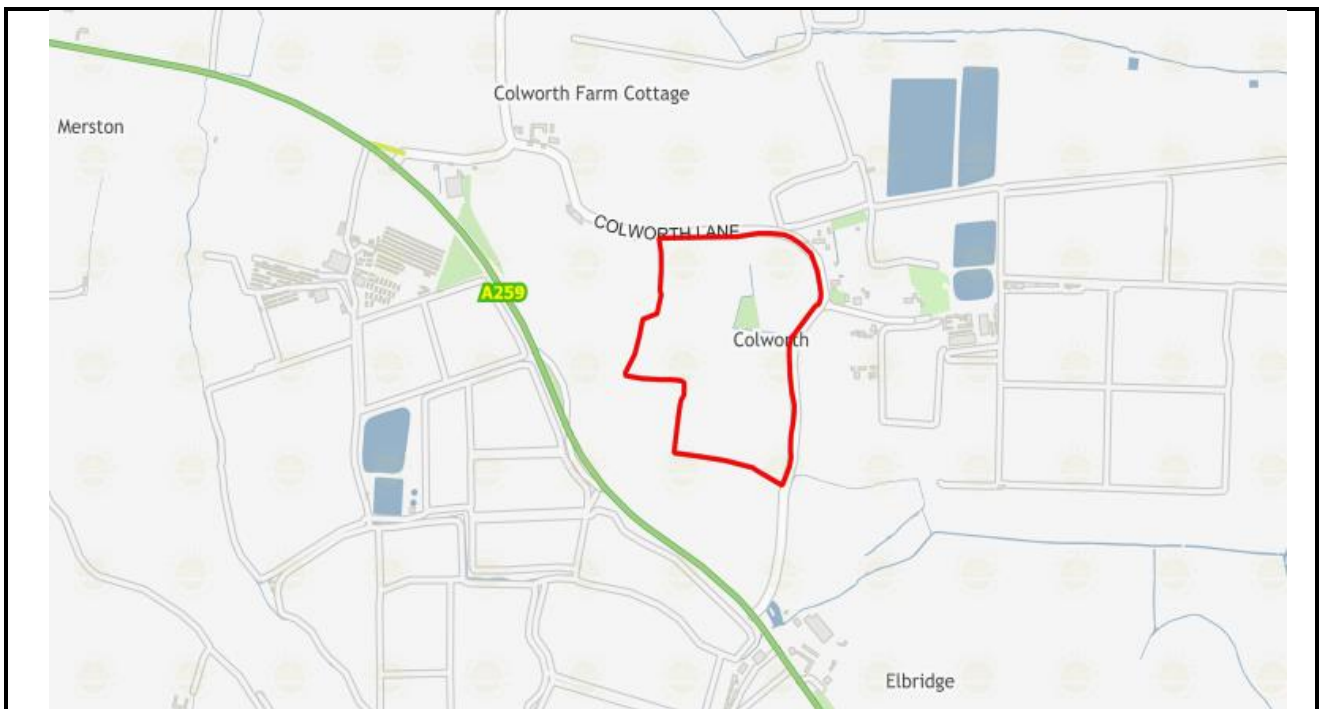



Parish: Oving	Ward: North Mundham And Tangmere
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O/22/02324/FUL

Proposal	Polytunnels for soft fruit production.		
Site	Land To The South Of Manor Cottages Colworth Lane Colworth West Sussex		
Map Ref	(E) 491129 (N) 102747		
Applicant	Mr Richard Bonn	Agent	Douglas Briggs Partnership

RECOMMENDATION TO PERMIT



	NOT TO SCALE	Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803
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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The site comprises on Uptons and Little Uptons fields which form part of the Colworth Manor Farm agricultural holding immediately north east of the A259 at Colworth. The application site is bound by Colworth Lane to the north and east. There is a Public Footpath (OVG/200/5) which diagonally intersects the northern part of the site from east to west, following the line of the former canal. The boundaries of the application site are marked by existing hedging, which is sporadic in places, and occasional hedgerow trees. Within the centre of the site, there is an existing tree copse, which separates Uptons field to the southwest and Little Uptons field to the northeast. The site topography rises gradually from the south west to the north east.
- 2.2 The site lies within a flat agricultural landscape with widespread polytunnel development interspersed with large arable fields. The closest existing polytunnel development is located in Gibbons Field on the opposite side of Colworth Lane to the east, approved under planning application 17/00034/FUL.
- 2.3 The site is entirely in Flood Zone 1. The north of the site lies within the Singleton and Cocking 12km buffer zone. The majority of the site lies within the proposed Rifes Strategic Wildlife Corridor. The application site is approximately 270m north east of the district boundary with Arun and is approximately 4.7km south of the SDNP. The site is located outside any Horticultural Development Area.

3.0 The Proposal

- 3.1 Planning permission is sought for the erection of polytunnels covering an area of 8.77Ha on Uptons and Little Uptons fields, south of the existing PROW. The polytunnels would be used for soft fruit production.
- 3.2 The polytunnels would have a maximum height of 3.65m, and a span of 6.9m per row, with each bay 2.2m deep. The orientation of the polytunnels would be north to south. The polythene protection would be required between January and October (inclusive) and would be removed between November and December (inclusive).
- 3.3 Soft landscaping comprising:
- 340m of new hedgerows on the South side of the footpath with a further 145m to the North along an existing field boundary.
 - Additional tree and hedge planting is proposed around approximately 462m of the field boundary, filling in and connecting existing hedgerows.
 - Creation of approximately 6300m² of woodland in 3 copses on the South and West sides of the site.
 - Creation of 2500m² of wildflower meadow on the North side of the existing copse, together with a 1900m² area of wildflower meadow loosely planted with trees on the East side of the site, adjacent to the road.
 - Management of the existing copse between Uptons and Little Uptons to remove fallen Ash trees (Ash dieback).

4.0 History

None for application site.

Planning History immediately to the east of the application site – Colworth Manor Farm

17/00034/FUL	PER	Polytunnels for soft fruit production at Gibbons Field
20/02087/FUL	PER	Polytunnels for soft fruit production

Arun District Council

The West Bersted Strategic Development Location (Arun Policy H SP2a SD3) removes 24.88Ha of polytunnels from production.

The submitted application documents refer to an application submitted to Arun District Council for 11.2ha (Thelbrig) Ref: BE/106/22/PL. This was refused on 01.12.22. The sole reason for refusal related to insufficient information to assess the impact on Great Crested Newts. Subsequently this was satisfactory addressed and planning application BE/8/23/PL was granted on 19.04.23.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Oving Parish Council

Oving Parish Council has met to consider the above mentioned application and would like to object with the following comments/concerns:

- Loss of amenity of residents of Colworth Road
- Impact on the proposed wildlife corridor
- Impact on SDNP
- The Oving Parish NP landscape capacity study for this area state that it has medium capacity for development
- Increased traffic to Colworth Lane which is a single-track dangerous road
- No assessment of soil contamination from existing operations and increase should this application be permitted
- Land drainage hasn't taken into account the amount of plastic contamination of drainage from existing operations and the increase should this application be permitted

Should CDC be of the mind to permit, Oving Parish Council requests restrictions to noise especially early morning, evenings and weekends, that vehicle movements be restricted along Colworth Lane to avoid the creation of another rat run in the Parish so all movements should be via the A259, and that Little Upton be removed from the application due to its proximity to residential properties.

6.2 Arun District Council

No comment to make but please note that we have issued our own consultation request on application BE/106/22/PL for the same form of development on a different Colworth Farm land parcel (entirely within our district).

6.3 Natural England

No objection.

6.4 SDNP

I understand there is no lighting proposed as part of this application. The LPA will be aware of the designation of the South Downs International Dark Skies Reserve and that dark skies and tranquillity are a special quality of the National Park which need to be protected. Should it transpire that lighting is proposed I would welcome a re-consultation to allow us to provide further comment on this matter.

Although distant, some views of the site are possible from higher ground within the National Park, as are views towards this high ground across the application site. This has been confirmed within the submitted LVIA prepared by Huskisson Brown Associates on behalf of the applicants. The proximity to other polytunnels in the vicinity of the application site will also result in cumulative visual impacts across this part of the South Coast Plain. The LPA must therefore have particular regard to any potential impacts upon the setting of the SDNP when considering the application.

