



Shaping our Place 2026

Polytunnels Supplementary Planning Document

Statement of Consultation

December 2008

Local Development Framework

1.0 Background

- 1.1 The Planning and Compulsory Purchase Act 2004 sets out the requirements of a Local Development Framework as part of the new planning system. This enables Supplementary Planning Documents (SPD) to be prepared to further planning policy. The SPD on Polytunnels outlines in more detail, policies contained within the Unitary Development Plan (UDP) regarding the use and implementation of Poly tunnels.
- 1.2 Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004 relates to public participation and states that the Local Planning Authority should prepare a consultation statement when preparing or developing planning policy. The requirement is for the consultation statement to set out the standards to be achieved by Herefordshire Council in involving the community in the preparation, alteration and continuing review of planning policy.
- 1.3 In furtherance of community involvement, the Council has prepared its Statement of Community Involvement to show how it will involve the community in its Plan making process.
- 1.4 This statement details how and when the community were involved in the preparation of the SPD on Poly tunnels. The document was adopted by the Council on 5th December 2008.
- 1.5 It sets out:
 - evidence gathering and initial consultation undertaken in preparing a draft with the programme for public participation
 - who was consulted in the initial and draft stages of preparing the document
 - the forms of consultation; and
 - a summary of the main issues raised in both the initial and draft consultation stages and how they have been addressed in the SPD.

2.0 Consultation undertaken in preparing the Draft SPD

- 2.1 Extensive public consultation has been carried out during the preparation of the Herefordshire Unitary Development Plan (UDP) on a number of policies that would relate to Poly tunnels.
- 2.2 In July 2007, the Council published an Issues Paper, detailing the main issues and UDP policies that would need to be addressed on poly tunnel developments. The paper enabled early consideration and comment to be made to the SPD. Consultation remained open until February 2008 allowing plenty of time for responses to be received and incorporated into the draft SPD. A full schedule of comments made can be found in appendix 1.
- 2.3 To enable debate on the Issues Paper, structured consultation events held in September 2007, with both representatives from the farming/growing community and with local individuals and representatives from interested lobby groups, at the Kindle Centre, Hereford. The same structured agenda was followed with both groups. A copy of this agenda can be found in Appendix 2. Detailed comments made within these events can be found in summary in Appendices 3 (growers meeting) and 4 (environmentalists meeting).

- 2.4 Internal consultations between departments of the Council on the production of a draft SPD and the issues paper on Polytunnels were also carried out, and this advice was incorporated into the draft SPD

3.0 Main Issues arising as a result of the initial consultation and how the issues have been addressed in the SPD

- 3.1 Following the initial consultation period, all written comments were recorded in a single document, along with a response as to how the issue had been addressed in the draft SPD - see Appendix 1.
- 3.2 The main issues arising from the consultation can be summarised as:
1. There is general agreement that a formal Supplementary Planning Document on Polytunnels is necessary;
 2. There is general support that the main issues relating to Polytunnels that were raised within the Initial Issues Paper were the correct issues;
 3. Many responders considered that there should be guidelines for Polytunnel development within the SPD to ensure clarity

4.0 Consultation undertaken in preparing the final SPD

- 4.1 The draft SPD on Polytunnels along with a Sustainability Appraisal was published for formal public consultation in accordance with the programme set out in the Council's Local Development Scheme (as amended, Jan 2008). The formal consultation ran from the 26th June – 8th August 2008.
- 4.2 All Parish Councils, organisations, groups and individuals on the Council's LDF database and to those who have a known interest in Polytunnel development were informed of the publication of the draft document, and a public notice, informing of the publication arrangements, was published in the Hereford Times, Hereford Journal, Mid Wales Journal, Ross Gazette and Malvern Gazette of the week commencing 23rd June 2008. Copies of the Draft SPD were also placed on our website: www.herefordshire.gov.uk/housing/planning/31587.asp along with the accompanying Sustainability Appraisal and the initial Consultation Statement. Copies of the documents were also available at all Council Info Centres and libraries.
- 4.3 All comments received during the draft consultation period were considered with appropriate changes being reported and recommended to Planning Committee 14th November 2008 with the Council adopting a final version of the document on 5th December 2008. All comments received and the Council's responses to these comments have been recorded in a schedule of comments – see Appendix 5. Responses to the Sustainability Appraisal draft consultation and the Council's responses can be seen in Appendix 6.

Appendix 1 - Schedule of Comments Received from Consultees to Initial Consultation and Council's Response

Name	Comments Made	Council Response
Malvern Hill Conservators	Will provide a joint response with Malvern Hills AONB.	Noted.
Mr B Gelsthorpe, River Lugg Internal Drainage Board	The Issues Paper appears to include all relevant issues.	Noted.
	It is quite specific as to the impact that impermeable materials used can result in dramatic change to surface water run-off rates.	Noted. Flooding issues are covered in SPD.
	It is imperative that some control to the installation of polytunnels is put into place.	The SPD supports the existing planning control of polytunnels.
Mr Davies, Marden Resident	Large problems from water run-off causing flooding onto roads.	Flooding issues are covered in SPD.
	The spraying of crops could cause contamination through the soils into the water systems.	Water resources and pollution are covered in SPD.
	Large amount of heavy vehicles travel small country lanes for distribution of fruit.	Highway safety and vehicular movements are addressed in SPD.
Pamela Johnson, Ramblers Association	<p>Polytunnels can ruin the amenity value of walking through the countryside. The RA feel that polytunnels in the following locations should be opposed:</p> <ul style="list-style-type: none"> ▪ in an AONB ▪ those that have a particularly intrusive impact ▪ those over 50 acres ▪ those erected on a public footpath or bridleway. ▪ 	The Council has a legal duty in respect of public rights of way. The SPD provides specific guidance where a PROW passes through polytunnels and where there are distant views over tunnels from a PROW.
Peter McKay, Byways & Bridleways Trust	Normal planning considerations to footpaths and bridleways ought to apply to polytunnels also.	The Council has a legal duty in respect of public rights of way. The SPD provides specific guidance where a PROW passes through polytunnels and where there are distant views over tunnels from a PROW.
Brian Atherton, Ross-on-Wye and District Chamber of Commerce	Recognises that polytunnels are an essential tool for farmers who should in turn recognise that they should not adversely affect other sectors.	Noted. The SPD requires that all relevant planning considerations be addressed.
	The chamber is unaware of any objections from tourist authorities.	Noted.

	Requires that the SPD keeps regulation to the minimum required to be effective.	The SPD primarily expands on existing UDP policies and sets out some specific controls to assist in the implementation of these.
Mr J Clark, The Diocese of Hereford	No specific comment made.	Noted.
Mr D Price, CLA West Midlands	Awaiting joint response from the Regional Director.	Noted.
Mrs B Joseph, Marden resident	Excessive farm traffic and very large vehicles travel narrow roads causes concern for safety.	Highway safety and vehicular movements are covered in SPD.
	The water run off effect caused by polytunnels produces further flooding on the roads.	Flooding issues are covered in SPD.
	Water extraction from the rivers is excessive and has caused the water tables to drop and local wells to dry up.	Water resource issues and impacts of irrigation techniques are covered in SPD.
	Contamination of water from spraying could cause harm to health.	Water resource and pollution issues are covered in SPD.
	The visual impact upon the countryside has had an effect on tourism levels.	Landscape and tourism issues are addressed in SPD.
	Decrease in wildlife, insects and birds.	Biodiversity is addressed in SPD.
	The adverse effect on house prices due to their location near polytunnels.	This is a non-planning issue however; it is covered in SPD.
	High intensity of polytunnels, the cumulative impact of the development needs to be taken into account.	Effects on the landscape are addressed in SPD.
	The effect upon public footpaths and bridleways, polytunnels development can block these rights of ways.	The Council has a legal duty in respect of public rights of way. The SPD provides specific guidance where a PROW passes through polytunnels and where there are distant views over tunnels from a PROW.
	Deliveries late at night and early morning shuttle run of workers in buses cause distress and sleepless nights due to the noise.	Noise at unsocial hours close to residential properties is addressed in SPD.
	Damage to the local soils.	Biodiversity issues are covered in SPD.
Mr J Bateman, Pixley & District Parish Clerk	Felt that all issues have been identified which need to be considered.	Noted.
	Visual impact – polytunnels are an eyesore and detract from the pleasure of living in and visiting Herefordshire. They must have an indirect effect on local tourism.	Landscape and tourism issues are addressed in SPD.

