

Chief Executive's Office

Chief Executive: CJ Bull

To: All Members of Cabinet:
RJ Phillips (Chairman)
LO Barnett
AJM Blackshaw
H Bramer
JP French
JA Hyde
JG Jarvis
PD Price
DB Wilcox

Your Ref:

Our Ref: CJB/SAHC

Please ask for: Mr CJ Bull

Direct Line/Extension: (01432) 260044

Fax: (01432) 340189

E-mail: cbull@herefordshire.gov.uk

4th June 2008

Dear Councillor,

MEETING OF CABINET
THURSDAY 12 JUNE 2008 AT 2.00 PM
THE COUNCIL CHAMBER, BROCKINGTON, 35 HAFOD ROAD, HEREFORD

AGENDA (08/02)

**HEREFORDSHIRE COUNCIL - NOTICE UNDER REGULATION 15 OF THE LOCAL
 AUTHORITIES (EXECUTIVE ARRANGEMENTS((ACCESS TO INFORMATION) REGULATIONS
 2000 (AS AMENDED)**

Notice is hereby given that the following report contains a key decision. When the decision has been made, Members of the relevant Scrutiny Committee will be sent a copy of the decision notice and given the opportunity to call-in the decision.

Item No	Title	Portfolio Responsibility	Scrutiny Committee	Included in the Forward Plan Yes/No
4	Wyebridge Sports College – Determination of Statutory Notices	Children's Services	Children's Services	Yes

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

Putting People First Providing for our Communities Preserving our Heritage Promoting the County Protecting our Future

Herefordshire Council, PO Box 239, HEREFORD, HR1 1ZU
 Main Switchboard (01432) 260000 - www.herefordshire.gov.uk

To receive any declarations of interest by Members in respect of items on the Agenda.

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.

3. MINUTES

To approve and sign the minutes of the meeting held on 29 May 2008. (To follow).

4. WYEBRIDGE SPORTS COLLEGE - DETERMINATION OF STATUTORY NOTICES

To determine the public notices to close Wyebridge Sports College in order to enable the opening of the new Wyebridge Academy.

(Pages 1 - 24)

5. POLYTUNNELS SUPPLEMENTARY PLANNING DOCUMENT

To receive and agree for consultation purposes a draft supplementary planning document (SPD) setting out further planning guidance on polytunnel development. This document is included within the Council's Local Development Scheme (January 2008) and is being produced in line with the regulations of the new planning system introduced under the Planning and Compulsory Purchase Act 2004.

(Pages 25 - 66)

Yours sincerely,



Putting People First Providing for our Communities Preserving our Heritage Promoting the County Protecting our Future

Herefordshire Council, PO Box 240, HEREFORD, HR1 1ZT

Main Switchboard (01432) 260000 - www.herefordshire.gov.uk



CJ BULL
CHIEF EXECUTIVE

Copies to: Chairman of the Council
 Chairman of Strategic Monitoring Committee
 Vice-Chairman of Strategic Monitoring Committee
 Chairmen of Scrutiny Committees
 Group Leaders
 Directors
 Assistant Chief Executive



Putting People First **Providing** for our Communities **Preserving** our Heritage **Promoting** the County **Protecting** our Future
Herefordshire Council, PO Box 240, HEREFORD, HR1 1ZT
Main Switchboard (01432) 260000 - www.herefordshire.gov.uk

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of the Cabinet, of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50, for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

Agenda and individual reports can be made available in large print or on tape. Please contact the officer named below in advance of the meeting who will be pleased to deal with your request.

The Council Chamber where the meeting will be held is accessible for visitors in wheelchairs, for whom toilets are also available.

A public telephone is available in the reception area.

Public Transport links

- Public transport access can be gained to Brockington via the service that runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this Agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning Mrs Sally Cole on 01432 260249 or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

**WYEBRIDGE SPORTS COLLEGE
DETERMINATION OF STATUTORY NOTICES
PORTFOLIO RESPONSIBILITY: CHILDREN'S SERVICES**

CABINET

12 JUNE 2008

Wards Affected

St Martins and Hinton

Belmont

Hollington

Purpose

To determine the public notices to close Wyebridge Sports College in order to enable the opening of the new Wyebridge Academy.

Key Decision

This is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in Herefordshire in an area comprising one or more wards.

It was included in the Forward Plan.

Recommendation

That the closure of Wyebridge Sports College on 31 August 2008 be approved.

Reason

To make progress with the academy project the Local Authority must first approve the closure of Wyebridge Sports College, which occupies the site of the proposed Academy.

Considerations

1. A copy of the full closure proposal notice is attached as Appendix 1. A copy of this and copies of responses to the proposal have been placed in the Members Room.
2. The statutory notice was published in The Hereford Times on 27 March 2008. It was also displayed at each of the two entrances to Wyebridge Sports College, its feeder primary schools and at the Redhill Stores and Post Office, for the statutory period of 6 weeks. Four consultation meetings were set up but, in the event, parents only attended the meeting arranged at the school.

Further information on the subject of this report is available from
Rob Reid – Schools Planning and Access Manager on (01432) 260920

3. **Written responses received to the consultation.**

The statutory 6 weeks period for the submission of comments or objections ended on 8 May. However, as the consultation event at Wyebriidge Sports College could not be held until 8 May, the dead-line was extended to 20 May.

Summary of objections received (with Local Authority Officer comments in *italics*):

a) Marches Secularists

Objection on the grounds that:

- Consultation has been inadequate in terms of the range of stakeholders consulted.

All statutory stakeholders were consulted. In addition, an extensive range of other stakeholders were also consulted. Through consultation events, including a public meeting, other interested parties were given an opportunity to express their views. The views of the Marches Secularists were received and considered through this process.

- Stakeholders were not provided with the full proposals for the Academy at the start of the consultation process.

It is the view of Local Authority officers that the consultation undertaken by the Sponsors of the proposed Academy has met all statutory requirements and that the detail and quality of the information consulted upon was adequate for the purpose.

- Diversity of provision may be increased, but it seems likely to be acquired at the serious loss of public accountability and control.

Although the proposed Academy will not be maintained by the Local Authority, it will be publicly accountable directly to the Government Department for Children, Schools and Families and will be subject to inspection by Ofsted. The Academy also has to conform to the Code of Practice on School Admission and is monitored by the Local Admissions Forum.

- Major capital investment in school buildings will almost certainly offer timely and welcome improvements to teaching and learning facilities.

Funding for the proposed Academy is the only practicable source of funding available at this time.

- The effect of a faith academy on improving standards is questionable and not easily evaluated. Research shows that claims made by faith bodies, with regard to improved pupil attainment justified on grounds of links with faith based tenets, are not amenable to scientific evaluation.

The Government's Academies' programme, involving a wide range of sponsors, including faith sponsors, is proving successful in raising standards. Although the change of status is significant, the Local Authority believes the injection of the £20,000,000 capital investment will have a dramatic impact on the standard of teaching and learning.

- How inclusive and non-judgemental will a faith based academy be with

reference to e.g. sexual orientation and family background?

The proposed Hereford Academy has adopted the same admission oversubscription criteria as that adopted by Herefordshire Council for all Community and Voluntary Controlled schools in the County. There will be no admissions based on faith. The Academy will also be required to have an equal opportunities policy that will be subject to Ofsted inspection. This is in addition to the legislation on equal opportunities which all public bodies have to observe.

- The Department for Children, Schools and Families (DCSF) has reported concerns with faith schools failing to adhere to the practice of Fair Access in line with the Code of Practice on School Admissions.

There has been criticism that, nationally, a significant number of self governing schools, including faith schools, have failed to adhere to the Code of Practice. The Secretary of State is looking to address this nationally. In Herefordshire, the Local Admissions Forum will consider issues of fair access to all schools. Given that the Academy has adopted the same admission oversubscription criteria as that adopted by Herefordshire Council for all Community and Voluntary Controlled schools in the County, this will ensure fair access.