The submitted Layout Plan indicates additional planting including tree and hedge planting, gapping up of existing hedgerows, and wildflower meadow planting. If permission is granted, I would recommend that this is subject to a condition requiring approval of a detailed planting and management plan (including species) as this planting would assist with visually breaking the site up in distant views.

6.5 Environment Agency

Comments received 05/07/2023

We have reviewed the additional information and consider that it satisfactorily addresses our earlier concerns. Subject to the condition below, we therefore withdraw our previous objection, dated 12 January 2023.

The previous use of the proposed development site as an infilled shipping canal presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the

proposed development' site is located upon a principal aquifer. The application's Desk Study Report, Land South of Manor Cottages, ST Consulting, J15402, 1 June 2023' demonstrates that it will be possible to manage the risks posed to controlled waters by this development. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy in the event of the discovery of previously unidentified contamination. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Comments received 21/01/2023

We have reviewed the details of this applications and the following response replaces our response dated 19th October 2022. We object to the planning application, as submitted, because the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. This objection is supported by paragraph 174 of the National Planning Policy Framework.

Our approach to groundwater protection is set out in 'The Environment Agency's approach to groundwater protection'. In implementing the position statements in this guidance we will oppose development proposals that may pollute groundwater especially where the risks of pollution are high and the groundwater asset is of high value. In this case position statement A4 - Responsibility for assessments 'The Environment Agency expects developers and operators to assess the area of influence of their activities and to take account of all current and future groundwater uses and dependent ecosystems. Developers and operators are expected to assess and mitigate the potential impact on groundwater, throughout planning, construction, operation, and decommissioning phases of the development or operation.

Groundwater is particularly sensitive in this location because the proposed development site is located upon principal aquifer.

To ensure development is sustainable, applicants must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. In this instance the applicant has failed to provide this information and we consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because:

The site is situated on the Water Framework Directive groundwater body Littlehampton Anticline West which is part of a principal aquifer consisting of the White Chalk Subgroup. Groundwater is shallow at the location being estimated at under a meter. The potential mobilisation of contaminants from the infilled shipping canal to both the groundwater body and any surface water flows that spring around the locale has not been assessed by the application.

Overcoming our Objection

In accordance with our approach to groundwater protection we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed. To satisfy that the development does not pose a risk, the following would need to be submitted with an application.

1. A preliminary risk assessment which has identified:
all previous uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Comments received 06/12/2022

As the condition and fill of the historic landfill is unknown we would still ask the condition remain, as it is unknown how leachable any contaminants made be and if they may be disturbed through changing of the hydrological regime and the use of a new access track across the landfill. If the phase 1 contamination report can demonstrate there is no risk and no necessity for further investigation then we would be happy to discharge at that stage.

Comments received 19/10/2022

The previous use of the proposed development site as an infilled shipping canal presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer. The application's Colworth Uptons Field, Flood Risk Assessment & Drainage Strategy, The Summer Berry Company, Water Environment Ltd, 5th September 2022, Document Reference: 2206-FRA-RP-01 demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will only be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework. Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

The previous use of the proposed development site as an infilled shipping canal presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer. In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. A condition is recommended to restrict this.

6.6 WSCC Highways

Comments received 17/01/2023

The site already has an agricultural use which would generate a certain number of movements per day. The proposed development is not anticipated to give rise to a significant material intensification of movements to or from the site over what the site would currently generate. In addition, accident data suggests that the existing use has been operating safely. Therefore, there is no evidence to suggest the existing arrangement is operating unsafely, nor that the proposed development would exacerbate an existing concern.

Comments received 10/10/2022

This application is for the installation of polytunnels for soft fruit production. The site is situated on Colworth Lane, north of the A259, both of which are subject to national speed limit in this location.

Following an inspection of the application documents, the LHA understands that the site was previously used for salad production. The proposed polytunnels will facilitate soft fruit production and increase the length of the growing season for such crops. Given the existing agricultural use, the LHA does not anticipate that the proposed development would give rise to a significant material intensification of movements to or from the site.

No changes are proposed to the existing access arrangements. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposals would exacerbate an existing safety concern.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

6.7 WSSC Minerals and Waste

The site is located within close proximity to Elmbridge Farm, which is considered to be a significant contributor to the transfer of waste within the county as detailed within the Annual Monitoring Report April 2020 to March 2021.

A small portion of the sites area (approx. 60m²) to the south is within the 250m consultation buffer zone for existing waste infrastructure. Therefore, the development should be considered against Policy W2 of the WLP, which states: "development that would prevent or prejudice the use of existing waste management site or infrastructure that make an important contribution to the transfer of waste will not be permitted unless:

- a) The current use is temporary and the site or infrastructure is unsuitable for continued waste use;
- b) Continued use of the site or infrastructure for waste management purposes would be unacceptable in terms of its impact on local communities and/or the environment;
- c) Redevelopment of the site or loss of the infrastructure would form part of a strategy or scheme that has wider social and/or economic benefits that clearly outweigh the retention of the site or the infrastructure for waste use; or
- d) A suitable replacement site or infrastructure has been identified and permitted"

It would appear that, while the proposed development area is marginally within the proximity of the buffer zone for the safeguarded waste infrastructure, no development within this buffer zone would take place. Further, the proposed development (for polytunnels) would not likely introduce a sensitive neighbouring land use to the waste site, and so it is anticipated that the proposed development would not prevent or prejudice the continued operation of the existing waste site by way of indirect sterilisation.

The LPA should be satisfied that the proposed development would not introduce an incompatible neighbouring development to the safeguarded waste infrastructure. Should the LPA deem it necessary, we would recommend the applicant is requested to submit a Waste Infrastructure Assessment to demonstrate this (and the MWPA reconsulted). Otherwise, the MWPA would offer no objection to the proposed development.

6.8 WSSC LLFA

Comments received 28/07/2023

I have looked through the information and would support the recommendation of the conditions imposed by the Coastal Partners Coastal and Water Management officer to ensure the application is in accordance with NPPF and Local Planning policy.

Comments received 21/10/2022

Current surface water flood risk based on 30year and 100year events: Low Risk

Modelled groundwater flood hazard classification: Moderate Risk

Watercourses nearby? Yes

Records of any surface water flooding within the site? No

Future development - Sustainable Drainage Systems (SuDS) This application may be subject to review by the District Council Drainage Engineer to identify site specific land

use considerations that may affect surface water management and for a technical review of the drainage systems proposed. The disposal of surface water via infiltration/soakaway should be shown to have been investigated through an appropriate assessment in consultation with the District Drainage Engineer. All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs. Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

6.9 WSCC PROW

Thank you for the opportunity to comment on the above numbered planning application. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. In respect to the above planning application I would provide the following comments.

It is understood that the application does not impact upon, or propose any alteration, to the Public Right of Way. Therefore, the Public Right of Way team offer no objection to the proposal.

If the Local Planning Authority is minded to grant planning consent the applicant should be advised of the following informative notes:

- A. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.
- B. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.
- C. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.
- D. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.
- E. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.
- F. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

G. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

Any new hedge or tree line planted adjacent to the public right of way must be regularly maintained to ensure they do not grow and encroach upon the width of the footpath, a minimum width of 2m is required at all times and we recommend 3m to allow for then planting.

H. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

I. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury. The applicant must consider how access is managed so the public is not endangered or inconvenienced.

J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

K. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

L. Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

M. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.

N. Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

6.10 CDC Planning Policy

The applicant's proposal comprises a site which is adjacent to its existing horticultural operations. The Planning, Sustainable Design and Access Statement and other accompanying application documents such as the Ecological Impact Assessment and Landscaping and Visual Appraisal, all seek to demonstrate that the specific criteria in Policy 45 referred to above and the first part of Policy 32, will be met by the proposal. The applicant also provides justification for the horticultural development taking place outside of the current designated HDAs in order that the criteria in the second part of Policy 32 is satisfied. The HEDNA (September 2020) identifies a need going forward of around 137 hectares of horticultural development land outside of HDAs over the following 15 years and the applicant's proposal would go towards meeting this need.

6.11 CDC Drainage Engineer

Comments received 23/08/2023

Agreement to amended conditions.

Comments received 16/06/2023

My previous comments dated 21st October 2022 all still stand, and I have no additional comments to add. However, please do note that the first paragraph of my previous comments should have stated: The documents submitted in support of this application suggest that the proposed means of surface water drainage is through on-site infiltration via leg-row swales, with periodic check dams within the polytunnel area. This approach is acceptable in principle as it follows the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

The EA will need to comment on the acceptability of infiltration drainage considering the contamination report that has now been submitted.