	Financial advantages – hard to see how polytunnels benefit the local economy, as few jobs for local people are generated and foreign workers seem to generally take their money back with them.	Local economic impacts are addressed in SPD.
	Flooding – large loss of farmland to impermeable substances increase run off and flooding.	Surface water run-off and flooding issues are covered in SPD.
	Foreign workers – large numbers of foreign workers in sparsely populated rural communities must have an impact on local services, i.e. police, health, library services etc.	Potential impact of influx of foreign workers on local economies and services are addressed in SPD.
Mr & Mrs Whitcombe, Marden Residents	Visibility/landscape character – development of polytunnels destroys visual amenity and, in some cases, development has been allowed adjacent to historic site.	Effects on landscape character and on setting of designated and other nationally or regionally important sites/buildings are addressed in SPD.
	Noise – the use of vast numbers of vehicles, many large HGVs and tractors throughout the day creates a lot of noise.	Noise at unsocial hours close to residential properties is addressed in SPD.
	Biodiversity – there is a decline in wildlife, and of the bird and insect population.	Biodiversity issues are addressed in SPD.
	Water run-off – there is a marked increase in flooding in the areas surrounding polytunnels.	Flooding and water run-off issues are covered in SPD.
	There is a large increase in mud on the roads due to surface water run-off.	Water run-off and highway safety issues are addressed in SPD.
	Water Abstraction – the expanse of pipework distributing water to the polytunnels is astounding and is abstracting far more water from the rivers than it ought to.	Water resource issues and impacts of irrigation techniques are covered in SPD.
	Footpaths – many paths close to polytunnels have been affected.	The Council has a legal duty in respect of public rights of way. The SPD provides specific guidance where a PROW passes through polytunnels and where there are distant views over tunnels from a PROW.
Mr & Mrs Mann, Marden Residents	Large continental lorries use small narrow lanes making them hazardous for local people. Roads are covered in mud a majority of the time. Farm vehicles travel through the village at speed as early as 4am each day.	Highway safety and additional vehicular movements are covered in SPD.
	Foreign workers can appear intimidating and scare the local residents, and they are bringing crime to the area, i.e. drugs. They are also doubling the population of small villages.	This is a non-planning issue.
	Hazardous chemicals are used to spray the crops.	This is a non-planning issue.
Mr G Valentine,	The issue of visual impact is important,	Landscape character, visual impact and

Staunton-on-Wye Parish Council	however the erection of high screens to shield polytunnels can add to the visual impact.	the use of screening methods are addressed in the SPD.
Mr A Fraser, Marden Resident	The area of land covered by polytunnels in any one community is important, as it damages the character of the village if there are too many polytunnels surrounding it.	Landscape character and cumulative impact issues are addressed in the SPD.
	Water abstraction from the river is a major problem due to the extent of polytunnel development.	Water resource issues and impacts of irrigation techniques are covered in SPD.
	Surface water run-off can create vast problems.	Flooding and water run-off issues are covered in SPD.
	Large numbers of foreign workers within small communities – local services cannot cope with this increase. The number of foreign workers should be limited.	Potential impact of influx of foreign workers on local economies and services is addressed in SPD.
	Noise is created e.g. rain on polytunnels, erection/dismantling of structures, on-site vehicles, delivery vehicles, and disturbances from workers.	Noise, particularly at unsocial hours close to residential properties is addressed in SPD.
	Roads are not designed to carry large HGVs, yet this occurs on a daily basis which could lead to permanent damage to small bridges etc.	Increased traffic and highway safety issues are covered in the SPD.
	Health and safety on the picking sites is a concern e.g. provision of sanitary facilities.	Health and safety issues are covered by non-planning legislation and regulations and are therefore not covered in the SPD.
	If permissions are granted on a permanent basis then it should be a decision based on a variety of policies, however temporary permissions could mean that decisions may be a little more relaxed.	The issue of temporary permissions and whole farm plans is addressed in the SPD. All decisions will be made in light of relevant UDP policies.
	Monitoring conditions of permissions should be undertaken at regular intervals.	Noted. Monitoring takes place through the planning enforcement section and will not specifically be dealt with in the SPD.
Mark Davies & Mr J Burnett, Environment Agency	The issues raised so far reflect what we would expect to be addressed.	Noted.
	Flood Risk – should be addressed through a flood risk assessment in line with PPS25. It is recommended that polytunnels are situated outside of any 1% plus climate change fluvial floodplain.	Flood risk and flood risk assessments are covered in the SPD.
	Water resources – low flow issues based on Catchment Abstraction Management Strategies (CAMS). Trickle irrigation is currently exempt from requiring a water abstraction licence. Applications should detail the water use through the production of a Water Audit.	Water resource issues and impacts of irrigation techniques are covered in SPD.

	Biodiversity – Would expect the submission of an ecological survey. This should include ways to protect and enhance biodiversity of the area.	Biodiversity issues and ecological surveys are addressed in SPD.
Mrs C Edwards, Clerk to Luston Group Parish Council	Anything that reduces food miles is a good thing.	Noted.
	Polytunnels are acceptable as long as they do not impinge on other matters.	Noted.
	Applicants should provide storage for run-off water.	Water run-off and water resource management are issues are covered in SPD.
	Applicants could apply for development 2 to 3 years in advance to allow for screening to become well established.	Whole farm plans and screening issues are addressed in SPD.
	There should also be a limit on the acreage covered by polytunnels.	Whole farm plans and cumulative landscape impact of polytunnels are addressed through the SPD.
Charles Thwaites, Pixley Resident	Issues list is comprehensive however; including a time limit to developments is desirable. This was part of the voluntary code of practice and would be consistent with this. It is a sensible compromise between growers and residents.	The issue of temporary permissions and whole farm plans is addressed in the SPD.
Mark Price, Sustainable Futures Directorate, GOWM	It would be helpful for the Council to state the planning position in relation to polytunnels and 'development' clearly, given the significance of polytunnels in Herefordshire.	SPD includes a section on polytunnels and 'development'.
	No comments to make on the issues within the paper.	Noted.
Mrs M Tree, Clerk to Eardisley Parish Council	Some Councillors do not feel that there is a need for control over polytunnels whereas others felt strongly that planning permission should be gained.	SPD includes a section on polytunnels and 'development'.
Rhidian Clement, Welsh Water	It is pleasing to see that sewage and water resources are key issues.	Noted.
Mrs J Hope, Clerk to Longtown Group Parish Council	Supports the broad views of the document.	Noted.
Mrs P Johnson, Arrow Valley Residents Association	Visual impact is not limited to when polytunnels are in operation. During winter and spring the metal hoops remain.	Noted. Effects on the landscape are addressed in SPD.

	Technical specifications of the development should be detailed, i.e. colour of plastic covering, steel strength etc.	Although this is not mentioned in the SPD, it is a standard requirement of the information to be provided with a planning application to include all relevant details and specifications.
	Polytunnels should be subject to building regulations which would ensure that they were built to the highest standard and safety.	Polytunnels are not subject to Building Regulations under current legislative requirements.
	Scale of polytunnels should be limited on farms to prevent mass concentration.	Landscape and cumulative impact issues are addressed in SPD, as are whole farm plans.
	There should be a minimum distance between developments of polytunnels if two neighbouring farms use them.	Coalescence and cumulative impacts of tunnel developments are covered in SPD.
	Should be no polytunnels within an AONB.	Polytunnel development in AONBs is covered in the draft SPD, although a blanket ban in these areas is not considered appropriate.
	Limit the time period that polytunnels remain on each piece of land, potentially rotate them.	Issues of temporary planning permissions and crop rotation are addressed through SPD.
	Applications should be submitted with an EIA.	Existing legislation controls the circumstances when an EIA will be required.
	Accommodation and associated infrastructure with polytunnels and labour issues should be submitted with applications so that overall impacts can be assessed.	Noted. However; SPD deals with polytunnel development specifically, rather than ancillary development.
	The extent of river abstraction should be taken into account, so should water runoff.	Water resource and surface water runoff issues are addressed in SPD.
	The applicant should present a 5 year plan so that the effects of the entire proposed development can be reviewed.	Whole farm plans and temporary permissions are covered in SPD.
	Applications should be considered on a per field basis not whole farm basis.	Noted. Whole farm plans are addressed in SPD.
Mrs Morgan, Clerk to Avenbury Parish Council	Landscape impact assessments should make reference to size and colour of polytunnels as well as screening.	Effects on landscape character, Landscape Impact Assessments and screening are addressed in SPD.
	Applications should make clear the length of time which polytunnels will be in place prior to crop rotation.	Temporary permissions and crop rotation are covered in SPD.
	Applications should identify any accommodation which will be provided for workers.	Noted. However, ancillary development is not be specifically dealt with in the SPD.
	Locations must be served by adequate roads.	Highway safety is addressed in the draft SPD.
Paul Esrich, Malvern Hills AONB	Coalescence of tunnels on adjoining land should be considered. A landscape view should be adopted.	Coalescence and cumulative impacts of tunnel developments are covered in SPD, along with landscape character impacts.

	Polytunnels and other structures should be further than 100m from residential properties.	Mitigation of adverse impacts on residential properties through buffer distances is addressed in the SPD.
	Screening should be addressed.	Screening is covered in SPD.
	Duration of the polytunnels should be limited to two years.	Temporary permissions and crop rotation is covered in SPD.
	Lighting for either growing reasons or security should be considered.	Lighting is dealt with within the SPD.
	The effect of noise from activities should be considered.	Noise, particularly at unsocial hours close to residential properties is addressed in SPD.
	On site accommodation for workers should be considered.	Noted. However; SPD deals with polytunnel development specifically, rather than ancillary development.
	Applicant should provide a visual impact assessment and an environmental impact assessment.	Need for additional studies or assessments is addressed through SPD.
	The applicant should be asked how the land is to be restored and improved following development.	Restoration of land is dealt with in SPD.
	Design and access statements should also be provided with the application.	Need for additional studies or assessments is addressed through SPD.
Mr & Mrs M Morgan	The voluntary code for polytunnels was neither logical nor prudent.	Comment noted.
	Polytunnels are destructive on the visual amenity of the county, a visual insult to beautiful countryside.	Noted. Effects on the landscape are addressed in SPD.
	Light soil destruction through chemicals, pulverisation and compaction by heavy traffic much reduces water-holding capacity.	Flooding and water run-off issues are covered in SPD.
	Residential amenities of local residents are affected.	Impacts on residential amenities are covered in the SPD.
	Large amounts of water are abstracted to trickle feed polytunnels.	Water resource management is an issue covered in SPD.
	Scale and location are fundamental to impact.	Scale and location are issues addressed in the SPD, primarily in connection with landscape impacts.
	Ancillary development, including caravans, needs to be incorporated into the SPD.	Noted. However; SPD deals with polytunnel development specifically, rather than ancillary development.

