rather than entering the highway network direct from the fields, reducing the amount of mud reaching the highway.
- 6.29 In accordance with paragraph 115 of the NPPF, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The KCC Highways Authority has considered the submission and have raised an objection to the proposal in highway safety terms.

Miscellaneous

- 6.30 The KCC Archaeological Officer has raised no objection and has commented as follows (in summary):
- Site lies in an area of general potential for prehistoric and Roman potential. There are indications of cropmarks in general area which could reflect prehistoric activity. Site also lies south of Redwall Brickworks. Remains associated with 19th century or earlier industrial activity may be revealed. In view of this archaeological potential I recommend pre-commencement condition to secure implementation of a watching brief.*
- 6.31 To ensure that features of archaeological interest are properly examined and recorded, an agreed condition is considered reasonable and would be duly imposed if the application were to be approved. The agent has also agreed to this condition's imposition.
- 6.32 The Council's Conservation Officer has also raised no heritage objection to proposal. Indeed, they consider the polytunnels to be part of the developing agricultural landscape; and whilst they may not be 'picturesque', they cannot see that they would be deemed as harming the setting of any listed building. The Conservation Officer goes on to comment that the proposed height of the polytunnels is not excessively tall either, and there are existing trees and proposed trees that would provide added screening. At worst, they would conclude that the proposal would have a less than substantial harm to the wider setting of any listed building due to the material, but that this would be outweighed by the continuing use of agricultural land and the temporary nature of structures. With reference to NPPF paragraph 208, this identified harm needs to be weighed up against the public benefits of the proposal. It has been established that there is a demonstrable agricultural need for the polytunnels; and it is agreed that the benefits, as stated by the Conservation Officer, would outweigh the limited harm identified. As such, no objection is raised to the proposal in heritage terms.

- 6.33 The Environmental Protection Team have raised no objections to the proposal from an environmental health perspective. UK Power Networks raise no objection, but refer to the proposal being in close proximity to a substation they own and provide advice on this matter. An informative will also be added to advise the applicant of this. It is also acknowledged that Natural England; the KCC PROW Officer; the KCC Minerals and Waste Policy Team; Kent Police; and Scotland Gas have no comments to make on the application.
- 6.34 All representations received on this application have been considered in the assessment of this application; and please note here that the potential loss of property values is not a material planning consideration; and potential damage to public footpaths should be reported to KCC. Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010, and it is considered that the application would not undermine the objectives of the Duty.

7.0 CONCLUSION

- 7.01 For the reasons set out above the proposal would be in accordance with the Development Plan and the aims of the NPPF, and all other material considerations such as are relevant. A recommendation of approval is therefore made.

8.0 RECOMMENDATION - GRANT PLANNING PERMISSION subject to following conditions with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following approved plans: P.2905.010 Rev A; 020 Rev A; 021 Rev A; 022 Rev A; 023 Rev A; 030 Rev A; 031 Rev A; 032 Rev A; 033 Rev A; 034 Rev A; 070 Rev A; 080 Rev B; and 081 Rev A; and documents: Planning Statement (by Bloomfields, dated: Aug 2023); Flood Risk Assessment and Drainage & SUDs Strategy (by RSPD, dated: Nov 2023) and Drainage Strategy Plan (Sheet 01); Preliminary Ecological Appraisal (by Native Ecology, dated: Jan 2024); and Landscape and Visual Assessment (by Huskisson Brown Associates, dated: March 2023).

Reason: To clarify which plans have been approved and in the interests of proper planning.

3. Prior to commencement of any landscaping, drainage and engineering operations hereby approved, the applicant, or their agents or successors in title, will secure the implementation of a watching brief to be undertaken by an archaeologist approved by the local planning authority so that the excavation works are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

4. Prior to the commencement of the development hereby approved, a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the submitted Flood Risk Assessment and Drainage and SUDs Strategy (dated: Nov 2023) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- (i) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters; and

- (ii) appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details and shall be maintained as such thereafter.

Reason: To ensure development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 5. The polytunnels hereby approved shall not be erected and used until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the local planning authority. The Verification Report shall demonstrate that the drainage system constructed is consistent with that which was approved; and shall contain information and evidence (including photographs) of details and locations of inlets; outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework.

- 6. Prior to the commencement of the development hereby approved, a Biodiversity Enhancement Strategy for protected and Priority Species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy must be based on the recommendations within the Preliminary Ecological Appraisal (Native Ecology, Jan 2024) and shall have:

- (i) Purpose and conservation objectives for the proposed enhancement measures;
- (ii) detailed designs to achieve stated objectives;
- (iii) locations of proposed enhancement measures by appropriate maps and plans;
- (iv) persons responsible for implementing the enhancement measures; and
- (v) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To ensure biodiversity is maintained and enhanced.

- 7. Prior to the commencement of the development hereby approved, a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse shall be submitted to and approved in writing by the local planning authority. The buffer zone scheme shall be free from built development including lighting, agricultural land and formal landscaping and the scheme shall include:

- (i) plans showing the extent and layout of the buffer zone;
- (ii) details of any proposed planting scheme (including location, native planting species, amount and size);
- (iii) details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan; and
- (iv) details of any proposed footpaths, fencing and lighting.