Comments received 21/10/22

Surface Water Drainage:

The documents submitted in support of this application suggest that the proposed means of surface water drainage is through on-site infiltration via leg-row swales, with periodic check dams within the polytunnel area. This approach is acceptable/unacceptable in principle as it follows the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

Therefore the potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures.

Given the nature of the development, to bring it in line with current guidance, the documentation supporting the drainage design should be able to demonstrate that the infiltration/SuDS features can accommodate the water from a 1 in 100 year critical storm event, plus an additional climate change allowance.

Should the application be approved we recommend the following conditions be applied to ensure the site is adequately drained:

Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the SuDS System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

The site is wholly within flood zone 1 (low risk) and we have no additional knowledge, or records of the site being at significant flood risk. Therefore subject to satisfactory drainage we have no objection to the proposed use, scale or location based on flood risk.

The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the Council's expectations and requirements for Surface Water Drainage Proposals. If the applicant wishes to avoid pre-commencement conditions relating to surface water drainage, we ask that they submit detailed surface water drainage proposals in line with the requirements of this checklist. Alternatively, if pre-commencement surface water conditions are applied to their application this document should then be used for any subsequent Discharge of Conditions Applications.

6.12 CDC Economic Development

The Economic Development Service supports this application.

The Summer Berry Company has a turnover of £38 million, which makes them a significant contributor to the local economy. As well as the direct economic role they play, they also source locally in terms of logistics and supplies.

The use of Polytunnels helps to ensure soft fruits are being produced to the very exacting standards British supermarkets specify. The polytunnels enable the business to increase its capacity and extend its growing season will make a positive contribution to the local economy.

This development will enable the company to recover growing area lost as a result of strategic housing development and in doing so help to secure the employment of their existing workforce.

Overall, the demand for soft fruits is increasing nationally so this proposed development and investment in the local economy will help to ensure The Summer Berry Company continues to be competitive in the highly price sensitive international soft fruit market.

6.13 CDC Environmental Health Officer

Comments received 03/07/2023

I have reviewed the Desk Study report produced by ST Consulting dated 1/6/23. The report is considered to have followed appropriate guidance and has concluded in section 10 that 'the development will not alter the hydrological regime within the vicinity of the canal. Therefore on the basis of the existing proposals for the site, no further work is considered to be required with respect to the backfilled canal'. We agree with this conclusion with respect to the risk of harm to human health from potential contaminants in the backfilled canal. The EA should also be asked to clarify if they agree with the conclusion. The report goes on to say in section 10 that the potential for land contamination across the site (from former land uses e.g. use of pesticides/herbicides on agricultural land) is considered low. Given that the fruit crops are to be grown on elevated platforms, the potential for land contamination (if present) to affect the development is considered to be very low and no further site investigation is considered to be necessary. We agree with this conclusion. If the development proposals change in the future, the report recommends undertaking soil sampling - we also agree with this conclusion.

Comments received 04/11/2022

It is clear from the information provided that there is to be no lighting at the polytunnels and minimal plant will be installed within the polytunnels. It is also noted that the size of the tractors is generally smaller than 'outdoor' tractors and that access to the polytunnels will generally be in daylight hours. It is not considered necessary for a noise assessment to be submitted and there are no further EP comments on the application.

Comments received 20/10/2022

It is noted that the EA has made comments regarding potential land and groundwater pollution and we support the conditions they have recommended.

It is not clear from the application if any infrastructure will be installed within the polytunnels e.g. heating or ventilation equipment. Further information should be provided by the applicant if any plant is to be installed at the site. Details to be included are:

- Type of plant and proposed noise levels
- Hours of use
- Location of plant

6.14 CDC Environmental Strategy Officer

Comments received 21/08/2023

I have read through the conditions and I am happy what you have proposed for this.

Comments received 21/06/2023

Following submission of the Landscape And Ecology Management Plan (April 2023) we are satisfied that this addresses early comments in relation to woodland and hedgerows and for nesting birds. We require that a condition is used to ensure this takes place.

Comments received 18/01/2023

We are satisfied that the Badger Mitigation and Bat Enhancement Strategy (Jan 2023) submitted is suitable and a condition should be used to ensure this takes place. If any works need to take place within the area where badgers are present a further mitigation strategy will be required along with a License from Natural England.

Comments received 05/01/2022

SAC Buffer Zone

We are satisfied that due to the proposal to incorporate a large level of hedgerow and tree planting within the site boundaries and retention of hedgerow onsite and the restrictions on lighting that there would be minimal impact on bats within the local area using the site for foraging and commuting. The site is on the edge of the 12m buffer zone for Singleton and Cocking Tunnels SAC and there are no records of Bechstein or barbastelle bats on this site so no further work above the mitigation proposed is required.

Wildlife Corridors

Due to the site's location within the proposed wildlife corridor The Rife a number of mitigation measures were included within our original comments including the addition of native species planting, hedgerow and tree line retention with buffer zones, careful vegetation management relating to nesting birds, wide areas of arable wildflowers habitat created, the installation of bird, bat and hedgehog nesting boxes, lighting strategy and a litter strategy. Along with this we would also like measures put in place to ensure there is no negative impact on the ditches during and post construction. This should include measures to ensure there is no run of into the ditches or pollutants entering the ditches.

Badgers

As detailed within our previous comments due to the presence of an active badger sett with outlier setts onsite we require that full mitigation strategy is produced and submitted prior to determination. Until this strategy has been provided, we are unable to determine that the proposal will not negatively impact the badgers onsite.

Comments received 03/10/2022

Hedgerow and woodland

We are pleased to see the proposal to incorporate 340m of new hedgerow along the south side of the path, 145m to the north and 462m tree and hedge planting around 462m of the

field boundary. We require that the landscaping plan incorporates these proposals, and a hedgerow and woodland plan management plan is produced detailing how this will take place and how the areas will be managed and enhance the biodiversity across the site.

Badgers

As confirmed within the EIA (Aug 2022) there is an active badger sett with outlier setts also present onsite. Due to this we require that a full mitigation strategy is produced and provided as part of this application for badgers.

Bats

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat box is installed on a tree onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds

The northern and western site margins should be maintained as wide areas for arable wildflowers to provide habitat for farmland birds. This should be reflected within the landscaping strategy for the site and as part of the site plans. A condition should be used to ensure this takes place. Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

We would like a number of bird boxes installed on the trees onsite.

Hedgehogs

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs

Litter Strategy

A litter strategy should be adopted on the site as recommended within 5.5 of the EIA (Aug 2022) to ensure the sighting of toilets and waste bins on site are a minimum distance from water ways and are inspected daily.

6.15 CDC Archaeology Officer

There is no archaeological reason to object to the proposed development. However, it is a very large site that lies on a part of the coastal plain that should be expected to contain deposits of interest related to settlement and land management, particularly of the late prehistoric, earlier Roman medieval and post-medieval periods. If it does, and although these might not be seriously affected by construction of the polytunnels, the impact of the series of irrigation swales might be harmful. In the circumstances it would be appropriate to require that the site should be evaluated by trial trenching ahead of development, the aim being to identify significant deposits that might be present and to implement suitable measures for their preservation. This process would be best secured via condition.

6.16 CDC Landscape Officer

Comments received 02/08/2023

Whilst I appreciate that the applicants are willing to comply with some of my recommendations, we would still require a planting plan as it is important to understand the locations of specimen trees.

This is generally indicated with an area mark up and the numbers, densities etc can be shown with a leader next to it. At a minimum we would require the heights of shrub planting to be 60cm, this is also an industry standard and it's not hard to achieve this.

Comments received 19/07/2023

Generally acceptable subject to conditions.

Landscape and Visual Impact Assessment:

The application site lies within the National Character Area (NCA) 126 whilst at a local level it forms part of the first two options identified as a strategic gap between the Chichester and Bognor gap. As described in the Chichester District Council Landscape Gap Assessment the existing landscape character of this sub area is rural in character with few suburban influences except some influences of large-scale horticultural development. The landscape has a predominantly open character with some treelines and hedgerows providing visual containment. The sub area forms part of a low lying coastal plain landscape continuing in all directions with visual links with the South Downs National Park (SDNP) to the north. There are also perceived views from the A259 and several rural lanes and public rights of way crossing.