PROW Manager, Herefordshire Council	<p>Polytunnels are often located in fields across which a PROW passes. This affects both the use and the enjoyment of a PROW. PROW's can be obstructed by support frames, plastic sheeting, growing beds, wires and ancillary items such as boxes, irrigation pipes and equipment. Water run-off can lead to waterlogged surfaces and paths are damaged by the use of vehicles on them. Enjoyment can be affected by the loss of both long and short distance views. The PROW Manager suggests that the SPD should state that: A gap of 2 metres either side of the centre line of any public footpath should be maintained where there is no polytunnels structure at all. A gap of 3 metres either side of the centre line of any public bridleway should be maintained where there is no polytunnels structure at all.</p>	<p>The Council has a legal duty in respect of public rights of way. The SPD provides specific guidance, as suggested, where a PROW passes through polytunnels and where there are distant views over tunnels from a PROW.</p>
	<p>Consideration also needs to be given to the impact on the local tourism economy, especially within areas such as AONBs and Conservation Areas.</p>	<p>Local economic impacts are addressed in SPD.</p>
	<p>It industrialises the countryside.</p>	<p>Noted. Landscape impacts are covered in the SPD.</p>
	<p>General lack of facilities for the workers can lead to misuse of adjoining hedges.</p>	<p>This point is raised in the SPD in the section relating to PROWs.</p>
	<p>General mess and litter that comes from a labour intensive workforce.</p>	<p>This point is raised in the SPD in the section relating to PROWs.</p>
	<p>Noise and dust from machinery is a big problem.</p>	<p>This point is raised in the SPD in the section relating to PROWs.</p>
Kelda White, Natural England	<p>Account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of the local communities within the Malvern Hills and Golden Valley AONBs.</p>	<p>Noted. Economic considerations should be addressed alongside landscape and other planning issues. This is addressed in the SPD.</p>
	<p>It is generally considered by Natural England that polytunnels development within an AONB is inappropriate on visual grounds.</p>	<p>Noted. The particular landscape sensitivities in AONBs are covered in the SPD, although a blanket ban on polytunnels in AONBs is not considered appropriate.</p>
	<p>Smaller temporary developments such as accommodation and toilets blocks have a significant impact and also need to be considered by the SPD.</p>	<p>Although the SPD is primarily concerned with polytunnel developments rather than accommodation etc, associated developments are also mentioned in relation to how applications are received. However, associated developments are dealt with through different policy guidance.</p>

	Short-term developments mean that farmers are often unable or unwilling to invest capital in suitable infrastructure to capture water runoff which can contain pesticides. If they could this could be recycled for irrigation and thus reduces the need to abstract from the local rivers.	Temporary permissions and impacts on investment in landscaping or surface water management systems are covered in the SPD.
	The cumulative impact of applications needs to be taken fully into account as well as the impact of rotating polytunnels on one farm from year to year or at different stages in the fruit growing process.	Cumulative landscape impacts and crop rotations are dealt with in the SPD.
	A consistent approach between the two local authorities that the Malvern Hills and Wye Valley AONBs fall under is required.	Noted. Adjoining local authorities will be given the opportunity to comment on the SPD during its production.
	The SPD will need to clearly state what is allowed under Permitted Development Rights and identify criteria which can be used to decide when planning permission is required.	SPD includes a section on polytunnels and 'development'.
	Impact on the historic environment needs to be taken into account, for examples SAMs, Con Areas etc.	SPD addresses these issues.
	The way in which the land is reinstated following polytunnels use is critical. Natural England would support detailed consideration of high quality reinstatement of or even improvement to the natural environment.	Reinstatement of land is addressed through the SPD.
	Visibility should also take into account lighting for security, access and growing.	Impacts of lighting schemes are dealt with the SPD.
	Account should also be taken of contours, orientation and impact on the skyline.	All potential landscape impacts are addressed in SPD.
	Screening should use locally appropriate species and should take account of surrounding area so as not to be visibly intrusive.	These issues are covered in SPD.
	The duration of the structure is important to consider. Efforts to minimise this should be favourably regarded.	Temporary permissions and the dismantling of tunnels when not in use to minimise impacts are covered in SPD.
Mr & Mrs J Horton	Need screening of polytunnels to reduce visual impact.	Landscape and visual amenity issues are covered in SPD.
	Fertilisers and pesticides contaminate local rivers.	Water resource issues, including pollution are addressed in SPD.
	The cumulative impact of several smaller developments can look as bad scenically as one large development.	The cumulative impacts of several developments are addressed in SPD.
	There can be large impacts on designated landscapes.	Impacts on both designated and undesignated landscapes are covered in SPD.

	Is there an economic need for polytunnels?	The economic arguments for polytunnels and other economic impacts are addressed in SPD.
	The noises from polytunnels can last from early morning to late into the evening. People's sleep is continually disturbed.	Problems associated with noise and impacts on residential amenity are covered in SPD.
	In the last 2 years they have seen a great reduction in bird life in and around the area.	Impacts on biodiversity are dealt with in SPD.
	Due to water run-off, the roads around the area are now more prone to flooding.	Flooding issues are addressed in SPD.
	Tourism will dip in the area.	The potential impacts on tourism are addressed in SPD, although it is acknowledged that there is no evidence to support this assertion at this time.
	Single track roads are being eroded due to the volume and speed of the polytunnels traffic.	Traffic and highways matters are addressed in SPD.
	Housing prices within the area are estimated to reduce between 25% and 30%.	Possible impacts on house prices are covered in SPD, although this is not a planning issue.
	On days when there is spraying, residents have to stay indoors.	Impacts on residential amenities are covered in SPD.
	Some sites require the removal of ancient hedgerows.	Removal of ancient hedgerows is covered by legislation. Effects on biodiversity generally are addressed in SPD.
	Historic and Conservation Areas lose their whole feeling when polytunnels encroach into the visual appearance and ambience of an area.	Landscape, setting of settlements and effects on listed buildings and other designated areas are covered in SPD.
White Young Green Planning on behalf of S & A Davies	The SPD should be consistent with Government guidance and Herefordshire UDP policies.	The SPD provides additional guidance to relevant policies of the UDP (which is itself in accordance with Government guidance). It does not add new policies.
	Agricultural justification should not be a material planning consideration for polytunnels and it should not form part of the SPD.	General economic impacts including benefits are covered in SPD and are considered one of the key planning issues to be addressed by applicants.
	Economic issues should be material to the consideration of polytunnels applications.	General economic impacts including benefits are covered in SPD and are considered one of the key planning issues to be addressed by applicants.
	It should be at the growers' discretion whether or not to choose to support a planning application for polytunnels relating to economic justification, when they know that it is in their best interests to do so.	Noted. Agricultural justification is not highlighted specifically in the SPD.

	<p>It is not appropriate to limit activity on agricultural land, although careful consideration will need to be taken on the impact of polytunnels in particular areas of tourist interest such as AONBs.</p>	<p>Applications will be dealt with on their merits. Impacts on the landscape of AONBs will need to be addressed by applicants. Potential effects on tourism are planning considerations, however it is acknowledged that there is no current evidence of the impact that polytunnel developments may have on tourist numbers.</p>
	<p>Polytunnels are unlikely to become widespread, as only a small proportion of the counties land is suitable for soft fruit production.</p>	<p>It is acknowledged that only certain parts of the county are likely to be suitable for ground grown soft fruit, however, increasingly crops may be grown in substrate under polytunnels - so-called table-top growing.</p>
	<p>It must be appreciated that when polytunnels are removed, they have no lasting impact on landscape character.</p>	<p>Noted. The SPD covers removal of polytunnels when their use is over and reinstatement of land to its original state.</p>
	<p>For polytunnels that are used only temporarily it is not considered commercially viable or reasonably necessary for the grower to invest in landscape mitigation measures. Furthermore, if the land is rented, it may not be possible to get agreement from the landowner to implement such measures.</p>	<p>If a polytunnel development proposal is considered to have an unacceptable adverse impact on the landscape, and mitigation measures cannot be pursued by the applicant, then the application will be refused.</p>
	<p>In the case of temporary sites that are subjected to repeated use it is considered reasonable to require appropriate landscape enhancement/mitigation measures.</p>	<p>Noted. Landscape impact mitigation and enhancement measures are covered in SPD.</p>
	<p>The most important issue is to ensure that the visual amenity of residents is limited with the careful siting of polytunnels.</p>	<p>Noted. Residential amenity issues are covered in SPD.</p>
	<p>It is anticipated that a minimum threshold distance between polytunnels and dwellings is likely to be an arbitrary measure. It should be appreciated that just because polytunnels can be seen from surrounding dwellings, does not mean that they are harmful to residential amenity.</p>	<p>The SPD does include a supplementary guidance note in respect of distances between polytunnels and residential properties. However, each case will be dealt with on its merits, taking this guidance into account.</p>
	<p>Growers should be required to roll up the polythene covering the polytunnels frame as soon as possible at the end of the growing season.</p>	<p>Removal of polythene at the end of the season is desirable and is addressed in SPD.</p>
	<p>Developments should be required to demonstrate that there are no direct or indirect adverse effects on ecology.</p>	<p>Impacts on ecology and biodiversity are addressed in SPD.</p>
	<p>Agricultural good practices should be adopted, such as protecting trees etc, and providing buffer zones around key ecological assets such as ditches and ponds.</p>	<p>Ecological impacts and mitigation measures are covered in the SPD.</p>
	<p>For longer-term sites it may be reasonable to produce an ecological management plan, which will be developed hand in hand with a landscape enhancement strategy.</p>	<p>Ecological impacts and mitigation measures are covered in the SPD, as are ecological surveys and assessments.</p>