- Poor turnout at consultation events questions whether local residents and parents have grasped, or had brought to their attention, the underlying political implications.

The Local Authority and the Sponsors of the proposed Academy, through their agents Navigant Consulting, have undertaken an extensive consultation with parents and local groups which has generated good public debate. The proposal has been the subject of over a dozen local newspaper articles between January 2007 and April 2008, as well as featuring on local radio. On this basis, a low turn-out is more likely to reflect a general satisfaction with the proposal.

- Wyebriidge Sports College has made good progress over the past 7 years. It should be allowed to continue that improvement in the public (secular) sector.

The achievements of the staff, governors and pupils of Wyebriidge Sports College in recent years are recognised. The Academy proposal provides an opportunity to build on that success and to improve still further by addressing the limitations of the current physical environment.

b) Hereford Sixth Form College

The Local Authority received a copy of a letter sent from Jonathan Godfrey, Principal of the Hereford Sixth Form College, to Revd. Ian Terry, Diocesan Director of Education, expressing concerns regarding the proposed post-16 provision for the Hereford Academy. Although this was not received as a direct response to the statutory notice, it has been included as such.

Summary of observations (with Local Authority Officer comments in *italics*):

- None of the Hereford colleges have been consulted.

The Learning & Skills Council (LSC), as a statutory consultee for post-16 provision planning, has been consulted. Individual colleges are not statutory consultees. The Hereford colleges, including the Sixth Form College, are

members of the 14-19 Strategy Group. This group has been formed to address the demands of delivering the 14-19 agenda through partnerships between the County's high school sixth forms and colleges. The Academy Sixth Form has been discussed by the Group.

- Wyebridge Sports College has informed its students that the proposed Academy will offer a range of A level and vocational post-16 courses from September 2008, most of which are available at the Hereford colleges. Also concerned that student numbers will be too small to be viable.

The Academy Sixth Form will look to provide for the significant number of students in the South Wye area who either do not continue into, or drop out of, further education. In this respect, the Academy is not seeking to compete with existing provision and will be an integral part of the 14-19 partnership with other schools and colleges.

The Local Authority will facilitate further discussions between Hereford Sixth Form College, the Academy Sponsors and Principal Designate and the LSC.

4. These three responses do not provide grounds to reject the proposal. There is one additional issue of which Members need to be aware. Previously as part of the approval of the Outline Business Case, Cabinet were advised that alternative accommodation for the Redhill Residents Association would be provided through the use of the mobile building currently used by Infozone. This is still the case, but the Residents Association's request to have this building relocated on the Wyebridge site has been assessed as being impossible to agree. Setting aside an area of the site inside the northern entrance would create difficulties in terms of pitch layout, and management of visitors to the site (the aim is to control access at the southern end). It would also complicate the leasehold arrangement. The commitment to provide the alternative accommodation using the Infozone building remains, and between now and 2011 work will continue with the Association to find a more suitable location.

Financial Implications

There are no formal implications in determining that Wyebridge Sports College should close. It paves the way for the creation by the Secretary of State of the Academy, the financial implications of which were considered as part of the approval of the Outline Business Case.

Risk Management

Closure is conditional upon the Secretary of State 'opening' the Academy. If this does not happen Wyebridge Sports College would continue to serve the area. There has been no indication that this is a possibility.

Alternative Options

The Local Authority could determine that Wyebridge Sports College remains open, thereby withdrawing its support for the academy proposal as a whole. This would jeopardise the very real achievement that Wyebridge Sports College has made in recent years and leave the future of high school provision in the South Wye area uncertain.

Consultees

Consultation, prior to the publication of the statutory notice, was undertaken with the

following statutory consultees:

- the governing body of Wyebriidge Sports College;
- families, pupils and staff at Wyebriidge Sports College;
- the governing bodies, staff and families of pupils of other Hereford High Schools and the feeder Primary Schools for Wyebriidge Sports College;
- Trade unions
- The Learning and Skills Council (LSC);
- Paul Keetch MP;
- In addition to the above statutory consultees, an extensive list of other stakeholders were consulted and contact made with other interested parties through consultation events. These are listed in Appendix 1.

Appendices

Appendix 1 – Full closure proposal notice

Background Papers

Cabinet Report 6 September 2007

Cabinet Report 13 December 2007

Cabinet Report 28 February 2008

Cabinet Report 27 March 2008



HEREFORDSHIRE
COUNCIL

Children & Young People's Directorate
Blackfriars, PO Box 185
Blackfriars Street
Hereford
HR4 9ZR

**Proposal under Section 15 (1) of the
Education & Inspections Act 2006**

to discontinue

Wyebriidge Sports College

Stanberrow Road
Hereford
HR2 7NG

On 31st August 2008

Contact:
Rob Reid
Schools Planning & Access Manager
Tel: 01432 260920
Email: rreid@herefordshire.gov.uk

Objective of the proposal

A decision to close Wyebridge Sports College is a pre-requisite to the approval of the Secretary of State to establish the Hereford Academy from 1st September 2008, on the site currently occupied by Wyebridge Sports College.

Consultation

All applicable statutory requirements to consult in relation to the proposal have been complied with and the details of the consultation are provided in Annexe 1.

Effect on Standards and Diversity

Wyebridge Sports College serves wards which are in the bottom 20% in the country in terms of deprivation. Under strong leadership, the school has made consistent progress in the past seven years improving five GCSE pass rates from just over ten percent to 52 percent. Although the right learning atmosphere has been created with improved teaching and learning, the building is in need of major capital investment. The establishment of an academy will allow this to happen and create the conditions to help a continued improvement in standards.

Herefordshire does not have an academy currently. The establishment of an academy will increase the diversity of educational provision available.

Need for places

A recent review of the provision of school places has confirmed falling secondary school rolls which are expected to reduce from 10215 (September 06) to 9380 (September 2011). The longer term suggests that there will be a continued fall to 2020 before rising to a peak again in 2030. The fall is not evenly spread across the county, with the fall in Hereford City being less dramatic than elsewhere. Indeed, the South Wye area is the only area of the County where the number of those under the age of 16 is actually increasing. An average of around 290 children per year group live in the catchment area served by Wyebridge Sports College. Traditionally, a proportion of children in the catchment area opt to attend alternative schools. It is proposed that The Hereford Academy will offer 900 places for pupils aged 11 – 16, and have an admission number of 180. This is the same number of 11 – 16 places offered currently by Wyebridge Sports College. It is proposed that the age range of the academy is increased from 11 - 16 to 11 - 19, offering places for 220 post 16 students at the start of the academic year following completion of the new building. It is anticipated that this will be the academic year 2011/2012.

Current School Information

Source: January 2008 PLASC

Number on roll = 387 girls + 316 boys = 703. The school does not provide any residential places.

Of the above pupils, 232 are identified as having a special educational need - 60 pupils are on School Action, 144 pupils are on School Action Plus and 28 pupils have a statement of special educational need.

Displaced Pupils

Pupils will transfer from Wyebridge Sports College to The Hereford Academy. Admission may also be sought to other schools which have places available.

Impact on the Community

This proposal will have a positive impact on the community by making way for the establishment of the Hereford Academy, in buildings fit for 21st Century teaching and learning, to serve the community from the current Wyebridge Sports College site.

Details of extended services the school offers and what it is proposed for these services once the school has discontinued.

The following extended services are currently offered at Wyebridge Sports College. Info-zone, which provides drop-in advice for children and young people and access to health staff; a breakfast club; after school clubs till 4.30 pm – art, music, ICT, drama; family learning ICT access; and school grounds are open outside school hours to benefit the community.

It is expected that academies, and in this case the Hereford Academy, will be at the heart of the community and will work with all local stakeholders, including pupils, to ensure that extended services, valued by stakeholders, are maintained. The Hereford Academy will provide an opportunity to consider other extended services, in consultation with stakeholders.