The proposed landscape masterplan shows additional copses and hedgerows to assist in the visual mitigation process. It is noted that the landscape proposals include mitigation of views by seeking a new tree and hedgerow framework, to maintain and strengthen field boundaries, to link up existing hedgerows, to restore and strengthen the landscape of the gaps and to establish new vegetation features by the planting of hedgerows and tree clumps in field corners.

Some of the important visually sensitive receptors considered in the LVIA are users of Colworth Lane, users of A259, users of PROW 200, long distance views from the SDNP, residential properties on Colworth Lane. It is acknowledged that whilst these visual receptors are of medium to high sensitivity, the visual receptors that are considered to have low - slight adverse effect are the closest to the application site. For example, Colworth Lane, A259, PROW 200 and the private dwellings on Colworth Lane.

It is also acknowledged that the landscape proposals introduce a sufficient degree of mitigation measure by the addition of new hedges, copses and some wildflower areas.

Landscape and Ecology Management Plan (LEMP):

Although the Landscape and Ecology Management Plan (LEMP) seems to be acceptable overall, amendments will be required to be made as mentioned below:

Proposed Hedgerow:

- It is required to ensure that a minimum size of 60-90cm is specified for all proposed native hedgerow species. At present this size is varying anywhere between 30-45cm, 45-60cm and 60-90cm. This is to ensure that instant and immediate visual impact and screening is achieved.
- A detailed softworks plan indicating details of proposed planting species, densities, locations, form, and sizes (height, spread, girth sizes) is required to be provided for all proposed planting including proposed trees in the copses. The softworks plan should also contain an accurate planting schedule listing the specification of all the proposed plant and trees species illustrated in the softworks/planting plan.
- Whilst most of the species suggested in the list for the proposed native hedgerows are acceptable it is recommended to ensure species like *Carpinus betulus* (Hornbeam), *Ligustrum vulgare* (Wild Privet), *Fagus sylvatica* (Beech) etc to be added to the mix, this is to ensure all year round interest and screening. Species such as *Quercus robur* (Oak), *Malus sylvestris* (Crab apple), *Lonicera periclymenum* (Honeysuckle) should be sparingly used or not used at all in the native hedgerow mix. Honeysuckle is essentially a climber which can hinder growth of other species by clambering over other plant species in the hedgerow.
- Plants are currently specified to be planted at 1.5m centres this is considered as too big a gap and will render the hedgerow to be sparse in the future. It is suggested to ensure that the new hedgerow species are planted at 330-450mm and in a double staggered row with a maximum spacing of 450mm. This is to ensure a denser and more impactful hedgerow.
- It is required to ensure that the following statement is added to the hedgerow management specification "Hedgerows are not to be cut within the peak nesting bird season (March-August inclusive), and will ideally be cut in December or January, when most berry forming species have finished fruiting, and are of limited foraging value".

Proposed Orchard:

- It is required to ensure that the orchard trees being specified are as close to a standard size as possible (MM111 rootstock) as these are noted for their good drought tolerance and ability to grow on difficult soils. In the current proposals half standard trees are specified (MM106).
- In the current proposals a total of 6 number apple tree varieties are shown. Stone fruit trees such as plums, peaches, cherries can also be included in the orchard planting as they can be beneficial for added biodiversity on the site and provide excellent habitats for insects, birds, and mammals. Hence, it is suggested to consider adding these to the orchard proposals.

Proposed Woodland copses:

- To improve the variety of planting species in the proposed woodland copses, it is suggested to add fruit tree varieties.
- It is required to ensure that species like Resista-Elm 'New Horizon' (Ulmus 'New Horizon') are specified sparingly through the planting palette. In the current proposals a total of 434 numbers of Ulmus 'New Horizon' trees are proposed in the woodland copses, this can prove to be an overpowering number. It is suggested to replace this species with something more native for example Carpinus betulus.
- It is required to ensure the following is added to the tree management plan "all trees shall be checked regularly for mammal, human or other external damage and remedial action taken where necessary."
- All stakes and ties shall be removed as soon as the developing root system is strong enough to support the tree and the tree is well established.

Proposed Grassland:

- General existing or proposed grass/grassland areas are not illustrated in the landscape management plan, these are required to be depicted. Grassland management for these areas will also have to be specified in the maintenance regime. This is separate from the proposed wildflower meadow area and includes areas around the proposed copses, orchard, polytunnels and hedgerows.
- The grassland mix for general areas other than wildflower meadow area will have to be indicated in the planting plan as well. The grassland mix, for example (amenity mix) will also have to be specified in the planting schedule or can be included in the key.
- Remove arisings to discourage nettles and encourage wildflowers. Management of nettles in grassland areas is required to be specified in the maintenance regime. Some stands of nettles can be left as they prove to be important wildlife habitats for a range of insects.
- It is required to ensure that notes on grassland management are included for example grassland to be cut by staggered mowing/strimming.
- It is important to consider proposals of including areas of scrub as these prove to be important habitats for badgers on site. Areas of scrub can be retained/proposed around woodland copses or orchard, these small patches of scrub growing between trees can be beneficial to biodiversity.
- Scrubland to be managed every 2 years to prevent encroachment around trees and fruit trees. Maintenance/management regime for scrubland should be provided in the revised LEMP.

Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

6.17 Third Party Representations

5 letters of objection have been received concerning:

- o All infrastructure already complete
- o Close proximity to neighbouring properties
- o Visual harm
- o Noise
- o Harm to wildlife - deer and ground nesting birds
- o No green space between Bognor Regis and Chichester
- o Colworth Lane is narrow
- o Additional traffic
- o Crops left to rot due to market and labour issues
- o Should be used for potatoes and grain farming
- o Harm to holiday let business
- o Operation hours from 4am
- o Litter in fields, footpath and roads
- o Orchard not planted with last planning application
- o Restrictions to deer movements
- o Plastic harm to environment

The Friends of the Old Ford to Hunston Canal have written in support on the following grounds:

- o Long views north to the South Downs included in site design
- o Buffer gap of 8 to 10 metres between the route of the PROW and the new polytunnels.

6.18 Applicants supporting information

- o The West Bersted Strategic Development Location (Arun Policy H SP2a SD3) removes 24.88Ha of polytunnels from production.
- o The proposed polytunnels will provide 8.77ha of protected crop area
- o The application site is not prominent in the flat landscape and is not overlooked from high ground to the north.
- o Polytunnels on the holding to the east have already been considered acceptable
- o Strawberries, blackberries, raspberries and blueberries are to be grown
- o The north to south orientation of the polytunnels would provide the best growing conditions.
- o The position of the polytunnels will vary from year to year due to crop rotation
- o The existing wooded copse between the fields would be retained and substantial planting would be provided along the field boundaries.
- o There would be no lighting in the polytunnels
- o There would be no increase in staff numbers
- o The farm operates a strict recycling policy and has implemented a litter strategy.
- o Polythene protection of soft fruit crop has allows around 60% reduction in pesticide use
- o Polytunnels other British customers an alternative to imports

7.0 Planning Policy

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There are no made neighbourhood plans at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 3: The Economy and Employment Provision
Policy 32: Horticultural Development
Policy 39: Transport, Accessibility and Parking
Policy 42: Flood Risk and Water Management
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 52: Green Infrastructure

The Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19)

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in Autumn 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

Relevant policies from the Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19) are:

Policy S2 Settlement Hierarchy
Policy NE2 Natural Landscape
Policy NE4 Strategic Wildlife Corridors
Policy NE5 Biodiversity and Biodiversity Net Gain
Policy NE6 Chichester's Internationally and Nationally Designated Habitats
Policy NE8 Trees, Hedgerows and Woodlands
Policy NE10 Development in the Countryside
Policy NE15 Flood Risk and Water Management

Policy NE18 Source Protection Zones
Policy NE20 Pollution
Policy NE21 Lighting
Policy NE22 Air Quality
Policy NE23 Noise
Policy NE24 Contaminated Land
Policy P1 Design Principles
Policy P2 Local Character and Distinctiveness
Policy P5 Spaces and Landscaping
Policy P6 Amenity
Policy E3 Addressing Horticultural Needs
Policy E4 Horticultural Development
Policy T2 Transport and Development

Oving Neighbourhood Plan

- 7.4 The Oving Neighbourhood Plan Area was approved by Chichester District Council on 8th March 2021. A draft Oving Neighbourhood Plan is currently being prepared by the Oving Neighbourhood Plan Steering group, however this is in the very early stages and therefore no weight can be given to the draft document in the determination of this planning application.