	Growers should provide suitable mitigation measures when problems are identified with regards to water run-off.	Flooding and surface water run-off issues are covered in SPD.
	Public rights of way should be kept clear from of polytunnels.	Impacts of polytunnels on PROW are addressed in SPD.
	A growing regime that uses polytunnels need not be any more disturbing to local residents than other agricultural uses of the land.	Noted. Each case will be dealt with on its merits. Where there are likely to be unacceptable adverse impacts then planning permission will be refused, unless mitigation measures can alleviate these impacts to an acceptable extent.
	The higher yields and longer growing season resulting from polytunnels use is reducing the reliance on foreign imported fruit.	Noted. Economic benefits to the wider economy or sustainability are covered in SPD.
	The SPD should include a summary of the legal position relating to polytunnels development and the circumstances when planning permission will be required.	The formal planning position relating to polytunnels and 'development' is covered in the SPD.
	The SPD should set out the circumstances of polytunnels use in the county.	The use of agricultural polytunnels in the county is addressed in the SPD.
	The SPD should acknowledge the problems and concerns arising from polytunnels use.	All relevant planning issues are covered in the SPD.
	The SPD should summarise the relevant policies from the Herefordshire UDP.	A summary of relevant UDP policies is included in SPD.
	Identify the material planning considerations that will be relevant in most cases.	All relevant planning issues are covered in the SPD.
	Indicate the circumstances when polytunnels are likely to be acceptable development.	The SPD provides guidance on issues to be addressed by applicants. It does not set out circumstances where polytunnels are likely to be acceptable as each case will be dealt with on its merits.
	Provide best practice guidance on the siting and use of polytunnels.	The SPD provides best practice guidance on how applicants should approach polytunnels and planning.
	Set out guidance on the information that will be required to support applications for planning permission.	The SPD provides specific guidance on additional information that may be required to be provided with applications.
P J Eldridge	Tunnels should be screened, either by existing hedges and trees or by planting quick growing trees.	Screening of polytunnels to reduce landscape and visual impacts is addressed in SPD.
	The use of green polythene would lessen impact on the environment.	The use of coloured polythene and other possible mitigation measures are addressed in SPD.
	It is felt that polytunnels turn farms into factories.	Noted.

	Could a maximum of farm acreage be imposed, 25% is suggested. No individual plot on a farm should be greater than 10 acres, with a further 10 acres between plots.	It is difficult to impose arbitrary thresholds on farm acreage covered by polytunnels since landscape and topographies can differ greatly across the county. Each case will be dealt with on its merits. Landscape and cumulative landscape impacts are fully covered in SPD.
	No activity should be permitted before 7:30 am and after 10:00 pm.	The potential noise and traffic impacts of polytunnel developments are covered in SPD. Conditions restricting working hours can be imposed on individual planning permissions where appropriate.
	Polytunnels should be adequately fixed to the ground to ensure that they don't become loose in winds.	Noted. The potential impacts of loose plastic sheeting are addressed in SPD.
	Spraying should only be done on windless evenings.	Crop spraying times is not a relevant planning issue. Environmental health legislation and good practice are relevant in respect of crop spraying.
	Measures must be taken to eliminate water run off and also to prevent flooding. A buffer zone around the tunnels to prevent chemicals running into streams and other waterways.	Flooding, surface water run-off and mitigation measures are addressed in SPD.
	Polytunnels should only be sited in one place for 3 years.	The issue of temporary permission is dealt with in SPD.
	Polytunnels should not be sited within ½ mile of residential properties.	The SPD includes a supplementary guidance note outlining expected thresholds for distances between polytunnels and dwellings. These thresholds are however, not compulsory and each case will be dealt with on its merits taking the guidance provided in the SPD into consideration.
	Polytunnels should be sited as close to farm buildings as possible to reduce problems such as transport and noise.	Siting of polytunnels and their impact on landscape, noise and highways matters are matters addressed in the SPD.
Wye Valley AONB	Concerned that the natural beauty of the AONB is conserved.	AONBs and landscape protection are addressed in SPD.
	Consistency needs to be taken by all local authorities within the AONB.	Noted. Adjoining local authorities have been consulted throughout the SPD production process.
	Screening needs to be considered, where appropriate.	Screening is addressed in SPD.
	Impact on views needs to be looked into.	Landscape impacts and impacts on views, both residential and those from public viewpoints are addressed in SPD.
	The duration of the polytunnels needs to be limited.	Temporary permissions are covered in SPD, although no blanket requirement for time limited permissions is considered appropriate.
	The effect of noise and vehicular movement on neighbouring properties needs to be taken into account.	Impacts of noise and vehicular movements on residential properties are addressed in SPD.

	Residential amenity needs to be taken into consideration.	Impacts on residential amenities are covered in SPD.
	Lighting needs to be minimised where necessary.	Potential impacts of lighting associated with polytunnel developments are covered in SPD.
	Avoid erection of polytunnels where it obscures skylines.	Landscape impacts, including effects on skylines, are addressed in SPD.
	Caravans and toilets need to be screened.	Screening, both of polytunnels and associated developments is covered in SPD.
	The SPD needs to clarify Permitted Development Rights.	The SPD does deal with planning and 'development' and also discusses permitted development rights however, it does not set out in detail the wording of legislation in relation to PD rights due to its complexity. Instead the SPD refers readers to the legislation itself.
Jacki Ballantyne	Falling house prices on properties next to polytunnels developments should be included.	The impacts that polytunnels may have on house prices is mentioned in the SPD. However, it is not a planning matter.
Richard Gould – Clerk Marden Parish Council	Consideration needs to be given to the aspirations of developers and the impacts of the development on the community.	Noted. All planning impacts should be considered by applicants. Planning matters are covered in SPD.
	The positioning of polytunnels is regarded as a vital consideration.	Noted. The positioning of polytunnels is addressed in SPD.
	Historical and archaeological sites should be protected.	UDP policies seek to protect both designated and undesignated historical and archaeological sites and the SPD also covers these issues.
	Need protection of footpaths and bridleways.	The protection of footpaths and bridleways is addressed in the UDP.
	Production of a single crop in monoculture over a long period could have adverse effects on the health of soil, ground water and wildlife.	Effects on biodiversity, ecology, and water resources are covered in SPD.
Roger Finning	Requires definition of what constitutes a polytunnel put somewhere in the document.	The SPD includes a section describing what polytunnels are.
	How often the polythene is changed and how it should be disposed of should be mentioned.	The impacts on residential amenity of loose polythene
	Is an annual insurance premium to cover the removal of the tunnels in the event of developers going bankrupt a practical option?	This is not matter that can be dealt with through planning controls.
Mr B. Megson – Clerk to Bishopstone and District Group Parish Council	Retrospective planning applications should be rejected.	The local planning authority is obliged to consider retrospective planning applications.
	Ample distance between dwellings and polytunnels should be considered (half a mile is suggested).	The SPD includes a supplementary guidance note in respect of distances between polytunnels and residential properties.

	There should be no activity within the exclusion zone.	The SPD provides guidance on how the buffer zones or zones of tranquillity between dwellings and tunnels should be kept free of polytunnel related activity.
	The same regulations that control manufacturing units should be used to control Polytunnels.	The SPD includes a comprehensive list of all UDP policies that are likely to be relevant to polytunnel developments.
Jenny Ellerton	Polytunnels should only be allowed in small blocks and should be well away from residential areas and next to major roads for ease of access.	Siting, cumulative impacts and highways matters are addressed in SPD.
	Landscaping issues need to be clearly addressed.	Landscape is a key planning issue dealt with in the SPD.
	Noise is a constant problem. Unsociable working hours are used and residents are often woken as early as 3:30 am.	Noise and impacts on residential amenity are addressed in SPD.
	Excessive traffic travels down single-track roads.	Highway safety matters are covered in SPD.
	Greater communication is required between developers and residents especially around what sprays the developers use.	The SPD encourages developers to participate in early communications with local residents, both about the development itself and associated works.
	Environmental issues also need to be addressed, such as the protection of wildlife and rivers.	Environmental issues such as ecology, biodiversity, water resources, flooding etc are all addressed through the SPD.
	How often the polythene is changed and how it should be disposed of should be mentioned.	The potential impacts of loose polythene and the necessity of removing and disposing of used polythene appropriately are covered in the SPD.
Lorna Hart – Clerk for Monkland and Stretford Parish Council	Polytunnels should always be a set distance from properties and be shielded from view.	The SPD includes a supplementary guidance note in respect of distances between polytunnels and residential properties.
	Consideration needs to be given to volume of road traffic, noise pollution and the impact on local biodiversity.	Highways matters, noise and biodiversity and ecology are all addressed through the UDP.
	Taking water from local rivers and streams should not be allowed, nor should the pollution of the waterways be allowed.	The Environment Agency controls the abstraction of water from local watercourses. However, the SPD provides guidance to developers on water resource issues.
	The problems of imported labour as opposed to local labour should be considered.	This is not a planning issue and this point is reiterated in the SPD.
	The effects polytunnels could have on local tourism should be considered.	Potential effects on local tourism are addressed in the SPD, although it is acknowledged that there is no current evidence to support arguments on this subject.