Travel

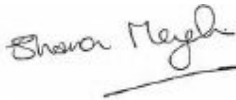
Existing arrangements for the provision of transport will continue for those entitled pupils transferring from Wyebridge Sports College to The Hereford Academy. The proposal will seek to work against increased car use by locating the Academy on the existing Wyebridge Sports College site, which is central to the catchment area.

Related Proposals

The establishment of an Academy is subject to the agreement of the Secretary of State. It is proposed that the closure of Wyebridge Sports College should be approved to take effect only if by the date of closure an agreement has been made under section 482(1) of the Education Act 1996 for the establishment of an academy to replace Wyebridge Sports College.

Within six weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to the Schools Planning & Access Manager, Herefordshire Council, Children & Young People's Directorate, Blackfriars, PO Box 185, Blackfriars Street, Hereford HR4 9ZR .

Signed:



Sharon Menghini
Director of Children's Services

Publication Date: 27th March 2008

The Hereford Academy

Sponsors and OPM Consultation Report V3 (Long Version)

Introduction

This document details consultation that has been achieved by the Overall Project Manager in collaboration with the DCSF and Sponsor's representatives. Consultation regarding the proposed Academy to replace Wyebridge Sports College has been wide-ranging, and inclusive. Navigant Consulting, in collaboration with the Sponsor and DCSF have organised several consultation events, aimed at the general public and Wyebridge representatives. These have taken place alongside more specific meetings. A large amount of informal consultation by the project team has also taken place. A contacts list has been established so that key individuals are included in the circulation of news updates and invites to events.

Consultation Meetings

The purpose of consultation events is to convey information regarding the Academy, while also addressing community questions and concerns. The overall aim of the consultations was to ensure that the needs of the South Wye area are properly addressed and that community surrounding the Wyebridge Sports College was afforded the opportunity to give feedback. An overview of each of the formal consultation meetings is included below.

Event 1

Date: 4th July 2007, 7.00pm – 8.30pm

Location: Oak Centre, Wyebridge Sports College.

Invitees: Local residents (x1071 - by mail), elected members from local wards, parents, South Wye Regeneration Partnership, other contacts.

Attendance: Circa 40, including 10 Wyebridge parents

Consultation: Academy representatives available to answer questions, information provided.

Minutes: There were no minutes of the meeting, as this was held in an 'open' fashion.

However, comment cards were available to attendees, and comments were logged. These are listed in Appendix 1 below.

Event 2

Date: 10th December 2007, 10am – 6pm

Location: The Kindle Centre, Belmont Road, Hereford.

Invitees: Local residents (x1071 - by mail), elected members from local wards, parents (by e-mail), South Wye Regeneration Partnership, other contacts. An advertisement was also included in the Hereford Journal newspaper on the 6th Dec 2007. The circulation of this publication is roughly 20,000.

Attendance: 23, including 4 Wyebridge parents.

Consultation: Academy representatives available to answer questions, information provided.

Minutes: There were no minutes of the meeting, as this was held in an 'open' fashion. However, comments were logged in an attendance register, included at Appendix 1.

School Staff meetings

Two main staff meetings have been held, on the 4th July and 7th November 2007. Attendance was good at both meetings, where staff were addressed by representatives of the Sponsor, DCSF, Herefordshire Council, and Headteacher, John Sheppard. Open question and answer sessions were held at both meetings.

School Governors

The DCSF and Sponsor have attended meetings of the Wyebridge Sports College governing body on several occasions. Martin Erwin, Chair of Governors at Wyebridge Sports College, has also been invited to join the Academy Project Steering Group.

Newsletter Circulation

An Academy Newsletter, defining the project and inviting questions, was circulated to local and national contacts (listed at Appendix 2) during June 2007.

Trade Unions

Herefordshire Council and the Academy Sponsors met with 8 Union representatives on the 31st January, to discuss TUPE issues and staff welfare related to the transition to the Academy.

Informal Consultation

The Academy project team, especially Bruce Freeman (South Wye ELO) and Ian Terry (Hereford Diocesan Director of Education), have consulted and communicated with a large number of other parties regarding the Academy (Included at Appendix 2). Notably, Dr. Terry has met school management and staff at The Bishop's and Aylestone schools. A list of over 100 contacts made, with details of consultation, is available on request.

Website

The Academy website (www.theherefordacademy.co.uk) has been live since the 4th July 2007, and has received over 1000 hits. A consultation facility exists on the site, where direct communication with the Project Management Company is possible. A range of questions, from local and national individuals, have been received and fielded to the appropriate parties.

APPENDIX 1 – RESULTS OF 4th JULY and 10th DECEMBER CONSULTATION

RESPONDENT NO.	Key Worries and Concerns - Buildings Design	Key Worries and Concerns - Project	What will make the Academy a success for the students?	What will make the Academy a success for parents?	What will make the Academy a success for the community?	What will make the Academy a success for me?	What should architects consider when designing areas for the community?	What should the architects consider when designing the areas for staff?	What should architects consider when designing the Teaching and learning spaces
1		Safety disruption of lessons during construction		Activities during school holidays and weekends?	More access during our of school hours				
2	Little consultation & decisions based on fact	Good practice not reflected in data/tables	Ask them what they would like to see			Consult the staff for their needs	Local primaries + nurseries are worried		Ventilation! An inclusion centre with office space
3		Restrictions on subject choices and amounts	students study at their own speed to develop personal skills	More contact between the school and parents	Adult education, discussions, answer queries quickly				
4		Teachers and other staff leaving	More individual training						
5	Pay + Conditions Contract - Ethos will it reflect the curriculum	Vision that reflects our community, staff terms and conditions	Engaging students in a curriculum that is relevant to them + their experiences		A variety of learning opportunities; academic, vocational + parenting skills	Student achieving their best & staff are supported with resources	Access to facilities: crèche, etc. Meeting rooms with tea and coffee, after school clubs		Multifaceted classrooms that allow a variety of learning opportunities
6		Restrictions on exams and grades and more supporting staff	Opportunities for all abilities, security of staying in one place after GCSEs	Let parents have their say, be local, open to all abilities	Provide facilities for all ages of the community				
7	Disruption during construction	More choice of subjects at GCSE	Better rapport between parents and academy	More activities for the community					

8		Contracts and development opportunities.	A bright , colourful environment ; well resourced with spacious classrooms, corridors and social areas.		A place where they feel welcome, where they can be helped to achieve better aspirations.	Being part of a successful educational provider that has equal or better status in the Herefordshire Community		Meeting Areas – storage spaces – welcoming spaces and a good environment	Open airy – spacious and with excellent facilities. Innovative spaces that emphasize this is a special place.
9	Classrooms which are too small (the current formula used does not work)	Keeping my job						Toilets, sinks, offices and social rooms	That the classrooms are big enough; enough office space, enough storage space and adequate staff rooms.
10						A significant investment in sports equipment, as requested by the Head of Physical Education and the Physical Education Team.		Staff need a location situated in the middle of the buildings to encourage all staff to use it at breaks/lunch. This will encourage and strengthen cross curricular discussions. It will also help develop a stronger team spirit.	Wide corridors
11	Who sets the curriculum? Who is accountable	Role progression; curriculum design and academic/vocational	Access; the curriculum; individual voice		Access and involvement	Pension and role		Preparation space and resources.	Resourcing and location of departments

	for standards and staffing?	aims.							
--	-----------------------------	-------	--	--	--	--	--	--	--

Conclusions:

1. Concerns about disruption during construction;
2. Concerns regarding contracts and staff retention;
3. Improved individual learning for students is needed;
4. More communication between the Academy and parents is needed;
5. Increased community access to the Academy during out of school hours is required;
6. Designs should improve access to facilities for staff and the community e.g. crèche, meeting rooms, toilets and staff rooms;
7. Classrooms should be designed around open spaces, have good ventilation and are airy and are Multifaceted.