National Policy and Guidance

- 7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed;
 - or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.6 Consideration should also be given to the following paragraph and sections: 2, 4, 6, 9, 11, 12, 14,15, 16 and 17. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

7.7 The following Supplementary Planning Documents are material to the determination of this planning application:

- o Surface Water and Foul Drainage SPD (September 2016)
- o Chichester Landscape Capacity Study (March 2019)
- o Landscape Gap Assessment for Chichester Local Plan Review 2035 (May 2019).
- o Arun Local Plan 2018
- o WSCC WLP (April 2014)

7.8 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Maintain low levels of unemployment in the district
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of Development
- ii. Assessment against Policy 32 criteria
- iii. Ecology
- iv. Habitat Regulation Assessment
- v. Other matters

Assessment

i. Principle of Development

8.2 The presumption in favour of sustainable development (para 11 of the NPPF) does not apply as the application does not involve the provision of housing. The site is located within the rest of plan area. Policy 45 seeks to ensure that development would only be granted permission where it requires a countryside location which cannot be met within or immediately adjacent to existing settlements. Policy 45 goes on to state that planning permission will be granted for sustainable development in the countryside where it can be demonstrated that the proposal is well related to an existing farmstead or group of buildings; is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses; and ensures that its scale, siting, design and materials would have minimal impact on the landscape and rural character of the area.

8.3 Policy 3 provides that sustainable growth of the local economy will be supported through the provision of a flexible supply of employment land to meeting the varying needs of different economic sectors, including planning to accommodate the development needs of key local employment sectors such as the horticultural industry.

- 8.4 Policy 32 deals specifically with horticultural development. Policy 32 is primarily aimed at focusing intensive horticultural and horticulture-related development within HDAs, and contains a number of criteria which such proposals must satisfy - in summary these relate to noise, pollution, landscaping, safe access, visual impact, water efficiency and surface water drainage.
- 8.5 However, Policy 32 also sets out four additional criteria that proposals for horticultural development outside HDAs must satisfy. In this case the application site lies beyond any HDA boundary and, consequently, these additional four criteria apply to this proposal. In summary these require justification that the development cannot be accommodated within an HDA; that the land is suitable for the development proposed and is sufficiently well-drained and serviced; and that long views across open land are retained.
- 8.6 Emerging policy E3 of the Chichester Local Plan Proposed Submission, albeit of limited weight at this time, states that approximately 137 hectares of land is needed outside of HDAs to meet anticipated horticultural and ancillary development land need for the plan period. Any such proposals will need to meet the additional criteria in draft Policy E4 which applies to horticultural development proposed outside of HDAs. These criteria require (8) protection and enhancement to biodiversity, (9) enhancing habitat connections and minimising impacts on strategic wildlife corridors, (10) avoids and/or mitigates potential impacts on the Pagham SPA, (11) justification why the development can't be accommodated within the existing HDA, (12) sufficient drainage and land quality, (13) necessary infrastructure provided and (14) retention of long views across substantially open land.
- 8.7 The applicant carries out an established farming operation in the District. There is no reason to doubt that the proposal is required other than for a genuine horticultural/agricultural purpose and, consequently, consideration of the proposals starts from a generally favourable standpoint. The detailed assessment below therefore focuses on the performance of the proposal against the 11 criteria of Policy 32 and any other material considerations.

ii. Assessment against Policy 32 criteria

(1) There is no significant adverse increase in noise levels resulting from machinery usage, vehicle movement, or other activity on the site, which would be likely to unacceptably disturb occupants of nearby noise sensitive properties or be likely to cause unacceptable harm to the enjoyment of the countryside

- 8.8 The proposal is likely to result in a more intensive use of the land due to an increase in productivity brought about by the use of the polytunnels. However, compared to, for example, the use of glasshouses, the proposal is relatively 'low tech'.
- 8.9 The applicant submitted a statement on 24th October 2022 setting out that fields are planted out a differing times of the year so that berries can be harvested throughout the year, the planting period of each field rotates around the farm so different fields are planted at different times. During planting-out the crops are sown by hand within the polytunnels with the assistance of small tractors to carry seedlings and equipment down the length of each polytunnel, taking about 1 day per Ha to plant out. Larger tractors are to be used along the track at the northern end of the polytunnels to deliver loads of seedlings for each polytunnel. This is comparable to equipment reasonably used for planting arable

crops. During the growing period crops are sprayed using a small tractor within the polytunnels, other inspections and tidying is done by hand. The harvest period is the busiest period and the crops are harvested by hand for 3 day intervals for 8-12 weeks with the assistance of a small tractor to take harvested crops back to the farm base for packing and chilling. The crop cycle within a polytunnel is similar to open field production. As a result of the longer and more managed crop season, movements are spread out over a longer period of time with less 'intensive' periods compared to open field farming. For an average polytunnel field, there is an average of 3 tractors per day during the growing season. The small tunnel tractors (25-60hp) have very low noise output and to some extent the noise is contained within the polytunnels, the sporadic larger tractors (120hp) will be used during planting and harvest periods. No fixed plant will be installed with the exception of trickle irrigation systems. As there is no lighting in the tunnel structures as all operations are undertaken in daylight hours. Unlike open fields, night operations are very rare as there is no need to 'chase the weather', the only likely night operations would be occasional inspections to investigate security or to ensure polytunnel structures are intact following sustained periods of high wind and would be undertaken by torch light. There will be minimal activity on the fields during the months of November and December when the polytunnels are removed.

8.10 This has been reviewed by the Council's Environmental Protection Officer who is satisfied that it is not necessary for a noise assessment to be submitted for this application having regard to the minimal plant required, the small size of the tractors and that access to the polytunnels will generally be in daylight hours.

8.11 Officers are satisfied that activity is unlikely to result in a material increase in noise and disturbance either in terms of the character of the countryside in general or the amenity of the nearest residents. As such, the proposal accords with this criterion.

(2) The proposal does not generate unacceptable levels of soil, water, odour or air pollution and there is no significant adverse impact resulting from artificial lighting on the occupants of nearby sensitive properties or on the appearance of the site in the landscape;

8.12 The applicant's statement submitted on 24th October 2022 confirms that no lighting is proposed on the site.

8.13 Any use of fertilisers and other chemical would be controlled by separate legislation. Further the applicants supporting statement suggests 'Research indicates that 60% less pesticide is used on fruit grown under polytunnels, due to the drier conditions'.

8.14 The Environment Agency commented on 19/10/22 that part of the application site was an infilled shipping canal and therefore presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer. The Environment Agency stated that they did not believe that the use of infiltration SuDS is appropriate in this location and recommended planning conditions. Planning Officers raised concern that such conditions would undermine any permission granted as the proposal sought a series of infiltration swales with check-dams between the rows of polytunnels to allow infiltration of all surface water runoff up to the 100 year rainfall event including an allowance for future climate change. As such, on 27/01/23 the Environment Agency submitted an objection to the planning application.

- 8.15 Subsequently the applicant submitted a Land Contamination Desk Study Report by Southern Testing Environmental and Geotechnical dated 01/06/23. This report concludes 'The polytunnels will all be located to the south of the former canal, with the area north of the line of the canal remaining undeveloped. With the exception of an access track crossing the backfilled canal in one location, no development is proposed over the former canal. Runoff from the polytunnels is to be collected in a series of swales, orientated north-south along the sides of the polytunnels. The swales will then channel the water into existing ditches around the perimeter of the site, which flow eastwards to the Aldingbourne Rife. The natural topography of the site, and proposed drainage across the site, means that all runoff and site drainage would be south, away from the backfilled canal. The proposed construction of polytunnels, and associated drainage, across the site will not alter the hydrological regime within the vicinity of the canal. Therefore, on the basis of the existing proposals for the site, no further work is considered to be required with respect to the backfilled canal.'
- 8.16 This report has been reviewed by the Environment Agency and in its consultation response dated 05/07/23 the EA confirmed that the submitted report satisfactory addresses their previous concerns and that it has been demonstrated that it will be possible to manage the risks posed to controlled waters by this development. The Environment Agency therefore raised no objection subject to a condition requiring the submission of a remediation strategy in the event of the discovery of previously unidentified contamination.
- 8.17 Officers are therefore satisfied that the proposal would not generate unacceptable levels of soil, water, odour or air pollution. Furthermore there would be no lighting. As such, the proposal accords with this criterion.