L P Lanigan	Properties adjoining or in the vicinity of polytunnels are experiencing a reduction in value.	This is not a planning issue and this point is reiterated in the SPD.
	Due to the fact that fruits do not have the same growing duration, is it anticipated that polytunnels may never be removed from sites?	Where planning permission is granted on a permanent basis, it may be the case that tunnels remain in place, unless conditions specify otherwise.
	Polytunnels have an adverse effect on tourism.	Potential effects on local tourism are addressed in the SPD, although it is acknowledged that there is no current evidence to support arguments on this subject.
	Biodiversity will be affected.	Impacts on biodiversity are covered in SPD.
	Noise is a constant problem.	Noise impacts are addressed in SPD.
	Polytunnels should not be sited near to roads due to water run-off.	Flooding and surface water run-off, as well as highway safety matters are covered in SPD.
	Herefordshire Council should work with growers to identify fields that should not be used using set criteria.	A 'whole farm' approach is encouraged in the SPD, during which a 'sieve analysis' would enable parts of land holdings that are or are not suitable for the erection of polytunnels can be identified.
Frank Hemming – Herefordshire Friends of the Earth	The way polytunnels are operated at the present time, with reliance on fossil fuels, makes it unsustainable to satisfy the soft fruit needs of Herefordshire, much smaller development of polytunnels would be needed.	Noted. Sustainability is an important planning issue to be considered and is addressed in the SPD.
Justin Burnett – Team Leader West Area Planning – Environment Agency	Recommended that at a local level, Environment Agency Catchment Abstraction Management Strategies (CAMS) for the Wye and Severn Vale West areas are included.	The SPD covers water resource issues and includes recommendations from the EA, including in relation to CAMS.
	Sustainability issues will be relevant to the SPD.	Sustainability issues are addressed in SPD.
Sarah Faulkner – NFU West Mids.	Would be concerned if rigid descriptions of polytunnels types and crops were included within the SPD and new production methods were excluded.	There are no rigid descriptions of crops or tunnels in the SPD and new methods of polytunnel growing are covered.
	Some flexibility around the life span of crops needs to be included.	It is recognised that different crops have different life spans and that polytunnels may need to be in place for variable time periods. The SPD acknowledges this.
	It is now accepted that sites can be managed in order to adequately screen polytunnels and reduce their impact upon landscape character.	Landscape character protection and screening are issues addressed through the SPD.
	Polytunnels can reduce the use of pesticides by up to 50%.	The potential for reducing the use of pesticides by growing crops in polytunnels is acknowledged in the SPD.

	Soft fruit farms in Herefordshire would not be viable without polytunnels.	The economic benefits of polytunnels to the agricultural sector are issues addressed in the SPD.
	Many growers have established arrangements for the recycling or other disposal of waste polythene.	Sustainability issues surrounding the recycling and disposal of waste polythene are covered in the SPD.
	Farmers generally ensure that that their soils are well managed and conserved as they are crucial to the farming business.	Noted.
Neil Rimmington Herefordshire Council Archaeology Dept		
	The erection of polytunnels and all associated works could impact on archaeological deposits and also have a significant impact on the landscape.	Noted. The protection of archaeological deposits and effects on the landscape are issues addressed through the SPD.
	The intention to have additional information presented at the time of application is welcomed.	Noted.
	Consideration should be given to a pre-application assessment and also a checklist detailing what information is required on the application form.	The SPD provides guidance to prospective applicants on pre-application discussions with the local planning authority and on what information they will be required to submit.
E. Kelly – Campaign for Polyunnel control		
	Consideration should be given to two papers submitted to planning application DCSE2006/3267/F: (a) Report on the visual effect of polytunnels rotating every 2 years. (b) Report on policing this development – replanting under existing polytunnels.	The content of these papers was considered during the preparation of the SPD.
	Rotating polytunnels doesn't extinguish the harm they do to the countryside nor does it provide mitigation.	Noted. Rotation and impacts on landscape and biodiversity and possible mitigation effects are considered in the SPD.
Graham Biggs South Herefordshire Growers Group		
	Saving food miles should be seen as a positive in sustaining our environment, its biodiversity and the beauty of the countryside.	Benefits of polytunnels in terms of the economy, sustainability, ecology, biodiversity and the landscape are addressed in the SPD.
	Tourism should not be a consideration as there is no evidence to link polytunnels with reduced tourism.	The potential effects of polytunnel developments on local tourism is a planning consideration, however it is acknowledged in the SPD that there is no current evidence on this subject available.
	Grading a view – growers need to understand the approach to grading a view.	Landscape and visual impact assessments are addressed in the SPD and reference is made to documents which would assist in undertaking appropriate landscape/visual impact assessments.

	Where planning permission has been given there should be consideration to farms wishing to expand.	Each planning application will be dealt with on its merits taking into account relevant planning policies and the SPD guidance.
	The use of polytunnels within the AONB will sustain viable agriculture as well as rural communities within the AONB.	The economic viability of rural communities in AONB is an important consideration, alongside landscape and environmental issues. This is acknowledged in the SPD.
	Growers will avoid disturbance to neighbours at unsociable hours.	The potential impacts on nearby residents of noise at unsocial hours are addressed in the SPD.
	Polytunnel positioning will need careful consideration.	Noted. SPD considers all relevant planning issues.
	Polythene will need to be stored away from public view.	Storage of polytunnel associated items is addressed in the SPD in respect of visual impacts and zones of tranquillity around polytunnels.
	Waste polythene will be removed from the land and recycled.	Sustainability issues surrounding the recycling and disposal of waste polythene are covered in the SPD.
	Mitigation will be as an acceptable way to lessen the impact of contiguous developments.	The cumulative impacts of tunnels and possibilities for mitigation are addressed in SPD.
Mr Warwick Jones	Extreme levels of noise need to be managed in all aspects of polytunnel development and fruit production.	Noise impacts are addressed in SPD.
	Increased levels of traffic causes disturbance to residents.	Impacts on highway safety and noise and disturbance are covered in the SPD.
	Once permission has been granted it allows development to be intensive, profitable and disruptive without any significant control.	Planning permissions normally include a set of conditions which control the development permitted. Enforcement action can be pursued in cases where conditions are breached.

Appendix 2 - Structured Consultation Meetings - September 2007

AGENDA

- Introduction
 - Why is the SPD being produced? Context and background information.
 - What is the role and purpose of the SPD?
 - Who will be reading and using the SPD once produced?
 - Why are these structured consultation meetings taking place and what is their purpose?

- Which polytunnels need planning permission and which do not?
 - Caselaw
 - Government guidance
 - Agricultural permitted development
 - Previous development control practice – Code of Practice

- Against which Unitary Development Plan (UDP) policies are planning applications for polytunnels determined?

- In relation to the UDP policies, which key issues will need to be considered? For example:
 - Economy (advantages and disadvantages)
 - Tourism
 - Environmental effects (wildlife, biodiversity, habitats)
 - Flood risk, water resources and pollution
 - Landscape impacts (on character and appearance of an area, particularly in/adjoining AONBs)
 - Historic heritage (e.g. impacts on listed buildings or conservation areas)
 - Effects on nearby properties
 - Noise
 - Traffic
 - Mitigationetc...

- What additional information or level of detail may be required with an application?

- For what reasons may a planning application be refused?

- Any other issues of concern not previously discussed.

Appendix 3 – Draft Notes, Initial Consultation Meeting One

(Fruit growers and associated business interests)

Date	4 th September 2007
Location	Kindle Centre, ASDA Supermarket, Belmont Road, Hereford
Attendees	A list is provided at the end of this document
Chair	Gary Woodman, Chamber of Commerce (Hereford & Worcester)

As part of the initial consultation process on the production of a Polytunnels SPD, two meetings were arranged at which those with particular interests on the subject were invited to share their views on which planning issues should be covered in the forthcoming SPD. The first meeting was held with representatives of local fruit growers and associated business interests, the second with representatives from environmental groups, lobby groups and interested local residents.

At both consultation meetings the same agenda was followed in order that views and issues were raised in response to a structured and comprehensive format. (A copy of the agenda can be found at the end of these notes). The meetings were chaired by non-Herefordshire Council representatives in order to ensure that impartiality and transparency was achieved and to promote fair and frank discussions of what is often a controversial issue.

The following notes provide a summary of the main points raised during the first meeting with fruit growers and representatives of associated business interests.

The meeting commenced with an introductory section from Victoria Eaton and David Nicholson (Forward Planning) in relation to why the SPD is being produced, its role and purpose and the need for the structured consultation meetings. This was followed by a few words from Peter Yates (Development Control) on when polytunnels do and do not require planning permission and how such developments have been dealt with in terms of planning control.