APPENDIX 2 – LIST OF STAKEHOLDERS CONSULTED DURING THE FEASIBILITY PROCESS

1) List used by project team:

Title	First Name	Last Name	Job Title	Organisation
Mr	Ian	Edwards	Head of Rural Partnerships	Advantage - West Midlands
Cllr	Heather	Davies		Belmont Ward
Cllr	Philip	Edwards		Belmont Ward
Cllr	Glenda	Powell		Belmont Ward
Cllr	Ursula	Attfield	Councillor	St. Martins & Hinton Ward
Cllr	Chris	Chappell	Mayor	St. Martins & Hinton Ward
Cllr	Aubrey	Oliver		St. Martins & Hinton Ward
Ms	Julie	Thornby	Director of Corporate Development	Herefordshire Primary Care Trust
Dr	Frances	Howie	Associate Director of Health Improvement	Herefordshire Primary Care Trust
Ms	Helen	Mapp	Training Centre Manager	Herefordshire Primary Care Trust
Ms	Penny	Jones	Community and Economic Development	Herefordshire Council
Ms	Frances	Roberts	Skills and partnership manager	LSC - Herefordshire & Worcestershire
Ms	Wendy	Coombey	Community Partnership Funding Officer	The Diocesan Office
Ms	Mandy	Evans	SWRP Representative	Pool Farm
Ms	Sarah	Tulk	Representative	Learning & Skills Council
Ms	Sue	Hughes		Wyebridge Sports College
	The	Manager		South Wye Literacy Project

	The	Manger		Hereford Group Training Association
	The	Headteacher		Marlbrook Community Primary School
	The	Headteacher		Riverside Primary School
	The	Headteacher		St. Martin's Primary School
	The	Headteacher		Our Lady's RC Primary School
	The	Headteacher		Blackmarston School
	The	Headteacher		Marlbrook Primary School
	Careers Advice Centre			The University of Worcester
Ms	Jane	Morse	13 - 19 aimhigher Coordinator	AimHigher, School Improvement Service, Herefordshire Council
	A	Representative		The Hereford Chamber of Commerce
	The	Manager		Connexions
	The	Manager		JobCentre
				Hereford Journal
				Hereford Times
Ms	Liz	Kelso	Manager	South Wye Learning Centre
Ms	Anni	Holden	Press Officer	Diocese of Hereford
Ms	Lara	Latcham	General Manager	Kindle Centre
Mr	Paul	Murry	Secondary school Improvement Manager	Herefordshire Council
Mr	Steve	Cole	SWLC & Chairman	Putson Residents Association

Ms	Julie	Wilson-Thomas		Hereford Literacy Project
Mr	Will	Lindesay	Chief Executive	Hereford Voluntary Action
	The	Chairman & Govenor		South Wye Regeneration Partnership & Wyebridge
Mr	John	Sheppard	The Headteacher	Wyebridge Sports College
Mr	Les	Haines	Community Learning Leader	Wyebridge Sports College
Ms	Abi	Hughes	KS3 Coordinator	Wyebridge Sports College
Ms	Tanya	Everard	KS4 Coordinator	Wyebridge Sports College
	School	Council	Pupil Voice	Wyebridge Sports College
Ms	Wendy	Platt	Excellence Cluster Director	Hereford Council
Mr	Gary	Woodman		Hereford & Worcester Chamber of commerce
Mr	Chris	Brooks	Director	LUK Clutches Rotherwas
Ms	Nina	Bridges	Community Regeneration Manager	South Wye
Ms	David	Copner	Manager	ASDA
Ms	Philippa	Lydford		Herefordshire Partnership
Ms	Sue	Black		Voluntary Sector Assembly
Ms	Sue	Brazendale	Development Worker	HVA, i/c Hinton Com Cent
Ms	Carol	Weston	Choice Advisor	Herefordshire Council
Ms	Sue	Carter	Chief Executive	2XL
Mr	Kevin	Bishop	Principle Planning Officer	Hereford Council
Mr	Tony	Featherstone		Parks, Countryside & Leisure Development
	A	Manager		Hereford Council
Mr	Jesse	Norman	Prospective Parlimentary Candidate	Conservatives
Mr	Mike	Ashton	Chief Executive Officer	H&W Chamber of commerce
Mr	Ray	Stone	Managing Director	Special Metals Wiggin
Ms	Penny	Harding	Health Improvement Manager	South Wye

Ms	Wendy	Jones	Chairperson & Vice-chairperson	Redhill Residents Association & Herefordshire Housing Association
Mr	John	Newman	Co-Founder	Newton Farm Information Centre
Mr	Richard	Johnson	Co-Founder	Newton Farm Information Centre
Mr	Paul	Murray	Secondary school Improvement Manager	
Mr	George	Salmon	Head of Commissioning & Improvement	
Ms	Christine	Atkinson	SENCO	Wyebridge Sports College
Mr	Ed	Snellgrove	Learning Leader	Wyebridge Sports College
Mrs	Sally	Kowal	Assistant Headteacher	Wyebridge Sports College
Mr	Phil	Edwards	Councillor	Belmont Ward
Mr	Martin	Erwin	Chair of Governors	Wyebridge Sports College
Mr	Peter	Ding	Lifelong Learning Development Manager	
Mr	Colin	Osborne	Assistant Editor - Chief Reporter	Hereford Journal
Mr	Michael	Hooper	Bishop of Ludlow	
Mr	Brian	Chave	Team Vicar	
Mr	Roger	Phillips	Leader of the Council, Cabinet Member (Corporate Strategy and Finance)	Herefordshire Council
Mr	Terry	James	Chairman of Community Services Scrutiny Committee	Herefordshire Council
Mr	Chris	Bill		
Ms	Anni	Holden	Communications Officer	The Diocese of Hereford
Mr	Bill	Tanner		The Hereford Times
Ms	Anna	Toon	Councillor	Three Elms
Mr	Bob	Preece	Councillor	St Martins and Hinton

2) **Contacts made by Education liaison officer for South Wye (with number of visits/meetings):**

Mandy Evans, South Wye Regeneration Manager (numerous)
Lara Latcham, General Manager, Kindle Centre (numerous)
Paul Murray, Secondary School Improvement Manager (numerous)
George Salmon, Head of Commissioning & Improvement (numerous)
Richard East, Local Authority Technical Advisor (numerous)
Liz Kelso, Manager, South Wye Learning Centre (SWLC) (3)
Steve Cole, SWLC & Chairman, Putson Residents Association (9)
Julie Wilson-Thomas, Herefordshire Literacy Project (HELP) (5)
Will Lindesay, Chief Executive, Herefordshire Voluntary Action (HVA), Chairman, South Wye Regeneration Partnership (SWRP) and Governor at Wyebridge (numerous)
Wendy Coombey, Diocesan Community Officer (2)
John Sheppard, Headteacher, Wyebridge Sports College (numerous)
Cllr Chris Chappell (Mayor of Hereford) (numerous)
Les Haines, Community Learning Leader & Head of ICT, Wyebridge (3)
Abi Hughes, KS3 Coordinator, Wyebridge (2)
Tanya Everard, KS4 Coordinator, Wyebridge (2)
Chris Atkinson, SENCo, Wyebridge (2)
Ed Snellgrove, Learning Leader, Wyebridge, re: "Communiversality" (2)
Sally Kowal, Assistant Headteacher, Wyebridge (2)
Esther Rudge, Systems Manager, Wyebridge (2)
Sarah Longville, Deputy Headteacher, Wyebridge (3)
Pat Childs, Bursar, Wyebridge
School Council (Pupil Voice), Wyebridge
Wendy Platt, Excellence Cluster Director (2)
Gary Woodman, Hereford & Worcester Chamber of Commerce (numerous)