(3) New planting is sufficient to benefit an improvement to the landscape and increases the potential for screening

- 8.18 The existing wooded copse between the fields would be retained and substantial areas of planting is proposed along field boundaries. This includes tree and hedge planting on the western site boundary, which would further restrict views of the site from the A259. There would also be tree and hedge planting along the southern side of public footpath 200. The northern part of the site would not be developed and there would be new wildflower planting between Little Uptons and Uptons field and along the eastern site boundary.
- 8.19 The application is supported by a Landscape Visual Impact Assessment prepared by Huskisson Brown Associates and dated 21 June 2022. This identifies that the effects of the proposed polytunnels would be limited and essentially contained to the length of PRow 200 and sections of Colworth Lane at the site boundary (slight to moderate adverse at Day 1). 3no. private properties would also be exposed to open views of the proposals, albeit the polytunnels would be set 80+ m distant. The effects could be mitigated to some degree by Year 10 by the proposed landscaping measures.

8.20 The Council's Landscape Officer has commented that the landscape proposals would introduce a sufficient degree of mitigation measures by the addition of new hedges, copses and some wildflower areas. She also considered that the submitted LEMP was acceptable in principle but made recommendations to improve this to ensure a robust planting schedule. An updated LEMP incorporating these recommendations is recommended to be secured by planning condition.

8.21 In light of the above, Officers consider that the quantum of new planting is sufficient to screen the development in the immediate context and benefit the wider landscape, including the setting of the SDNP. As such, the proposal accords with this criterion.

(4) Adequate vehicular access arrangements exist or will be provided from the site to the road network to safely accommodate vehicle movements without detriment to highway safety or result in unacceptable harm to residential amenity;

8.22 With regard to access the site is situated on Colworth Lane, north of the A259, both of which are subject to the national speed limit in this location. No changes are proposed to the existing access arrangements. WSCC Highway Authority is satisfied with the information submitted and raises no objections on highway safety or access matters.

8.23 It is noted that Oving Parish Council has objected on the grounds that the proposal would result in 'increased traffic to Colworth Lane which is a single-track dangerous road'. WSCC highways has reviewed this consultation response and has commented that the site already has an agricultural use which would generate a certain number of movements per day. The proposed development is not anticipated to give rise to a significant material intensification of movements to or from the site over what the site would currently generate. In addition, accident data suggests that the existing use has been operating safely. Therefore, there is no evidence to suggest the existing arrangement is operating unsafely, nor that the proposed development would exacerbate an existing concern.

8.24 The proposal therefore satisfies criterion 4 of policy 32 and policy 39 of the CLP.

(5) The height and bulk of development, either individually or cumulatively, does not damage the character or appearance of the surrounding countryside, and mitigation measures are included to address any detrimental effects e.g. in order to mitigate the height and bulk of new horticultural structures

8.25 The erection of a substantial expanse of polytunnels will inevitably have some impact on the character and appearance of the locality. However, the proposed polytunnels are low level structures (maximum 3.65m in height) typical of an active horticultural area such as this. During the winter months when leaf cover is more sparse there would be minimal potential landscape and visual impacts as the polythene protection would be removed between January and October (inclusive).

8.26 The site would be seen within the context of the existing polytunnels to the east in Gibbons Field (planning ref: 17/00034/FUL). Bearing in mind the nature of the impact as described above and noting that polytunnels are a common feature of the landscape in this part of the district, the level of impact is considered acceptable when taking into account the benefits of the proposal in terms of increased productivity and food security, meeting consumer demand and reduction in 'food miles'.

8.27 The proposal accords with this criterion.

(6) It can be demonstrated that adequate water resources are available or can be provided and appropriate water efficiency measures are included

8.28 The holding already benefits from substantial reservoir storage. There is no evidence to suggest that there are insufficient water resources in the locality to meet any additional demand. As such, the proposal accords with this criterion.

(7) Acceptable surface water drainage capacity exists or can be provided as part of the development including sustainable drainage systems or water retention areas

8.29 The CDC Drainage Engineer raises no objection to the proposed surface water drainage strategy subject to conditions. The documents submitted in support of this application suggest that the proposed means of surface water drainage is through on-site infiltration via leg-row swales, with periodic check dams within the polytunnel area. This approach is acceptable in principle as it follows the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. WSCC LLFA has also been consulted on the planning application and supports the recommendations of the Council's Drainage Engineer. The conditions recommended by the Council's Drainage Officer have been amended and consolidated in consultation with them to ensure that there would be no conflict with the requirements of the Environment Agency.

8.30 The proposal complies with this criterion of policy 32 of the CLP as well as policy 42, emerging policy NE15, relevant sections of the Surface Water and Foul Drainage SPD and the requirements of the NPPF and PPG.

(8) There is a horticultural justification for the development and it can be demonstrated that the proposal cannot be accommodated within existing HDAs

8.31 Colworth Manor Farm is an extensive agricultural holding with an established business for soft fruit production. Strawberries, raspberries and blueberries are grown. There are clear economic benefits and this application has received support from the Council's Economic Development Team. The growth and consumption of soft fruits in the UK for the UK market reduces food miles and improves food security. The use of polytunnels extends the growing season, reduces pesticide use and improves fruit quality. The proposal is required due to 24.88Ha of land used for polytunnels (Jack's Dyke (BE/81/10) and Drewitts Fields (BE/77/12)) in Arun District being required for strategic housing provision (Arun Policy H SP2a SD3) and thereby lost from agricultural production. It is noted that 11.2Ha of replacement polytunnels (Thebrig Ref: BE/8/23/PL) has now been granted planning permission in Arun District. However a shortfall of 13.68Ha is still outstanding, of which this application will provide 8.77Ha.

- 8.32 Polytunnels are a relatively low-tech form of horticultural development generally producing yields of an order of magnitude lower than, for example, glasshouses. Further, it is noted that Policy 32 aims to focus other forms of intensive horticulture-related activity such as packhouses within HDAs. In view of this context, polytunnel development will inevitably struggle to compete with these alternative forms of 'more valuable' development, and in this respect it is noted that the majority of the nearby Runcton HDA is already given over to (or has permission for) glasshouse and packhouse development, and that it is emerging that the Tangmere HDA is likely to develop in a similar manner.
- 8.33 The applicant already benefits from extensive polytunnel development at Colworth Farm together with associated irrigation and packing/consolidation infrastructure part of the holding that adjoins the application site. Consequently, from the applicant's point of view there are clear practical and economic advantages to the siting of the additional plastic in the location proposed. It is noted that the none of the existing polytunnels at either Colworth or Grove Farms are located within an HDA.
- 8.34 Furthermore, it is noted in the CDC Planning Policy consultation response and in emerging policy E3 of the Chichester Local Plan Proposed Submission that approximately 137 hectares of land is also needed outside of HDAs to meet anticipated need over the next 15 years.
- 8.35 In view of the above there is no in-principle objection to the erection of the proposed polytunnels outside of a designated HDA. The proposal therefore accords with this criterion.

(9) The land is sufficiently well drained, level and of a quality to be suitable for horticultural development

- 8.36 The submitted planning statement states that 'The site overlays a free draining gravel bed, is reasonably level and perfectly suitable for the proposed polytunnels development'. Furthermore, the existence of polytunnels on the adjoining land suggests it is suitable for horticultural development. The proposal accords with this criterion.

(10) Necessary infrastructure and services are available or will be provided

- 8.37 The development requires little in terms of supporting infrastructure and services, and will in any event rely on the existing infrastructure already servicing the polytunnels on the adjoining part of the holding. The proposal accords with this criterion.

