

Herefordshire Council  
Planning Services  
Development Management  
Plough Lane  
Hereford  
HR4 0LE  
***FTAO Ms. Rebecca Jenman***

Your Ref.: 173774; 173775; 173776; 173777; 173778, 173779 and 173780.  
Our Ref.: APA/GREEN/10/0995

14 May 2019

Dear Sirs

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED): PLANNING APPLICATIONS: BY F M GREEN (DITTON FARM):**

- 1. TO ERECT UP TO 32 HECTARES OF FIXED (i.e. NON-ROTATING) SPANISH POLYTUNNELS OVER ARABLE (SOFT FRUIT) CROPS (YOUR REF.: 173774);**
- 2. EXCAVATIONS GROUND PROFILING TO FORM 3 NO. SURFACE WATER BALANCING PONDS (ENGINEERING OPERATION) (YOUR REF.: 173775);**
- 3. CHANGE OF USE OF LAND FROM AGRICULTURE TO A SITE FOR THE ACCOMMODATION OF SEASONAL AGRICULTURAL WORKERS IN DEMOUNTABLE PORTABLE MODULAR BUILDINGS, TOGETHER WITH ANCILLARY TOILET/SHOWER, KITCHEN, STAFF SHOP AND IT/RECREATION UNITS, STATIONED PERMANENTLY ON THE SITE (YOUR REF.: 173776);**
- 4. ERECTION OF A PROFILED-STEEL-CLAD PORTAL FRAME PUMPHOUSE BUILDING AND TWO NO. WATER STORAGE TANKS (YOUR REF.: 173777);**
- 5. ERECTION OF A PROFILED-STEEL-CLAD PORTAL FRAME GENERAL PURPOSE AGRICULTURAL BUILDING (YOUR REF.: 173778);**
- 6. CREATION (ENGINEERING OPERATION) OF A COVERED ELEVATED LORRY DOCKING/LOADING PLATFORM (YOUR REF.: 173779);**
- 7. UPGRADING VEHICULAR ACCESS TO THE A4137 AND LAYING OUT OF UPGRADED ACCESS ROAD (YOUR REF.: 173780):**

**ALL AT BIDDLESTONE FARM, LLANGARRON, ROSS-ON-WYE, HR9 6NT:  
PROPOSED AMENDMENTS TO APPLICATIONS 1 (173774) AND 3 (173776).**

Please find herewith amendments and amended SUPPORTING material (as listed on the attached schedule) in support of thereof with respect to the above listed Planning Applications. This letter describes the amendment which have been made in response representations on the original applications.

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Re: Planning Applications: 173774; 173775; 173776; 173777; 173778, 173779 and 173780: Proposed development at Biddlestone Farm, Llangarron, Ross-on-Wye, Herefordshire HR9 6NT

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These submissions also follow a meeting on site with Kelly Gibbons and Rebecca Jenman on 1 March 2019, to explain the amendments, since Ms Jenman has now succeeded Mr Roland Close, the previous Case Officer

Since the submission of the original Applications, dated 28 November 2017, The Applicant has given careful consideration to the representations received on them. This has involved lengthy re-appraisal of the proposals and this is the reason for the long delay in bringing amended proposals forward.

The principal changes to the proposals encompassed by these amendments are:

- The removal of the polytunnels proposed for **Area 12** within the Application Site under Application 173774. As submitted that Application proposed 4.661 hectares of tunnel on this field out of a total net coverage of tunnels of 31.6 hectares. This means that the overall coverage proposed falls from about 31.6 to about 27 hectares, but, in order to impart some flexibility, we suggest that the description of the Application be amended to read: **"To erect of up to 28 hectares of fixed (i.e. non-rotating) 'Spanish' polytunnels over arable (soft fruit) crops."**
- The removal and relocation of the proposed Seasonal Agricultural Workers (SAWs) Accommodation (Application Ref.: 173776) to another site on land under the Applicant's control, away from Biddlestone Farm and Llangarron Parish altogether. Consequently, workers would be **bussed** to-and-from Biddlestone Farm on a daily basis to-and-from the replacement Accommodation site. This new SAWs Accommodation Site, the location of which is currently confidential, will be the subject of a separate planning application in due course, **following** determination of the current Applications relating to Biddlestone Farm. In the meantime, because – and **only** because – the Applicant wishes to retain/replace about six only of the **existing** residential caravans (or, in the alternative, replace those existing vans with demountable modular residential 'pods') on the Site, to house a small number of supervisory/security staff during the season, and, in addition, to provide some **non-residential** demountable modular units to accommodate facilities to meet the needs of the bussed in workers when they are on Site during the working day, Application 173776 is **amended** to relate to: The **retention of 6 existing caravans/replacement residential demountable modular 'pods'** and **the installation of 6 demountable modular welfare (on-residential) buildings (toilets, mess etc.)** only within the open area occupied by the existing caravans (see amended Application Site Plan).

The other five related Applications remain as submitted. Also submitted with the amendments are a number of supplementary technical notes addressing the amendments and matters raised by statutory consultees with respect the original Applications. These are largely self-explanatory, but further reference will be made to them below.