David Griggs, Hereford & Worcester Chamber of Commerce
Chris Brooks, Director, LUK Clutches, Rotherwas (8)
Nina Bridges, Community Regeneration Manager (5)
Cllr Phil Edwards (Belmont Ward) (6)
Cllr Ursula Attfield (St. Martin's & Hinton) (5)
David Copner, Manager, ASDA
Philippa Lydford, Herefordshire Partnership (5)
Sue Black, Voluntary Sector Assembly (VSA) (2)
Sue Brazendale, Development Worker, HVA, i/c Hinton Community Centre (7)
Carol Weston, Choice Advisor, Herefordshire Council
Cllr Aubrey Oliver (St. Martins & Hinton Ward) (4)
Cllr Anna Toon, (Three Elms Ward)
Cllr Glenda Powell (Belmont Ward) (3)
Sue Carter, Chief Executive, "2XL" (6)
Kevin Bishop, Principal Planning Officer, Herefordshire Council
Tony Featherstone, Parks, Countryside & Leisure Development Manager, Herefordshire Council
Jesse Norman, Prospective Parliamentary Candidate (Conservatives) (6)
Mike Ashton, Chief Executive Officer, H & W Chamber of Commerce (2)
Ray Stone, Managing Director, Wiggins Special Metals
Penny Harding, Health Improvement Manager (South Wye) (3) Wendy Jones, Chairperson, Redhill Residents Association & Vice-Chairperson, Herefordshire Housing Association (6)
John Newman & Richard Johnston, Co-founders, Newton Farm Information Centre (4)
Helen Mapp, hpct Training Centre (NHS)
Martin Erwin, Chair of Governors, Wyebriidge Sports College (numerous)
Peter Ding, Lifelong Learning Development Manager (2)
Jenny Tucker, Extended Schools Co-ordinator, Marlbrook (2)
Colin Osborne, Assistant Editor, Hereford Journal (on phone) (2)

Marches Secularists (Public Meeting)
Bishop of Ludlow
Bishop of Hereford (informally) (2)
Brian Chave, ex Rural Dean (3)
Cllr Heather Davies (Belmont) (2)
Philippa Lydford, Herefordshire Partnership (3)
Phillipa Granthier, Herefordshire Children's Trust
Sgt Chris Payne, West Mercia Police
Joe Killer, Herefordshire Partnership (2)
Emma Evans, Community Safety & Drugs Partnership (3)
Richard Griffiths, Job Centre Plus (2)
Sarah Welch, Acting Head, Malvern College
Charles Pickles, Project Engineer, Edgar Street Grid (ESG)
Amanda Sergeant, National Skills Academy for Construction
Officers of DBE/DBF (numerous)
Navigant Consulting (numerous)

Visits:

Bishop Perowne Church of England Arts College
Djanogly Academy, Nottingham
Shireland Languages College, Smethwick
Greig City Academy, Haringay, London
John Masefield Arts College, Ledbury

Academy "Powerpoint" presentation given to:

All congregations in SWTM
All Primary School Headteachers (or their representatives) in the Excellence Cluster
Deanery Synod
Wyebridge School Council
Hereford Chamber of Commerce Advisory Committee
Senior Management Team, LUK Clutches
“2XL” Management Team
Jesse Norman
Chris Chappell
Paul Murray
Michael Hooper, Bishop of Ludlow
“Tuesday Club” (St. Martin’s)
South Wye Regeneration Partnership (SWRP)
Liz Lowenstein, University of the First Age (UFA), Birmingham
Adult & Community Learning, Herefordshire Learning Partnership
Children & Young Peoples’ Advisory Group (SWRP)

POLYTUNNELS SUPPLEMENTARY PLANNING DOCUMENT

PORTFOLIO RESPONSIBILITY: ENVIRONMENT AND STRATEGIC HOUSING

CABINET

12 JUNE 2008

Wards Affected

County-wide

Purpose

To receive and agree for consultation purposes a draft supplementary planning document (SPD) setting out further planning guidance on polytunnel development. This document is included within the Council's Local Development Scheme (January 2008) and is being produced in line with the regulations of the new planning system introduced under the Planning and Compulsory Purchase Act 2004.

Key Decision

This is not a Key Decision.

Recommendation

THAT the publication of the draft supplementary planning document be agreed for consultation purposes.

Reasons

A key element of preparing documents of this type is full consultation.

Considerations

1. This supplementary planning document is being produced to expand upon and provide additional information and guidance in support of policies contained within the Herefordshire Unitary Development Plan. As there is no single polytunnels policy within the Plan, a range of policies will need to be considered when assessing such proposals.
2. The purpose of the document is to make clear to applicants and interested parties the policy areas and requirements such development proposals will need to address and against which they will ultimately be assessed. Once adopted, it will become a material consideration in the determination of planning applications. The document will replace the Council's Voluntary Code of Practice to control polytunnels, which has been suspended.

Further information on the subject of this report is available from
Andrew Ashcroft, Head of Planning Services on (01432) 383098

3. In July 2007 and as part of initial consultation and information gathering, the Council published an Issues Paper and sought the views of Parish Councils, statutory undertakers, interested organisations, growers and stakeholders as to the form that this document should take. This was followed by structured consultation events with both representatives from the farming/growing community and with local individuals and representatives from interested lobby groups. The consultation process follows the Council's Statement of Community Involvement and comments received to date are summarised in a separate 'Consultation Statement' which can be viewed on the Council's website. These comments have helped shape the draft SPD.
4. In accordance with Government guidance, the SPD is subject to a Sustainability Appraisal, which can also be viewed on the Council's website. The Sustainability Appraisal tests the performance of the SPD against a series of environmental, social and economic objectives. The appraisal will review any changes proposed to the SPD as it progresses to completion.

Aims of the SPD

5. The aim of the SPD is to assist all involved as to the requirements and issues to be addressed in any polytunnel development proposal. In so doing it attempts to:
 - Help clarify the forms of development that will require planning permission;
 - Set out the planning issues associated with the erection of polytunnels;
 - Set out the UDP policies that will need to be addressed;
 - Make clear the additional information that would need to accompany an application; and
 - Set out the Council's pre-application planning guidance.

SPD Outline

6. The SPD is made up of the following sections:
 - Sections 1 and 2: Introduction and Context – setting out role and purpose, use of polytunnels/methods of growing, associated development, planning control, planning policy context and main UDP policies.
 - Sections 3 and 4: Planning Issues – outlining and assessing the planning issues that most frequently arise when planning applications are considered. Setting out policy guidelines.
 - Section 5 – sets out the additional information that may need to be submitted with a planning application.
 - Section 6 – advice and opportunity for pre-application discussions, advice on types and forms of applications including 'whole farm plans'.

SPD Process

7. When approved the draft SPD will be published for consultation purposes. Consultation will be in accordance with the procedures set out in the Council's Statement of Community Involvement. A Sustainability Appraisal and Consultation Statement will accompany the SPD. The draft SPD was reported to the Planning Committee on 11th April, 2008. All comments received from this further consultation

will be reported back to the Planning Committee/Cabinet along with recommended changes.

Financial Implications

Costs such as printing and undertaking the consultation exercise will be met from approved budgets.

Risk Management

The consultation carried out thus far has accorded with the principles set out in the adopted Statement of Community Involvement.

Alternative Options

There are no Alternative Options.

Consultees

Extensive consultation has already been carried out with farmers/growers, industry representatives and environmental groups

Appendices

Appendix 1 – Draft Polytunnels SPD for consultation

Background Papers

Local Development Scheme (January 2008)

Statement of Community Involvement (March 2007)

Herefordshire Unitary Development Plan (March 2007)

Sustainability Appraisal – Subsidiary Scoping Report October 2007

Polytunnels

Supplementary Planning Document

June 2008



SECTION 1: INTRODUCTION

ROLE AND PURPOSE OF THE SPD

- 1.1 With the use of polytunnels for agricultural soft fruit production expected to rise, Herefordshire Council have prepared this supplementary planning document (SPD) to help potential applicants prepare their planning applications. It will also provide useful information to officers of the Council and other interested parties, local residents for example, on how the Council expects the many issues to be addressed within planning applications.
- 1.2 The SPD, which replaces a previous voluntary code of practice, will assist in clarifying which polytunnel developments will require planning permission and highlight the planning policy issues and requirements such proposals will need to address. It will expand upon and provide more detailed planning guidance on a number of relevant, but non polytunnel-specific UDP policies.