Several questions/points were put to Dr Nicholson in respect of planning policy and supplementary planning documents:

What will happen in the period before the SPD is adopted? (Tony Aspbury)
The Council will use the policies within the UDP, it is not the role of the SPD to create new policy, but just to add weight to the existing policies. The SPD will provide greater predictability of what decision the policies are likely to lead to. (DN)

Will the larger scale sustainability issues such as reduction in food miles etc be taken into account as benefits of polytunnel developments? (Tony Aspbury)
These are issues which will be taken into consideration, however the SPD is likely to concentrate on the two key planning issues: landscape and rural economy. (DN)

There is no wording throughout the UDP that relates specifically to polytunnels.
The UDP is a general policy document that deals with the whole of Herefordshire, rather than specific topics. There are many individual topics which are not specifically addressed within the UDP yet are still covered within broader policy themes. (DN)

Questions were then posed to Peter Yates relating to development control planning issues:

Two-year crop rotation can be suitable in some instances, but not in others because it is not practical for certain crops. Would the SPD take this into account? (Eric Drummond)

This is something that can be taken into consideration, as long as it would not be detrimental to the environment. The Council is looking for the best balance in light of all relevant considerations. Planning permissions may or may not be time limited – depending upon the circumstances of each case. (PY)

Could the fact that polytunnels have been in existence on a piece of land for a long time stand as a material consideration because huge financial investments have already been made by growers. There is also concern that during consultation on planning applications the public and local residents often talk as if there are not any polytunnels erected on the land in question, whereas in reality they have often been there for many years. (Tony Aspbury)

There is low risk of challenges to planning decisions as long as the balance between economy & landscape has been weighed up properly. (PY)

Roland Close added that of the polytunnel planning applications that he has dealt with he has always had more letters of concern rather than of formal objection, hardly ever has he had any objections.

The Code allowed a period of 4 years for polytunnels, this is not in favour with most growers as at the end of the 4 years growers are given enforcement notices. Would the SPD provide more certainty and allow longer periods of growing as there has been large investment in the business and farmers need to be reassured that a return will be made? Also, could the growers help by providing any evidence to support their application, and to save money repeating various reports for each application? (Eric Drummond)

Could the Growers/NFU/Chamber of Commerce etc come up with an overall economic case that could be used as evidence for planning applications to save individuals needing to provide information that they may not want to submit due to commercial sensitivity? The SPD would provide more certainty and would allow long periods of investment unless any condition attached to an individual permission stated otherwise. (PY)

Tony Aspbury added that around 12 months ago growers did start to do economic work, but it has not been subsequently followed up. So there is the possibility of continuing with this work.

Would it be of benefit to put this economic information directly into the SPD, rather than through each case? It was also asked if doing one economic report would actually help the individual cases, as the study would be broad?

The economic information would be more appropriately located within a planning application. Doing one report would help individual cases as it would relate to the objectives of PPS7, which are aimed at improving the economy – so these could be satisfied, thus also satisfying the evidential requirements of PPS7. (PY)

It was stated that without polytunnels most farmers would have gone out of business this summer, due to the wet weather. (Tony Snell)

If you can put that into a document with proof and put it into the public domain it will satisfy evidential need. Growers will need to show and prove that the employees are spending money in the local economy. (PY)

How do we deal with a situation where planning permission is granted for polytunnels on a farm but then a few years down the line a need arises to rent out another field with polytunnels for a further five years? It would cost a lot and would not economically benefit the farmers if all studies to accompany an application were to be done over again. (Eric Drummond)

Yes planning permission will have to be made for that additional particular field but studies may be able to be adapted or re-used if the site is within the same area.

Tony Aspbury added: drainage reports cost a lot and in addition the Environment Agency are requesting more and more detail and reports are having to be re-done to comply. This needs to be taken into account if numerous applications are needed for each grower.

There was a short break after which Dr Nicholson summarised the main policies within the UDP that relate to polytunnels and also the main issues linked to the development of the polytunnels. Following this Gary Woodman opened the floor to allow for discussion on these issues.

Most of the issues listed are already covered by statute - why do we need further guidance. (Eric Drummond)

They may be covered in different legislative areas but not in terms of planning policy, therefore specific planning guidance in relation to polytunnel development can be provided within the SPD. (DN)

This looks like a comprehensive list and it is possible that nothing further needs to be added. Tourism is the only issue that is intangible because the evidence is not clear. Tourism is a regional / county issue. (Tony Aspbury)

It is agreed that tourism is a problematic issue in relation to the potential effects of polytunnel development, but there does not seem to be any obvious/proven adverse effects on tourism within Herefordshire, according to available evidence. (DN)

Rights of way – could growers provide information on polytunnels using info boards for example? This could explain the benefits of them and what goes on within the tunnels. These could provide more of a pleasurable and educational experience when people come into close contact with them. (Tony Aspbury)

That is certainly a possibility. (DN)

Are public views a material consideration, especially within the AONB? They are often perceived as being very important. (David Glasson)

There is a need to explore how the enjoyment of walking gets affected. Rights of way can potentially be diverted if necessary. The effects on PROW & the views from them is a material consideration. (PY)

Could we get a grading on the views if necessary, to show on a scale how important they are? (Tony Aspbury)

There are accepted methodologies in place that can be used. If each assessment is done in the same way this will be a fair and balanced approach. The council has a duty to protect the countryside. (Juliet Wheatley)

Third party responses to planning applications are not necessarily linked to planning issues - are these still considered and how can we try to prevent this? (Tony Aspbury)

We can use the UDP to contain responses to planning issues only and filter out the other issues which are not ones which the planning system can take into account. (DN)

The issue of mitigation was discussed in some detail, with several points being raised:

Would it be possible for growers to allow hedges to grow taller, as this would reduce visual impact, and increase biodiversity? (PY)

Growers will support mitigation and will tend to go the extra mile to support their businesses. They are keen on good practice and do not want to upset their neighbours. (Tony Aspbury)

There has been very little bad press on polytunnels this year which shows that farmers are trying their best not to upset people living around the polytunnels. (Tony Snell)

If people tell the growers that there is a problem, we will endeavour to solve it, rather than leave it, as fruit farmers do not want negative press.

The opportunity was given for additional points to be raised that had not been previously covered:

The SPD could include a landscape methodology so that cumulative impact can be assessed. This would help planners identify areas that are more sustainable for polytunnels and not to infill large block areas. (Roland Close)

Make sure there is enough time to consult on the document. (David Price)

More of these meetings would be welcome, as they have proved very useful. (Tony Aspbury)

The chairman summed up the meeting and thanked the Council officers and those who attended and contributed to the event.

The meeting concluded at 4:45pm.

Appendix 4 – Draft Notes, Initial Consultation Meeting Two

(Environmentalists, lobby groups and interested local residents)

Date	10 th September 2007
Location	Kindle Centre, ASDA Supermarket, Belmont Road, Hereford
Attendees	A list is provided at the end of this document
Chair	Mr Mervyn Morgan (CPRE Campaign to Protect Rural England, Herefordshire Branch)

As part of the initial consultation process on the production of a Polytunnels SPD, two meetings were arranged at which those with particular interests on the subject were invited to share their views on which planning issues should be covered in the forthcoming SPD. The first meeting was held with representatives of local fruit growers and associated business interests, the second with representatives from environmental groups, lobby groups and interested local residents.

At both consultation meetings the same agenda was followed in order that views and issues were raised in response to a structured and comprehensive format. (A copy of the agenda can be found at the end of these notes). The meetings were chaired by non-Herefordshire Council representatives in order to ensure that impartiality and transparency was achieved and to promote fair and frank discussions of what is often a controversial issue.

The following notes provide a summary of the main points raised during the second meeting held with parties from environmental groups, lobby groups and interested local residents.

The meeting commenced with an introductory section from Victoria Eaton and David Nicholson (Forward Planning) in relation to why the SPD is being produced, its role and purpose and the need for the structured consultation meetings. This was followed by a few words from Peter Yates (Development Control) on when polytunnels do and do not require planning permission and how such developments have been dealt with in terms of planning control.

Several questions/points were first put to David Nicholson in respect of planning policy and supplementary planning documents:

Why is an SPD needed when there is already a fairly complex UDP? (Michael Hoddinott)
Specific guidance is required on polytunnels, particularly in light of the Tuesley case. The UDP does not contain a policy particularly dealing with agricultural polytunnels. (David Nicholson)
What is the definition of sustainability? (Bran Russell)
This is the aim of balancing the connections between various issues such as the environment, the economy and social activities. There are many well-known definitions that all vary slightly, but this is the well-understood meaning of sustainability. (Victoria Eaton)
Are there any other SPDs that are being produced on contentious issues? (AVRA representative)

Yes, SPDs are frequently produced. For example on planning obligations and also site-specific documents. The Forward Planning team produce guidance on topics where it is deemed necessary to provide more targeted policy guidance. (David Nicholson)

Where does the final decision lie? Will the SPD carry statutory weight? (Mike Hooper)

The SPD is not part of the formal development plan, but does supplement the policies of the UDP. Planning decisions have to be taken in accordance with the development plan unless 'material considerations' suggest otherwise. (David Nicholson)

Addendum (not part of the meeting): 'material considerations': there is no statutory definition of this phrase and its interpretation has been left to the courts. As a guide, any consideration that relates to the use and development of land is capable of being a planning consideration.