The Applicant has noted the large number of third party representations, mostly objections, submitted to the original Applications. Many of these originate from persons resident a long way from (frequently completely out-of-sight of) the combined Application Sites, including at addresses outside the County and, indeed outside the UK, who cannot possibly be affected by the proposals in any substantial way, therefore. Some consist of multiple objections from a single household.



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[REDACTED]

Whilst the Applicant recognises the right of anyone to make representations on planning applications, for such representations to be taken seriously and to be given weight by a decision-maker, we suggest that it needs to be demonstrated that the representor/objector has a legitimate interest/'locus standi', because they will be genuinely affected by the proposed development and will, furthermore, suffer some identifiable harm, and not simply that they dislike or disapprove of the proposal for any reason or choose to object merely because they can, irrespective of the merits of such objections.

Accordingly, we have discounted and declined to respond to representations from those without a demonstrable local interest [REDACTED]

[REDACTED] We invite the Council to do the same and to give very little weight to them.

The Applicant has however tried, through the amendments and supplementary information submitted herewith, to respond to genuine concerns, reasonable, fairly and proportionately expressed. Thus, it acknowledges that the operational and sustainability advantages of accommodating seasonal agricultural workers on the Biddlestone Site are probably outweighed by the road safety risks arising from the consequent increases in pedestrian traffic on the high speed A4137 combined with the lack of footways and more limited public transport access along this corridor. This is the reason why the SAWs Accommodation has been relocated away from the Site.

Similarly, the deletion of Area 12 from the tunnelling area significantly reduces the impact of the proposed development on Biddlestone Hamlet in response to the concerns expressed by residents thereof.

The Supplementary Landscape and Visual Impact Note, prepared by *DLA Limited* should be read in conjunction with the L&VIA submitted with the original applications. Amongst other things, it deals forensically (in Section 5.1) with the Council's Landscape Officer's consultation comments on the original proposals and (in Section 5.2) with the landscape comments provide by your Authority in a Memorandum prepared by Potterton Associates Limited, dated January 2018. [REDACTED]

[REDACTED]

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It is also unfortunate that the Landscape Officer's comments stray beyond his remit (and presumably his professional expertise) to speculate about impacts on drainage and biodiversity, evidently without reading and comprehending the submitted Drainage Assessment and Phase 1 Habitat Assessment, including the extensive mitigation proposed.

Fundamental to the comments of both named consultees and third parties on landscape is the misconception that visibility – the fact that the proposed polytunnels can be seen – albeit from a limited number of viewpoints (wherein they are neither prominent, nor intrusive, and with no panoramic views of the development as a whole) is ipso facto harmful. A number of recent appeal decisions have noted that polytunnel arrays are now an established part of Herefordshire landscape and are not therefore uncharacteristic. The Application Site does not lie within any (nationally or locally) protected landscape. Moreover, there will be no cumulative impact of this site with any other tunnelled site. Finally, landscape mitigation will significantly reduce landscape and visual impacts and will complement and enhance landscape character and quality, as well as biodiversity.

Overall, the Supplementary L&VIA provides an assessment of the landscape and visual impacts associated with the proposed development of polytunnels, operational farm buildings/structures, radically reduced SAWs accommodation and balancing ponds at Biddlestone Orchards. It concludes that the amended scheme reduces the extent of polytunnel coverage across the Site, particularly areas: 1, 3, 8, 10 & 11, allowing for a much broader scope for landscaping as shown in the Assessment's Landscape Proposals; and that polytunnels have been completely removed from Area 12. It notes the significant reduction of the amount of seasonal workers accommodation to just six caravans, which have been retained exclusively for on-site seasonal accommodation for key (supervisory) workers. This means that the existing cherry trees will be retained and can be supplemented with additional fruit trees. The proposed new access off the A4137 has been offset from directly opposite the entrance to the residences of 'Reward' and 'Patience', therefore ensuring that there are no direct views from these properties along the length of the new access track. In relation to the amended scheme, therefore, it finds that the conclusions of the LVIA dated July 2016 will largely remain the same when considering the pre-mitigation effect and that mitigation will result in substantial positive benefits through the reinstatement and addition of traditional landscape features utilising appropriate native species.

**Envireau Water** has provided a Supplementary Drainage Note which includes (at Appendix A) a Flood Risk and Drainage Checklist Assessment Response and (at Appendix B), a Tier 1 Breach Risk Assessment of the balancing ponds, responding to the comments of statutory consultees. Taken together with the original submitted Flood Risk Assessment and Water Resource Evaluation this suite of documents furnishes a complete, comprehensive and authoritative assessment of drainage impacts.

Finally, a supplement to the submitted Transport Assessment, prepared by **Jubb Consulting Engineers Limited** – taking account of the relocation of the SAWs accommodation (and the consequent need to bus workers in and out on a daily basis – in particular, is submitted, together with an updated note prepared by **Cotswold Wildlife Surveys** in relation to biodiversity.

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In the circumstances we are pleased to commend the amendments and supporting material to you. It is respectfully proposed that, taken together with the original Application submissions, all spatial planning issues raised by the Applications have been fully and effectively addressed.

We look forward accordingly to an early grant of Planning Permission in respect of all 7 Applications, subject to the imposition of appropriately-worded planning conditions.

In the meantime, should you require any additional information or clarification, please do not hesitate to contact the writer.

Yours faithfully,

  
**Anthony P Aspbury**  
Director