CONSULTATION

- 1.3 In July 2007, the Council published an Issues Paper to enable early consideration and comment to be made to the SPD. This was followed by structured consultation events with both representatives from the farming/growing community and with local individuals and representatives from interested lobby groups. The consultation process follows the Council's Statement of Community Involvement and responses are detailed in a separate 'Consultation Statement' which can be found on the Council's website. Those responses have helped shape the draft SPD.

SUSTAINABILITY APPRAISAL

- 1.4 In accordance with Government guidance, this SPD is subject to a Sustainability Appraisal, which can be viewed on the Council's website www.herefordshire.gov.uk. The Sustainability Appraisal tests the performance of this draft SPD against a series of environmental, social and economic objectives. These were devised as part of the General Scoping Report of the Sustainability Appraisal of the Herefordshire Local Development Framework, which can also be found on the Council's website.

WHAT ARE POLYTUNNELS?

- 1.5 Typically a polytunnel consists of galvanised steel hoops covered with transparent polythene sheeting and are mainly used as cost effective greenhouses. There are various sizes and differing materials used in their construction and also differences in the methods of fixing to the ground. How they are assembled and the level of on-site construction required also varies depending on the type of polytunnel used. Many tunnels used in soft fruit production tend to be 'multispan' structures, where two or more tunnels are linked to form a much larger structure. Technology in this area is expanding apace and additional extras such as ventilation kits, irrigation systems or windows as well as alternative materials are frequently being introduced.

- 1.6 This SPD is primarily concerned with the agricultural 'industrial'-scale use of polytunnels for plant protection. Where they are used for the production of soft fruit, polytunnels provide the benefits of extending the growing season, widening the variety of crops grown and providing some protection against pests and diseases. Other benefits to soft fruit producers will be identified later in this document.

THE INCREASING USE OF POLYTUNNELS

- 1.7 Crop production in the UK currently accounts for 24% (or 4.4 million hectares) of land in agricultural use¹. Whilst Defra figures show a national overall decline in the total land used for soft fruit production between 1994 and 2004 they also reveal an increase in total soft fruit production². More fruit is being produced from less land. Defra information also shows an increase in the protected planted area for both fruits and vegetables. Within Herefordshire, the land used for soft fruit production has increased by 61% since 2001, however still accounts for only 2% of cropping land in the county³. Finally, and over recent years the value of fruit has increased by 16% to £285 million to meet increased demand⁴.

TABLE TOP AND RAISED BED GROWING

- 1.8 Recently soft fruit production has been evolving and there is a move amongst growers towards the use of 'table top' methods of production, whereby crops are grown in raised beds. The plants grow in substrate bags or trays containing coir, peat or coco peat, which sit on platforms, raised a few feet above ground level. The raised beds are connected to a system that irrigates the crops and provides necessary nutrients and pesticides. Such crops are grown within a polytunnel-protected environment.
- 1.9 As the crops are not grown in the ground, there is no need to rotate them in the usual way. This method of production requires significant financial investment. It is estimated by some growers that at least ten years production is needed to recoup the cost of installing the table top growing infrastructure.
- 1.10 In terms of planning, the use of table top growing methods will mean that polytunnels and their associated infrastructure will be erected on a permanent basis. In addition, it would seem logical to suggest that since plants are grown in substrate, the location of the tunnels would not be soil dependant, although it is recognised that being near to a reliable water source is necessary for irrigation.

¹ ONS Official Yearbook 2005

² Defra Basic Horticultural Statistics 2005

³ Herefordshire Partnership, Quarterly Economic Bulletin (August 2007)

⁴ ONS Official Yearbook 2005

SECTION 2: PLANNING CONTEXT

POLYTUNNELS AND PLANNING CONTROL

- 2.1 The question of whether or not polytunnels require planning permission has hinged on the initial consideration of two questions:
- (i) Are polytunnels ‘development’? and
 - (i) If they are ‘development’, are they ‘permitted development’?
- 2.2 Whether or not a proposal constitutes ‘development’ is guided by section 55(1A) of the 1990 Town and Country Planning Act, where development is defined as:
- “the carrying out of building, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”*
- 2.3 It is the first part of this statement that is most pertinent to the issue of polytunnels, i.e. does the erection of a polytunnel constitute a ‘building operation’? The answer to this question is found not in legislation, but in caselaw. Essentially, three tests have emerged from previous key cases, known as Cardiff Rating⁵, Skerrits of Nottingham⁶ and the Brinkman⁷ cases. These tests are:
- (i) Size – a building is most usually something that is constructed on-site rather than being bought ready made.
 - (ii) Permanence – a building is characterised by a physical change of some permanence.
 - (iii) Physical attachment – for example; foundations. Method of fixing to the ground is considered as inconclusive in itself, but can influence the other two factors.
- 2.4 It must be noted that these tests are not exhaustive and the cases do not provide legal binding authority. The law has therefore been open to some interpretation. However, generally if a polytunnel proposal is of a significant size, combined with a significant degree of permanence in terms of the fixing to the ground (concrete foundations or other fixings), then development is viewed to have taken place. Planning Inspectors have historically appeared to have been consistent in their application of the three tests of size, permanence and physical attachment.
- 2.5 At the end of 2006 the High Court heard an appeal by the Hall Hunter Partnership⁸ against a decision by the Secretary of State dismissing two appeals involving enforcement notices relating to polytunnels and other various related works and development at Tuesley Farm, near Godalming in Surrey. One of the enforcement notices was against the construction of 40 hectares (99 acres) of ‘Spanish’ style agricultural polytunnels. In dismissing the appeal, Mr Justice Sullivan ruled that the polytunnels did amount to ‘development’. He highlighted the substantial degree of their physical attachment to the ground, the work and man-hours required to erect

⁵ Cardiff Rating Authority v Guest Keen Baldwin’s Iron and Steel Company Limited [1949] 1 KB 385

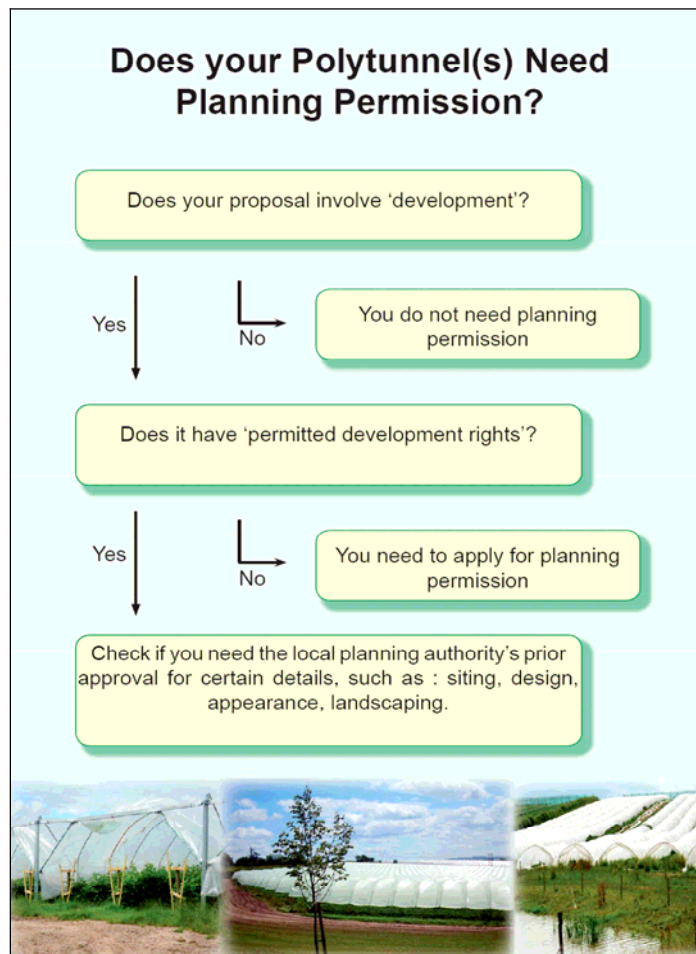
⁶ Skerrits of Nottingham Limited v Secretary of State [2000] 2 PLR 102

⁷ Brinkman Brothers Limited v Chichester District Council T/APP/X/98/L3815/003017/P6

⁸ R (on the application of Hall Hunter Partnership) v First Secretary of State and Waverley BC and Tuesley Farm Campaign/Residents Group (Queen’s Bench Division, Administrative Court, Sullivan J., December 15, 2006) [2006] EWHC 3482 (Admin)

and dismantle them, their degree of permanence, and their size and cumulative impact.