Are there any other local authorities that are producing an SPD on polytunnels? (Jenny Ellerton)

No there are not any known at present. It is up to individual local authorities whether they produce SPDs on certain subjects or not. (David Nicholson)

Is there any reason for the 14-month delay in producing the SPD? Is it showing favour to the growers? Is it merely a delaying tactic? (Ed Kelly)

No. It takes time to produce an SPD. It is not showing favour to growers. Following the Tuesley case the Council members requested that further guidance be produced on polytunnel developments. (David Nicholson)

Questions were then posed to Peter Yates and David Nicholson in respect of development control issues:

How are polytunnel applications determined now, without the SPD? (Ed Kelly)

The adopted UDP and its policies are used to determine applications. (David Nicholson)

What is the point of the SPD then? (Participant)

Planning applications can be determined with the UDP, however the SPD will provide further guidance and predictability to both growers and the public. (Peter Yates)

Will the Council not accept polytunnel applications in the meantime? (Douglas Gardner)

Yes, the Council will be accepting planning applications since they can be determined against the UDP. (Peter Yates)

In relation to enforcement, I thought 200 days was applicable? (Jenny Ellerton)

Yes it is. S & A Davies have lost their appeal. If polytunnels or associated works subject to the enforcement notices have not been removed by 10th January 2008, then the Council can commence legal enforcement proceedings. (Peter Yates)

What time is given to growers within which they must submit planning applications for unauthorised development? (Participant)

Cabinet have allowed until the end of 2007 for growers to submit their planning applications or remove the polytunnels. There are three possible courses of action for the Council:

- Where enforcement action is underway – continue with this.
- Where an agreed programme to remove the polytunnels is already in place – continue with this.
- For farms where neither of the above situations apply – the Council are awaiting planning applications and will pursue enforcement if none are forthcoming and it is expedient to do so. (Peter Yates)

Marden is effectively an island in a sea of plastic. Every day since the season began my family is woken at 5am with this unauthorised development. The Council's attitude is *we mustn't upset the farmers*. For 5 years I have attended Council meetings and the Council has sidestepped action. Nine months after the judgement, there is still no action.

With the Council's track record, how can residents feel confident in the local authority? (Douglas Gardner, Marden resident)

This meeting is at last allowing genuine discussion and consultation. As it is an additional piece of consultation, the UDP should be the ultimate document and the SPD is an elaboration of the UDP.

An excerpt from a letter from a retired planning officer was then read out, which detailed his attempts to hang a specific polytunnel policy on the 'only hook' of policy E16 concerning intensive livestock. This was refused by the Council. "As a result there is no legal peg in the UDP on which to hang the SPD." (Mervyn Morgan)

I asked Dr Nicholson to put the polytunnels issue in the UDP. (Ed Kelly)

Another excerpt from the letter of a retired planning officer was quoted:

"By now introducing guidance with no corresponding policy in the plan they have to rely on the Court decision."

He then referred to the Tuesley judgement's reference to the priority of landscape protection in AONBs.

After another protest against the Council's lack of action to date, he added: we must be constructive. (Mervyn Morgan)

Wickton is surrounded by polytunnels – 600 acres for 3 years...hedges ripped out, water abstracted from the River Lugg (a SAC). The crop is not a necessity. Strawberries rotted in the fields from June onwards. Articulated lorries damage the lanes and there is an increase in illnesses. We are not anti-polytunnels or anti-farmers. (Jenny Ellerton)

With the permission of the Chairman, the Chairman of Marden Parish Council produced a map of Marden and overlaid a transparency showing the extent of the polytunnels in the area.

- There are three huge blocks of polytunnels around the village. Marden has become a polytunnels site with a village in the middle. There are 1,500 workers.
- Polytunnel development should be controlled and balanced. Currently it feels as though it is one sided and there is no support from the local authority.
- There is now contaminated well water and due to irrigation the water table

has dropped in the local area causing many wells to dry up.

- Polytunnels are put up directly adjacent to properties. How far away should they be? Could there be a minimum distance agreed? There should not be over-development next to the houses.
- The economic benefits to the County are recognised.
- The SPD needs to be enforceable and work, not just be a useless document.
- The main issues should not be limited to the environment and the economy. What about 'the people' and 'the residents'? (Chairman of Marden Parish Council)

Abstraction of water, run-off and water pollution is a big issue with 600 acres of plastic and associated irrigation techniques. There is no monitoring even though this involves the oldest SSSI in the country. Rivers are dropping below legal levels. (Bran Russell)

If polytunnels are so successful and enhance the local economy, the Local Authority could employ more officers to look at the situation and monitor it. (Participant)

The local authority will now be looking forward and the public needs to do so too. (Mervyn Morgan)

There are officers who are specifically employed to monitor and undertake enforcement action where necessary. (Peter Yates)

Water extraction is a major issue as is the water pollution. The water could drop below a certain level, who would then be liable for any extraction fines? (Bran Russell)

Fruit is not an essential crop like wheat etc. Polytunnels create a lot more problems in life not just their impact on the views of the landscape. Our objections are not personal. The residents just want growers to be fair and balanced to everyone. (Jenny Ellerton)

The chairman read out the last paragraph from the Tuesley case judgement (15th December 2006):

Mr Justice Sullivan said that he was; "firmly of the view that (the) agricultural needs would be far outweighed by the harm to the countryside arising out of the scale and appearance of the polytunnels."

The Chairman noted Herefordshire Council's promise of 'putting people first'.

There followed a short break after which David Nicholson summarised the main policies within the UDP that relate to polytunnels and also the main issues linked to the development of polytunnels. Mervyn Morgan then opened the floor to allow for discussion of these issues.

Will policy LA1 and AONBs have an important section within the SPD? (Bran Russell)

Yes they will, as they are some of the most important issues. (David Nicholson)

The Chairman then read Policy LA2 and quoted the letter (as previously mentioned):

"UDP policies listed in the Issues Paper do not include Policy LA2 which has now been amended to say, very firmly: 'proposals for new development that would

adversely affect either the overall character of the landscape...or its key features, will not be permitted'. This policy was firmed up on the Inspector's recommendation when the distinction of Landscape Least Resilient to Change was taken out the Plan. The Inspector said that the whole of Herefordshire's landscape was worthy of protection and that this Policy was sufficient to do the job if the Council was prepared to use it."

Policy LA2 should be specifically addressed. (Michael Hoddinott)

The Chairman again quoted from the retired Planning Officer's letter:

"The SPD should define what degree of change brought about by polytunnels will be regarded as an 'adverse effect'. From the landscape point of view (as opposed to soil degradation, water supply, run-off control and traffic generation) this seems to have a lot to do with visibility from nearby and from long distances." (Mervyn Morgan)

The conditions for the S & A Davies workers area appalling. A £5,000 centre has been funded by local people, with no grants for the Polish, Lithuanians and Russians. They hate each other, but in the Friendship Centre they come together. This has happened in Brierley. Why has nothing else been happening to help the immigrants? Could this become part of the SPD? They aren't being treated properly. Their welfare needs to be highlighted. (Ms Judith George, Leominster Friendship Centre)

Just over 8 years ago I dealt with a polytunnel planning application in Kent. The suspicion of planning officers was shared by growers. Landscape is the biggest issue. There is a need to separate individual and cumulative landscape impact. An individual polytunnel will not be such a problem on its own, however put many together and there is a big difference. A question could be; where should there not be any polytunnels? (Roland Close)

The effects on public footpaths need to be addressed. Walkers either end up walking through the polytunnels themselves or next to them. This spoils the enjoyment of walking in the countryside. Views are what most people go to see and even if you are walking on high ground the polytunnels are still visible. (Pam Johnson, Ramblers Association)

The SPD should take into account what the adverse effects of polytunnels would be, i.e. water run-off, traffic increase etc; visibility is also an important issue.

The Chairman read another section from the letter referred to above:

"Having the whole middle distance of residents' views full of polytunnels would infringe Policy LA3 – Setting of Settlements; this is a very important policy which does not seem to have been included in the (Issues) list. One could begin to draw zones of visible ground around settlements which would be unacceptable sites."

(Mervyn Morgan)

Polytunnels should be aligned along the contours so that surface water run-off does not go directly downhill, as stated in Environment Agency advice. Could this be enforced? (Chairman Marden Parish Council)

The Chairman referred to the Radio 4 Farming Programme he had heard that

morning which had mentioned water pollution in ground water. There is pollution of watercourses due to the persistent and on-going run-off of pesticides into the ground water. European legislation will soon be here to support officers' enforcement control of water problems. This is one reason why CPRE focuses on Scale and Location. (Mervyn Morgan)

Water needs to be conserved. This should be added to the list of requirements. The use of water for irrigation is a very important local issue. (Virginia Morgan, CPRE)

Why does Herefordshire Council not say 'no' to polytunnels? This would benefit tourism. (Jenny Ellerton)

Scale *and* Location are the key words. (Mervyn Morgan)

Does the fact that some farmers have already got polytunnels limit other farmers in the locality in the future from putting more up? 'Equity' between farmers is needed. (Aubrey Greene)

At this point the Chairman asked the planning officers if the key points raised could be sent to Mrs Victoria Eaton. The reply was that these would be welcomed.

The Chairman mentioned his attendance at a recent NFU sponsored Polyunnel Growers' Meeting where the wish to 'revive the Code' came up. In response Peter Yates said that the Code is dead. The Chairman said that in the Brierley inquiry the Herefordshire Council Code was said to be 'unlawful'. Roland Close said that each site has to be considered on its merits.