(11) The proposal is not located within open countryside and ensures that long views across substantially open land are retained

- 8.38 See discussion for criterion 5 (paragraphs 8.25-8.27) above.
- 8.39 It is noted that Oving Parish Council has raised concerns on the impact on SDNP and that the Oving Parish NP landscape capacity study for this area state that it has medium capacity for development. The SDNP boundary is approximately 4.7km to the north of the application site. Given this separation distance and the presence of polytunnels in the surrounding area, it is considered that the proposed development would not likely result in harm to landscape views associated with the SDNP. The submitted Landscape Visual Impact Assessment prepared by Huskisson Brown Associates and dated 21 June 2022

acknowledges that the site 'lies within but does not form a significant component of the panoramic views that are available from the South Downs looking across the Coastal Plain... the landscape of Uptons Field and its immediate surroundings are considered to be of medium value. The wider landscape setting of the South Downs is considered to be high value... At Uptons Field, the layout of the polytunnels has been proposed to be located to the south of the east / west line of PRow 200. This is in recognition of the open aspect of this part of the site relative to the residential properties on Colworth Lane to the north and to help minimise effects on the amenity of users of the footpath by maintaining the longer view north to the backdrop formed by the South Downs... The wider setting of the South Downs is not considered to be susceptible to the specific proposed development... the character of the wider landscape setting of the South Downs National Park (high value and no susceptibility) is not considered to be harmed by the proposals... In terms of views from the South Downs National Park, the view distances are too great to make the sites easily discernible. However, the sites would inevitably give rise to some very minor cumulative effects with the existing areas of polytunnels in the locality of the sites.'

8.40 The SDNP consultation response suggests that a detailed planting plan would assist in breaking the site up in distant views. As previously mentioned in this report an updated LEMP would be secured by planning condition.

8.41 Having regard to the above, officers are satisfied that the development would not be unduly intrusive in the wider landscape and the 'long views' referred to in LP 32 criterion 11 should not be prejudiced. As such, the proposal accords with this criterion.

Sub conclusion

8.42 It is considered the proposal accords with Policy 32 of the CLP.

iii. Ecology

8.43 Policy 49 of the CLP sets out that the biodiversity value of a site shall be safeguarded and that demonstrable harm to habitats or species which are protected or which are of importance to biodiversity shall be avoided or mitigated. Further to this proposals shall protect, manage and enhance the District's network of ecology, biodiversity and geological sites, including wildlife corridors.

8.44 The majority of the application site lies within a proposed Strategic Wildlife Corridor. The Strategic Wildlife Corridors Background Paper forms the background evidence of why the strategic wildlife corridor is proposed in this location and therefore whilst the Chichester Local Plan Proposed Submission is yet to be examined and adopted, moderate weight can be given to policy NE4 due to the technical evidence supporting it.

8.45 The Council's Environmental Strategy Officer requested additional native species planting, hedgerow and tree line retention with buffer zones, careful vegetation management relating to nesting birds, creation of wide areas of arable wildflowers habitat, the installation of bird, bat and hedgehog nesting boxes, lighting strategy and a litter strategy. There would be no lighting on the site and this can be ensured by planning condition. During the course of the application a Landscape and Ecological Management Plan (LEMP) was submitted to support the planning application, this has been reviewed by the Council's Environmental Strategy Officer has confirmed that they are satisfied with this

document. The submitted LEMP suggest that during the first year 2 no. bat boxes, 4 no. bird boxes and 1 no. hedgehog nesting box will be provided. An amended LEMP (to incorporate the CDC Landscape Officer's comments) is recommended.

8.46 The Council's Environmental Strategy Officer has also requested that measures are put in place to ensure there is no negative impact on the ditches during and post construction. This should include measures to ensure there is no run of into the ditches or pollutants entering the ditches. A condition requiring a Construction and Environmental Management Plan (CEMP) is recommended to ensure that there would be no negative impact on ditches during the construction period. In terms of run-off into ditches, the submitted Flood Risk Assessment and Drainage Strategy prepared by Water Environment Ltd dated 05/09/2022 states that infiltration is the preferred approach for the dispersal of surface water from the site and forms the basis of the drainage strategy. A series of infiltration swales with check-dams are proposed between the rows of polytunnels to allow infiltration of all surface water runoff upto the 100 year rainfall event (including an allowance for climate change). Only exceedance flows above this event would be managed via a series of swales conveying exceedance flows to various existing watercourses available on the site. The Council's Environmental Strategy Officer has confirmed that she is satisfied that the CEMP condition, the SuDs maintenance and management condition and litter strategy condition would satisfy their requirements in this regard.

8.47 There is an active badger sett with outlier setts on the site. A Badger Mitigation and Bat Enhancement Strategy (Jan 2023) has been provided during the course of the planning application. This has been reviewed by the Council's Environmental Strategy Officer who is satisfied with this and the mitigation and enhancement measures set out in this document shall be secured by planning condition.

The proposal therefore accords with policy 49 of the CLP and emerging policy NE4 of the Chichester Local Plan Proposed Submission.

iv. Habitat Regulations Assessment

8.48 The northern part of the site lies within the 12km Singleton and Cocking SAC buffer zone.

8.49 The European Court of Justice (CECJ) ruling in April 2018 disbars planning and other competent authorities when screening a plan or project for Habitats Regulations Assessment (HRA) from taking account of any measures intended to avoid or reduce the harmful effects on such a site.

8.50 This means that projects which previously would not have been subject to a full HRA are now required to undertake an appropriate assessment. Under Article 6(3) of the Habitats Directive an appropriate assessment is required where a plan or project is likely to have a significant effect upon a European site. An appropriate assessment has been prepared and Natural England has been consulted on this.

8.51 The Singleton and Cocking SAC site is designated for Barbastelle and Bechstein's bats and as a hibernation roost. The bats are known to disperse over a wider area after hibernation although the exact patterns of use are not known as yet. Natural England Guidance on development within the 12 km zone requires 'significant impacts or severance to flightlines to be considered' where there is evidence of Barbastelle and or Bechstein's bats on or near the site.

The submitted Ecological Impact Assessment with this application states that 'Barbastelle bats were radio-tracked in Oving Parish during 2015, located about 2km north of the application site (SxBRC 20225)'. The report goes on to say 'Priority BAP habitats, such as native Hedgerows and Lowland Mixed Deciduous Woodland are a material consideration in the planning process. These habitat features provide breeding habitat for a wide variety of farmland birds and invertebrates as well as foraging and potential roost sites for bats. The development is unlikely to have an overall impact upon hedgerow and woodland features, however in the short-term implementation could damage parts of these habitats (especially mature trees) during site set-up. Hedgerow and woodland trees should not be used as a prop to support polytunnel frames, as the frames could both damage trees and disturb breeding birds. The Landscape Plan is expected to provide a positive impact in the long-term, following hedgerow planting in the southern half of the site.'

8.52 The Council's Environmental Strategy Officer commented that she is satisfied that due to the proposal to incorporate a large level of hedgerow and tree planting within the site boundaries and retention of hedgerow on site and the restrictions on lighting that there would be minimal impact on bats within the local area using the site for foraging and commuting. The site is on the edge of the 12m buffer zone for Singleton and Cocking Tunnels SAC and there are no records of Bechstein or barbastelle bats on this site so no further work above the mitigation proposed above is required.

8.53 Officers have completed a HRA and have concluded in consultation with Natural England that as there is no lighting proposed, together with the details contained in the submitted LEMP, there would be adequate mitigation and avoidance measures, which could be secured by planning condition. As such there will not be an Adverse Effect on the Integrity of Singleton and Cocking Tunnels SAC.

v. Other Matters

8.54 Oving Parish Council's comments have been addressed in the relevant sections of this report. It is considered that given that there would be no material harm to neighbouring occupiers by way of noise given the minimal plant required and small tractors to be used, further to this there would be no artificial lighting on the site and therefore operations would only be carried out during day light hours. The nearest residential properties are adjacent to the northern and eastern site boundaries. Given that the northern part of the site would not be developed and that there would be robust planting along the eastern site boundary, there would be no harm by way of loss of privacy, overbearing impact or loss of light.

8.55 The impact on the proposed wildlife corridor would be adequately mitigated by planning conditions as set out in the ecology section of this report. The proposed development would be seen within the context of existing polytunnel development. Robust planting would be secured by planning condition to assist in breaking up views obtained from the SDNP.

8.56 It is noted that the Oving Parish NP landscape capacity study indicates the area of the site has medium capacity for development. Firstly the Oving Neighbourhood Plan has not been made and is in the very early stages as such no weight can be given at this time. Furthermore, the polytunnels are considered to be 'low tech' and the polythene protection will be removed in the winter months.