- 2.6 In order to help simplify the question of whether or not a certain polytunnel development will require planning permission, the following flow chart can be used. Whilst there may be occasional examples of polytunnels that do not require planning permission (e.g. genuinely very small cloches for a single season upon an allotment), the majority of polytunnels normally utilised by commercial soft fruit growers in the county do represent development. However, each case should be treated on its merits and the three tests of size, degree of permanence, and physical attachment to the ground should continue to determine whether or not they constitute 'development' requiring planning permission.
- 2.7 Where an agricultural polytunnel is assessed and subsequently considered to constitute 'development', then the local planning authority will need to determine whether it falls within the definition of 'permitted development' under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (known as the GPDO).
- 2.8 In some circumstances, certain developments (such as agricultural operations) are allowed to take place without the need to apply for planning permission. In such cases the statutory planning system provides for what is known as 'permitted development', in certain strictly set out situations, as defined in the GPDO. The following electronic link provides detailed guidance on this legislation: http://www.opsi.gov.uk/si/si1995/Uksi_19950418_en_1.htm



Associated Development

- 2.9 The development of polytunnels, particularly those on a large scale, will invariably also involve the need for other ancillary works or buildings. These may include, for example; seasonal workers' accommodation, toilet blocks, sewage treatment works, utility buildings, recreational facilities, drainage or irrigation works etc. Ideally planning applications for polytunnels should also include such associated developments. This will enable a comprehensive assessment of all relevant planning issues.
- 2.10 Where planning applications for various developments are to be submitted separately, then the application for polytunnels should come in advance of applications for associated developments, since it is the presence of the tunnels which dictates the necessity for other related proposals.
- 2.11 This SPD includes guidance on water resources and the need to avoid flood risk, together with the likely need for drainage works or water collection facilities to be included in applications for polytunnel developments. Planning policy guidance for associated buildings is guided by both national and local planning policies and is therefore not covered in this document.

PLANNING POLICY CONTEXT

- 2.12 When planning applications are submitted to the local planning authority they must be determined in accordance with the local development plan, unless material considerations indicate otherwise⁹. In Herefordshire the development plans are the Herefordshire Unitary Development Plan (UDP) and the Regional Spatial Strategy for the West Midlands. Other further guidance relative to the development of polytunnels is contained within national policy statements (PPGs and PPSs) whilst the Herefordshire Landscape Assessment Interim SPG provides detailed information on landscape character.
- 2.13 The following table shows a list of the UDP policies which could be of relevance to proposals for polytunnel development within the County and outlines examples of issues they cover. There will be a number of these policies which are only relevant in certain instances.

Key UDP Policies	Examples of Issues Addressed through Policies
S1 Sustainable development	<ul style="list-style-type: none"> ▪ General sustainability considerations ▪ Protection & enhancement of natural environment & historic heritage ▪ Safeguarding of visual amenity & landscape character ▪ Support for sustainable economic activity & high and stable levels of employment ▪ Support for sustainable approaches to land use & management in rural areas ▪ Avoidance or minimisation of adverse impacts of human activities, land uses & development on the physical environment
S2 development requirements	<ul style="list-style-type: none"> ▪ Ensuring that new development is sustainable & is designed within environmental constraints ▪ Taking a risk-based, precautionary approach to flood risk

⁹ The Planning System: General Principles Para. 10 (2005, ODPM)

	<ul style="list-style-type: none"> ▪ Avoiding developments with significant negative environmental effects & providing mitigation/compensation where this is unavoidable ▪ Taking account of existing & proposed infrastructure (e.g. water supply, water resources, highway network)
S4 employment	<ul style="list-style-type: none"> ▪ Building a strong, competitive economy with a balanced mix of businesses, jobs & homes through which the local economy can flourish
S6 transport	<ul style="list-style-type: none"> ▪ Promotion of safe, efficient & sustainable movement of people & goods within the context of reducing the need to travel
S7 natural & historic heritage	<ul style="list-style-type: none"> ▪ Herefordshire's historic & natural heritage will be protected, restored or enhanced
DR1 design	<ul style="list-style-type: none"> ▪ Promoting or reinforcing character & appearance of locality in terms of layout, scale, mass etc. ▪ Respecting the context of the site ▪ Including measures to address the conservation of energy & water and avoiding nuisance & pollution
DR2 land use & activity	<ul style="list-style-type: none"> ▪ Avoiding prejudice to the amenity or continued use of adjoining land & buildings
DR4 environment	<ul style="list-style-type: none"> ▪ Minimising resource use, including water & energy ▪ Safeguarding the availability & quality of surface & groundwater supplies ▪ Avoiding the creation of or exacerbation of flooding or pollution problems ▪ Avoiding adverse effects to other land users, residential amenity or the environment
DR6 water resources	<ul style="list-style-type: none"> ▪ Resisting development where there is an unacceptable risk to the availability or quality of water resources
DR7 flood risk	<ul style="list-style-type: none"> ▪ Flood risk assessments ▪ Avoiding the unacceptable risk of flooding
DR13 noise	<ul style="list-style-type: none"> ▪ Inclusion of appropriate measures to mitigate noise impact to acceptable levels ▪ Consideration of the quiet enjoyment & tranquillity of the wider countryside, landscape, wildlife areas & historic features
E13 agricultural & forestry development	<ul style="list-style-type: none"> ▪ Avoiding adverse impacts on residential amenity and the environment
T6 walking	<ul style="list-style-type: none"> ▪ Acknowledgement of individual & network value of walking routes ▪ Demonstration that local/strategic significance of walking routes through development sites is considered ▪ Respecting utility, convenience, recreational value, attractiveness & historical significance of public rights of way ▪ Ensuring public right of ways are kept open and usable during development works
T8 Road Hierarchy	<ul style="list-style-type: none"> ▪ New accesses onto the strategic highway network will not be encouraged & should not inhibit the strategic function of these routes. ▪ Development proposals needing access onto the road network should have regard to certain issues (as set out).
LA1 Areas of Outstanding Natural Beauty	<ul style="list-style-type: none"> ▪ Giving priority to the protection & enhancement of the natural beauty & amenity of AONBs ▪ Providing guidance on which types of development will be permitted and of exceptions to this.
LA2 landscape character & areas least resilient to change	<ul style="list-style-type: none"> ▪ Avoiding adverse effects on overall character of the landscape or its key attributes or features ▪ Landscape character should influence design, scale, nature & site selection
LA3 setting of settlements	<ul style="list-style-type: none"> ▪ Avoiding development which has adverse effects on the landscape setting of settlements ▪ Protection & enhancement of visual approaches into settlements,