The gap that is asked for between the houses and the polytunnels often isn't of any benefit as the growers use it for something else. For example, toilets or storage etc. (Bran Russell)

The rural economy - how does soft fruit production under polytunnels benefit the County when the majority of the fruit is exported out of the County to large distribution centres for supermarkets? This is not very sustainable. The Soil Association booklet shows that polytunnels cost the soil. (Frank Hemming, Friends of the Earth)

Climate Change: is local soft fruit production for short-term profit or the long-term benefit? Oil is running out fast. This is a very important issue. The melting of glaciers will raise sea levels by 2m by the end of the century. (Mervyn Morgan)

The soil in Marden is a high grade 2. Most of this is now under polytunnels. Transport is also horrendous. Local residents are being run off the roads by large HGVs and buses transporting workers. The workers living at S & A Davies are being transported across the County not just within Marden. The 'SAW' scheme is corrupt. Workers should just be students but half of them are not and there seems to be no control. (Beryl Joseph)

There was documentary evidence of poor conditions for the workers. (Bran Russell)

What are we going to do with the increased traffic on the roads? It affects walkers with children, cyclists and horse riders etc. Can we control the traffic on narrow roads? Up to 20 workers' buses (40 seaters) are on the roads. You can move the polytunnels but that does not necessarily mean that the traffic will stop. It is not just the noise and disturbance from the traffic and pickers, but more importantly it is highway safety. (Marden resident)

Highway safety is an important issue. Children could be in danger cycling to school. (Peter Yates)

Bridleways section 56 issues – could a notice be served on growers? S & A Davies say that Herefordshire Council say it is alright. (Marden resident)

What about the four-year rule for polytunnels in respect of enforcement action? (Mervyn Morgan)

If polytunnels are on a site for more than four years they are immune from enforcement action. (Peter Yates)

The Chairman reminded him that he had been told that the Code was unlawful.

I was not concerned then. Most growers have been moving the polytunnels on. There are a few on to the four year rule. (Peter Yates)

The Pennoxstone Court planning application was handled using UDP policies. Why do we need an SPD when such a quality report could be produced by the UDP alone? (Participant)

The SPD will expand on existing UDP policies, not water them down. (David Nicholson)

Haygrove Farm was asked to submit a planning application one and a half years ago, yet still nothing has happened. Will this type of action continue in the future? In future we must have trust. (Sylvia Kelly)

The use of pesticides with polytunnels seems to have increased considerably in the past few years. The wind drift from this is affecting residents. Could this be controlled with a condition of the planning permission? Strawberries have one of the highest levels of pesticide residue. 40% of strawberries contain 2 or more pesticide residues.
Irrigation – growers use over 1,000 gallons / acre /day. (Chris Wooldridge)

What planning conditions can you put into the SPD to control traffic? Transport movements occur at night and early in the morning. (Marden resident)

Various conditions could be used in association with planning permissions, for example, delivery times and delivery routes. The SPD could highlight possible use of conditions. (Peter Yates)

Could there be a traffic movement section in the SPD? Do we have the equipment within the local authority to measure speed, weight, time etc? This way you could

control the weight of lorries that travel on weight restricted roads. (Angela Williams, Kings Caple)

The SPD needs to have the important things within it so that growers know what is needed of them. There are 5 planning enforcement officers within the Council, working hard. S & A Davies and Pennoxtone Court are both topics of appeals. (Peter Yates)

Is it envisaged that enforcement action will result in the complete removal of polytunnels? (Mervyn Morgan)

No. (Peter Yates)

Are there any sites being cleared? (Mervyn Morgan)

Some, yes. In AONB's policy is tighter. Growers there have a harder task to justify them. (Peter Yates)

The cumulative effect issue very important. The temporary removal of polytunnels is an issue the public feel strongly about. How can this be controlled through a planning condition? It is not just the views within the AONB boundary that are important but what can be seen beyond. It is an important area for tourism as the AONB attracts visitors from all over. (Colin Blundell, AONB)

With reference to the Malvern Hills AONB, when the Forest of Dean took enforcement action, polytunnels were removed within 2 weeks. The farmer did not realise the polytunnels were not in Herefordshire. Both AONBs are visited for the views, *not* just within the AONB, but from the AONB. (David Ward, HCPRE)

The AONB is about preserving and enhancing the natural beauty over the long term. To reiterate what Peter Yates, David Nicholson and Colin Blundell have said, AONBs are protected national landscapes. It is hoped that AONBs maintain that high level of protection. When working with polytunnels growers and planning officers, there is a long-term need to conserve and enhance the natural beauty of AONBs. Frank Hemming's post peak oil statement should be reinforced as this would lead to changes in the landscape as agriculture changes. (Andrew Blake)

What enforcement action will be taken on unlawful caravans? (Mervyn Morgan)

In the Tuesley case, seasonal workers' caravans were permitted for one season. Herefordshire Council has had a relatively tolerant approach, but now growers have been told that caravans for pickers cannot stay for more than one season. Herefordshire Council have been, to some extent, lenient so far but will not be so in the future. Caravans in place for most of the year do need planning permission. (Peter Yates)

Re: Wickton, 300 caravans are being put in so that there are 3,000 people on hub and satellite. If over 20% of the workers are being bussed in, that is illegal. (Aubrey Greene)

S & A Davies has until 10.01.08 to remove these caravans. (Peter Yates)

Sanctions are needed in the SPD document. (Mike Hooper)

These are dealt with in the Cabinet decision of 22nd March 2007. (Peter Yates)

<p>What enforcement action will be taken on unlawful caravans? (Mervyn Morgan)</p> <p>Seasonal caravans for pickers are permitted for one season. Herefordshire Council has been, to some extent, lenient so far, but will not be so in the future. In the Tuesley case, seasonal workers' caravans were permitted for one season. Herefordshire Council has had a relatively tolerant approach but now growers have been told that caravans cannot stay for more than one season. Caravans in place for most of the year do need planning permission. (Peter Yates)</p>
<p>There is a definite divide between growers and the local residents against polytunnels. A lot of growers have fallen out with their neighbours over polytunnels. (Participant)</p>
<p>The Council seem to be very lax about enforcement. S & A Davies has used an amenity building throughout the year. (Pam Johnson)</p> <p>This is not a criminal offence until after 10.01.08. (Peter Yates)</p>
<p>'Expediency' what does this mean with reference to enforcement action? (Mervyn Morgan)</p> <p>In deciding whether or not to issue an enforcement notice, the following questions are considered: does the Council have a reasonable chance of success and is damage so serious that enforcement action is justified, i.e. trivial or likely to get planning permission anyway? (Peter Yates)</p>
<p>Is it necessary to pay rates on polytunnels? Do caravan parks pay rates? (Mike Hooper)</p> <p>I do not know (it is not a planning matter). (Peter Yates)</p> <p>Holiday caravans – if they have been on site for over 6 months then rates should be paid. (Angela Williams)</p> <p>If they are agricultural buildings, building rates should be paid as small businesses do. Not all farmers want polytunnels, many are environmentally sensitive, e.g. the Duchy of Cornwall. (Ben Nash, HCPRE)</p>
<p>What is the rule in relation to enforcement of use of land for caravans? (Mervyn Morgan)</p> <p>If a change of use has occurred for more than 10 years, they are exempt from enforcement action. (Peter Yates)</p>
<p>What applications would require an EIA? (Jenny Ellerton)</p> <p>Certain thresholds need to be crossed. Most polytunnels would not meet these thresholds, only those affecting the European protected sites. However, other assessments are needed for other reasons, for example, habitat surveys etc. (PY)</p>

The chairman summed up the meeting and thanked the Council officers and those who attended and contributed to the event.

The meeting concluded at 5.15pm.

LIST OF ATTENDEES (Meeting Two 10.09.07)

NAME	ORGANISATION / INTEREST
Mervyn Morgan	CPRE Herefordshire
Judith George	Leominster Friendship Centre
Jenny Ellerton	Resident – Wickton
David Ward	CPRE Herefordshire
A Fraser	Resident – Marden
W L & I M Mundell	Residents – Marden
J Davies	Resident – Marden
I Davies	Resident – Marden
P Johnson	Resident – Sutton St. Nicholas
J Chambers	Resident – Marden
I Blomeley	Resident – Marden
S Graham	Resident – Marden
R Gould	Marden & Sutton Parish Council
M Ternouth	Chairman Marden Parish Council
Mr Hooper	AVRA
Mrs P Johnson	AVRA/Ramblers Association
Virginia Morgan	CPRE Herefordshire
Michael Hoddinott	Resident – Walford
Frank Hemming	Resident – Dilwyn
Douglas Gardner	Resident – Marden
Andrew Blake	Wye Valley AONB
Colin Blundell	Wye Valley/Malvern Hills AONB
Mr Mills	Resident – Marden
Mrs Mills	Resident – Marden

P Whitcombe	Resident – Marden
Beryl Joseph	Resident – Marden

E Bryon	Resident – Marden
C Wooldridge	Resident – Newent
E Kelly	Resident – Hoarwithy
S Kelly	Resident – Hoarwithy
Bran Russell	Resident – Wickton
Aubrey Greene	Resident - Wickton
Ben Nash	HCPRE
Mr C H T Waymouth	Resident – Kings Caple
Mr M F Hooper	AVRA
Dr David Nicholson	Herefordshire Council – Forward Planning
Peter Yates	Herefordshire Council – Development Control
Victoria Eaton	Herefordshire Council – Forward Planning
Gemma Dyke	Herefordshire Council – Forward Planning
Mike Willmont	Herefordshire Council – Development Control
Roland Close	Herefordshire Council – Development Control

Appendix 5 - Schedule of Comments Received from Consultees to Draft Consultation and Council's Response

Appendix 6 – Sustainability Appraisal's Schedule of Comments Received from Consultees to Draft Consultation and Council's Response