- 8.57 As set out above, the WSCC Highway Authority raises no concerns regarding highway safety. Likewise the Council's Environmental Health Officer and the Environment Agency are satisfied with regards to contamination. A litter strategy would be secured by planning condition.
- 8.58 It is noted that the parish council has requested a condition regarding restrictions to noise in the early morning, evenings and weekend and that vehicle movements be via the A259 opposed to Colworth Lane. Having regards to the consultee comments from WSCC Highway Authority and the Council's Environmental Protection Officer, it does not seem reasonable to impose such conditions. However, a condition is recommended to ensure no machinery, plant or lighting be installed either within the polytunnels or anywhere else on the application site.
- 8.59 WSCC Waste and Mineral's team have commented that the LPA should be satisfied that the proposed development would not introduce an incompatible neighbouring development to the safeguarded waste infrastructure. Given the distances to Elmbridge Farm and the type of development proposed, officers are satisfied that the proposal would not prejudice the nearby waste facility.
- 8.60 A condition requiring trial trenches as suggested by the Council's Archaeologist has been recommended.

Conclusion

- 8.61 The proposal would be located within the Countyside and is outside an HDA. The Council anticipates that approximately 137 hectares of land is needed outside of HDAs to meet anticipated need over the next 15 years. The proposed polytunnel development is associated with an established farming operation in the District, with extensive polytunnel development and associated irrigation and packing/consolidation infrastructure as part of the wider holding in which this application is sited. It is therefore considered there is reasonable justification for the need of the development inside the countryside and the proposal complies with policies 2 and 45 of the CLP.
- 8.62 The proposal has been assessed against the criteria of policy 32 of the CLP and officers are satisfied that the proposal would not result in material harm by way of noise, pollution, highway safety and landscape character. There would also be adequate drainage. There would be no lighting on the site and enhancements to existing planting. A Landscape Ecological Management Plan would be secured by planning condition, this would adequately mitigate harm to the landscape and ecology and would appropriately safeguard the ecological value, function and integrity of the proposed strategic wildlife corridor. Subject to conditions, there would be no harm to protected species or an adverse effect on the integrity of Singleton and Cocking Tunnels SAC. The proposal therefore accords with policies 32 and 49 of the CLP and emerging policy NE4 of the Chichester Local Plan Proposed Submission.
- 8.63 The proposed development would be seen within the context of existing horticultural operations and polytunnel development and as such would not result in material harm to the character of the area. Adequate landscaping would be secured by the LEMP to ensure that there would be no material harm to the setting of the SDNP.

8.64 The proposal is considered to be in accordance with local and national development plans and is acceptable, subject to conditions.

Human Rights

8.65 The Human Rights of all affected parties have been taken into account and the recommendation is considered justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

3) Notwithstanding the submitted draft Landscape and Ecology Management Plan prepared by Huskisson Brown Associates dated April 2023 **No development shall commence** until an updated Landscape and Ecological Management Plan (LEMP) incorporating the recommendations of the Council's Landscape Officer has been submitted to and approved in writing, by the Local Planning Authority. The LEMP shall also be in accordance with submitted Badger Mitigation and Bat Enhancement Strategy prepared by GPM Ecology and dated 10th January 2023, unless an alternative is agreed in writing, by the Local Planning Authority. Thereafter development shall be carried out in accordance with the measures included in the LEMP, including timing and phasing arrangements, unless otherwise agreed in writing, by the Local Planning Authority. Any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: These details are required pre-commencement to ensure the protection of wildlife and supporting habitat and secure opportunities for enhancement of the nature conservation value of the site in line with national planning policy and in the interest of landscape character and conserving the setting of the SDNP.

4) Notwithstanding the submitted Flood Risk Assessment and Drainage Strategy (22006-FRA-RP-01 C01), **no development shall commence** until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems (where it is safe to do so), as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. The proposed drainage strategy shall reflect the recommendations contained within the submitted Land Contamination Desk Study Report by Southern Testing Environmental and Geotechnical dated 01/06/23. No polythene shall be installed until the surface water drainage system has been implemented in accordance with the agreed details. Thereafter, the scheme shall be maintained in full working order for the lifetime of the development.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

5) No development/works shall commence on the site until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological significance. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

6) **No development shall commence** until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority.

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction

upon the public highway (including the provision of temporary Traffic Regulation Orders),

(j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,

(k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,

(l) measures to control the emission of noise during construction,

(m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,

(n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,

(o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing,

(p) waste management including prohibiting burning,

(q) provision of temporary domestic waste and recycling bin collection point(s) during construction, and

(r) measures to ensure there is no run off into the ditches or pollutants entering the ditches during the construction

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

7) No polytunnel shall first be used until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. This shall include measures to prevent pollution and litter entering ditches. Upon completed construction of the SuDS System, the land owner shall strictly adhere to and implement the recommendations contained within the manual.

Reason The details are required to ensure that the proposed development is satisfactorily drained throughout the lifetime of the development and to safeguard ecology.

8) No polythene shall be installed until details of the colour and finish of the polythene covering of the permitted polytunnels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the character and appearance of the locality.

9) **No polythene shall first be installed** until a full litter management strategy has been submitted to, and approved in writing, by the Local Planning Authority. Thereafter the landowner shall strictly adhere to and implement the measures set out in the litter management strategy for the lifetime of the development, unless otherwise agreed in writing, by the Local Planning Authority.

Reason: In the interest of amenity and ecology.

10) The development shall not be carried out other than in accordance with the recommendations set out in the submitted Badger Mitigation and Bat Enhancement Strategy prepared by GPM Ecology and dated 10th January 2023, thereafter the mitigation measures including bat boxes shall be retained for the lifetime of the development.

Reason: In the interests of biodiversity

11) In the event of the horticultural use of the permitted polytunnels ceasing, within three months of such cessation they shall be demolished and all resultant materials removed from the site.

Reason: To accord with the relevant planning policies which require that such structures are only permitted in the countryside if they are to meet the essential needs of agriculture.

12) No machinery, plant or lighting shall be installed in connection with the implementation of this planning permission either within the polytunnels hereby permitted or anywhere else on the site.

Reason: To accord with the terms of the application and in the interests of the rural character of the locality, biodiversity and residential amenity.

13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. If contamination is found the development shall not be brought into use until:

- i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and
- ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority, detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details, and
- iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy

14) Notwithstanding the provisions of the Town and Country Planning ((General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no fences or other structures forming windbreaks shall be erected on the site unless full structural details, including details of height, materials, position, and colour of finish have been submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: In the interest of visual amenity.

15) Unless otherwise agreed in writing by the Local Planning Authority the polythene comprising the external covering of the polytunnels hereby permitted shall be removed between 31st October in any year and 31st January in the following year.

Reason: To accord with the terms of the application, to enable the Local Planning Authority to control the development in the interest of protecting the character and appearance of the locality and to minimise flood risk.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - SURFACE WATER DRAINAGE STRATEGY	22006-SWD-DP-01	REV P01	12.09.2022	Approved
PLAN - TYPICAL DRAINAGE DETAILS	22006-SWD-DT-01	REV P01	12.09.2022	Approved
PLAN - HOLDING PLAN	4221-013	REV A	29.09.2022	Approved
PLAN - EXISTING SITE PLAN	4221-UP-010	REV B	29.09.2022	Approved
PLAN - POLYTUNNEL LAYOUT PLAN	4221-UP-011	REV C	29.09.2022	Approved
PLAN - POLYTUNNEL DETAILS	4221-UP-012	REV A	29.09.2022	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

3) If you intend to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose then you will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

4) The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the Council's expectations and requirements for Surface Water Drainage Proposals. This document should then be used for any discharge of Conditions Applications relating to surface water drainage.

5) This site lies within a sensitive groundwater area. Groundwater is therefore potentially at risk from activities at the site and all precautions should be taken to avoid discharges and spills to ground both during and after construction.

6) A. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.

B. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.

C. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

D. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

E. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

F. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

G. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

Any new hedge or tree line planted adjacent to the public right of way must be regularly maintained to ensure they do not grow and encroach upon the width of the footpath, a minimum width of 2m is required at all times and we recommend 3m to allow for then planting.

H. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

I. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury

- the applicant must consider how access is managed so the public is not endangered or inconvenienced.

J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

K. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

L. Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

M. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.

N. Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

For further information on this application please contact Kayleigh Taylor on 01243 534734.

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RI3R63ERL9U00>