The development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected and the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

8. In accordance with the submitted plans and prior to the installation of any polytunnels, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and longterm management, which shall be for a minimum of 10 years, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- (i) Details of a planting schedule (including location, planting species, amount and size) for application site (including in and around the attenuation basin);
- (ii) Details of programme for maintenance and enhancement of existing field margins;
- (iii) New 100% mixed native hedgerow to be planted along eastern boundary of application site, to be interspersed with English Oak trees;
- (iv) New 100% mixed native hedgerow to be planted either side of public right of way KM129 that is within application site;
- (v) Restoration of woodland shaw in north-eastern corner of site; and
- (vi) 100% native planting along the river corridor.

Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. The implementation and longterm management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the countryside and in the interests of biodiversity enhancement.

9. Prior to the commencement of any part of the sustainable drainage system (SUDS) hereby approved, an ecological mitigation strategy (EMP) for the construction of the SUDS shall be submitted to and approved in writing by the local planning authority. The EMP must demonstrate how the SUDS will be constructed and what measures will be implemented to avoid it negatively impacting the adjacent River Beult; and the development shall be implemented in full accordance with the approved details and shall be maintained as such thereafter.

Reason: To protect The River Beult, a Site of Special Scientific Interest.

10. All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the submitted Preliminary Ecological Appraisal (by Native Ecology, dated: Jan 2024); and if this includes the requirement for an appropriately competent person (for example an ecological clerk of works), to provide on-site ecological expertise during construction, then this person shall undertake all required activities/works in accordance with the approved details.

Reason: To ensure biodiversity is maintained and enhanced.

11. The covering of the polytunnels hereby approved shall be of clear and colourless plastic polythene sheeting only.

Reason: To safeguard the character and appearance of the countryside.

12. If the polytunnels hereby approved are no longer required for the purposes of agriculture, the frames/structures, polythene sheeting and all other associated equipment and materials shall be removed, and the land upon which they are sited shall be restored to its former condition within six months from the date of the use ceasing.

Reason: Permission has been granted only to meet the needs of agriculture and to avoid undue proliferation of the countryside that would harm the character and appearance of the area.

13. No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details have been submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: To safeguard the amenity of the countryside hereabouts.

INFORMATIVES:

1. Pursuant to conditions 5 and 6 of this permission, please note following advisories from KCC, the Leading Local Flood Authority:

(i) Infiltration testing: KCC accept that approach is to infiltrate flows from basin at an assumed rate until further BRE 365 testing can be carried out. The groundwater levels recorded are high at 2m deep so it will need to be evidenced in more than one instance, over a suitable time period that groundwater does not exceed this level and reduce the capacity of the basin. A minimum of 1m of separation from depth of groundwater level and the base of any infiltration features is required to ensure effective operation. Further infiltration testing should also be undertaken to provide evidence base for use of infiltration within polytunnels themselves as further explained in advisory (iv).

(ii) Surcharging outfall and positioning of basin: With basin being located in Flood Zone 3, we are concerned it will not provide attenuation of surface water flows from impermeable areas of site when flooded. In this instance, we recommend running hydraulic calculations modelling surcharging of outfall to the River Beult to ensure no additional flooding occurs as result for lesser events. Should it be shown that for extreme rainfall events up to and including the 1:30 year that flooding occurs additional attenuation will be required.

(iii) Polytunnel runoff areas: As part of any future detailed design submission we will expect for it to be clearly evidenced as to how runoff would access ground below polytunnel coverings. As part of this evidence we will expect the results of infiltration testing to be provided and for this to be used in accompanying hydraulic analysis to demonstrate that total grassed areas within polytunnels do indeed directly 'manage' 50% of rainfall received. Should it be shown that for extreme rainfall events up to and including the 1:30 year that flooding occurs additional attenuation will be required.

2. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal) on or within 16 metres of a sea defence involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03702 422 549 or enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and it is advised to consult with the Environment Agency at the earliest opportunity.

3. It is possible that a sewer now deemed to be public could be crossing development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

4. The applicant is advised to discuss the development with the Upper Medway Internal Drainage Board (at: [Upper Medway | Internal Drainage Boards \(medwayidb.co.uk\)](http://medwayidb.co.uk)), as their process (as set out under Land Drainage Act 1991 and Board's Byelaws) would apply to this development.
5. The development is in close proximity to a UK Power Networks substation; and if within 6m of this substation, they are notifiable under the Party Wall Act 1996. The applicant should liaise directly with UK Power Networks (Newington House, 237 Southwark Bridge Rd, London SE1 6NP), to ensure appropriate protective measures and mitigation solutions are agreed in accordance with this Act.
6. UK Power Networks require 24hr vehicular access to their substations. If in doubt please seek separate advice from: UK Power Networks Operational Property and Consents team at Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.