	views of key buildings, ridgelines & valued surrounding open countryside, for example
LA4 protection of historic parks & gardens	<ul style="list-style-type: none"> ▪ Avoiding adverse effects on the historic character, appearance & setting etc of registered & unregistered parks & gardens ▪ Submission of historic landscape appraisal report & restoration scheme where proposals affects such areas
LA5 protection of trees, woodlands & hedgerows	<ul style="list-style-type: none"> ▪ Provides for the enhancement and protection of trees and hedgerows
LA6 landscaping schemes	<ul style="list-style-type: none"> ▪ Submission of landscaping schemes where development proposals will affect the visual amenity or character of the location
NC1 biodiversity & development	<ul style="list-style-type: none"> ▪ Consideration of the effects on biodiversity & features of geological interest ▪ Retention of existing wildlife corridors with layout & design ▪ Avoidance of adverse effects on adjacent biodiversity, or proposals which lead to fragmentation, increased isolation or damage to protected habitats or species
NC2 sites of international importance	<ul style="list-style-type: none"> ▪ Development which would adversely affect such sites will not be permitted other than in exceptional circumstances
NC3 sites of national importance	<ul style="list-style-type: none"> ▪ Development which would adversely affect such sites will not be permitted other than where the reasons clearly outweigh the nature conservation value of the site & the national policy to safeguard the network of such sites
NC4 sites of local importance	<ul style="list-style-type: none"> ▪ Development which would adversely affect such sites will not be permitted other than where there would be no harm to the substantive nature conservation value of the site, or where mitigation & compensatory measures can be taken, or where the reasons for development clearly outweigh the need to safeguard the nature conservation value of the site
NC5 European & nationally protected species	<ul style="list-style-type: none"> ▪ Development which would adversely affect particular species will not be permitted ▪ Where a need for development is demonstrated, strict conditions/agreements will be imposed
NC6 Biodiversity Action Plan priority habitats & species	<ul style="list-style-type: none"> ▪ Proposals that threaten priority species or habitats will not be permitted unless reasons for development clearly outweigh the need to safeguard the habitat or species
NC8 habitat creation, restoration & enhancement	<ul style="list-style-type: none"> ▪ The design of new developments should, wherever possible, enhance existing wildlife habitats & provide new habitats for wildlife as opportunities arise
NC9 Management of features of the landscape important for flora & fauna	<ul style="list-style-type: none"> ▪ Proposals including measures for the creation, restoration, enhancement or protection of biodiversity will need to provide for the management and monitoring of those features concerned.
HBA4 setting of listed buildings	<ul style="list-style-type: none"> ▪ Seeks to protect the setting of listed buildings
ARCH 1 – 6 Archaeology	<ul style="list-style-type: none"> ▪ Policies protecting sites / structures of archaeological importance.
RST9 Herefordshire & Gloucestershire Canal	<ul style="list-style-type: none"> ▪ Historic route of the H & G canal & associated infrastructure will be safeguarded. ▪ Where original alignment cannot be re-established, a corridor allowing for deviations should be safeguarded. ▪ New developments on/adjacent to Canal will be required to incorporate land for restoration. ▪ Development which would prevent or prejudice the restoration of a continuous route will not be permitted.

SECTION 3: PLANNING ISSUES

3.1 There will be a variety of planning issues associated with the erection of polytunnels. The following list is not exhaustive, but outlines the planning issues that most frequently arise when applications for planning permission are being considered:

- **Economic Need and Impacts**

Issues of relevance to the determination of planning applications may include the potential economic advantages and disadvantages to both the individual grower and to the wider local and national economies and the potential impacts on local tourism and leisure industries or on local services for example.

- **Landscape and Visual Impacts**

The prominence of polytunnels in the landscape is an important consideration, particularly where a development is proposed in an AONB or close to a listed building or other sensitive area.

- **Residential Amenity**

Those living close to polytunnels may be adversely affected due to negative visual impacts, dust, noise or increased traffic movements for example.

- **Transport**

Any highway safety issues should be considered, particularly since polytunnel developments are frequently associated with increased heavy vehicular traffic along narrow country lanes.

- **Water**

Flood risk and surface water run-off should be carefully addressed, as should potential adverse impacts on local water resources. Active management techniques and mitigation measures proposed should also be taken into account.

- **Biodiversity**

Ecological surveys or analyses will provide essential information on how an expanse of polytunnels may affect the biodiversity of an area.

- **Public Rights of Way**

Both the use and enjoyment of public rights of way should not be adversely affected by the erection of polytunnels and the Herefordshire Council has a legal duty to assert and protect the rights of the public in these respects.

- **Archaeology**

Polytunnels and, more often, their associated works, such as the installation of irrigation systems and the creation of access roads or hardstandings, have the potential for impacting on archaeological interests.

SECTION 4: DETAILED ASSESSMENT OF PLANNING ISSUES

- 4.1 The following section sets out in detail how the various planning issues previously outlined by the Council should be considered by the applicant at the pre-application stage and by the Council once applications have been submitted.
- 4.2 Although there are often many planning issues that need to be considered when assessing the appropriateness of a polytunnel scheme, a refusal or approval of an application may, in many instances, be the result of a balancing of two key issues: economic benefits/impacts and landscape impacts. It is therefore these that are first discussed below, followed by a number of other planning considerations that must be fully addressed in order that all potential issues surrounding an application can be adequately considered. Although the list is comprehensive, it may not be exhaustive, depending on the particular circumstances of the proposal.

➤ ECONOMIC NEED AND IMPACT

- 4.3 A fundamental argument in favour of polytunnels is the economic benefit (primarily for farmers, but also potentially for the wider local or national economy), which can be derived from their use, resulting in the production of high value fruit or vegetables.
- 4.4 Herefordshire's economic vulnerability is reflected in and recognised by its inclusion in a wide range of European, national and local funding schemes. The narrow economic base inherited from pre-industrial times largely persists in Herefordshire, where there is still a dependency on food production, processing, rural resource management and tourism.
- 4.5 Planning policies at national, regional and local levels recognise the importance of the agricultural sector. PPS7 advises local authorities to support development proposals that enable farming to become more competitive, sustainable and environmentally friendly and to adapt to changing markets. Herefordshire is part of the Rural Renaissance Zone defined in the Regional Spatial Strategy (RSS) for the West Midlands. Policy PA15 seeks to promote agriculture and farm diversification. Including new innovative crops, on-farm processing and local marketing.
- 4.6 The UDP's overall development strategy was produced in the light of the need to promote a diverse and strengthening rural economy, whilst protecting its quality landscapes and making sustainable use of natural resources. Policy E13 deals with agricultural development and the supporting text refers to the need to balance landscape impact against the operational needs of agriculture, recognising that necessary development are often prominent in the rural landscape.
- 4.7 The economic argument is of particular importance when polytunnel developments are proposed in AONBs. In such instances an applicant must show clear evidence that the development is necessary in terms of providing direct benefits to the local community for example in relation to local services or facilities, particularly in the light of any potential harm to the landscape which may be identified.

4.8 Where applications relate to undesignated landscapes these economic arguments are still appropriate since economic benefits to the County (and the UK) are important planning considerations, alongside environmental ones.

(a) Commercial Economic Benefits

4.9 The soft fruit industry has, both within previously submitted planning applications/appeals and through general information (such as that produced by British Summer Fruits) outlined the potential economic benefits of producing fruit under cover and these arguments can be produced as part of a planning application. (Where information is commercially sensitive this will be treated confidentially by the Council and any associated paperwork kept out of publicly available files.) The following points were derived primarily from the British Summer Fruits website (www.britishsummerfruits.co.uk) and may be relevant to a planning application:

- *Demand for High Quality Produce* – it is argued that it is no longer realistic or economic to grow crops such as strawberries in the UK climate to the standards of reliability and quality demanded by today's customers without tunnel protection. This situation also applies to other UK grown crops such as tomatoes, onions, carrots, potatoes, peppers and flowers.

- *Production Yield and Costs* – Prior to the introduction of polytunnels, only 50% of an average yield consisted of class 1 fruit. Protecting fruit under tunnels has increased this to 90%. Protected soft fruit on average produces 30-35% improved class 1 yield versus outdoor non-protected production. This makes growing the crop economically viable. For a grower, this can mean the difference between having a prosperous business and going out of business, since labour costs are too great to afford picking off large percentages of low grade or unsaleable fruit.

- *Demand and Supply* – UK consumers are now demanding a reliable, year-round supply of soft fruits. Where crops are grown in the open air, production is unpredictable due to rainfall preventing harvesting and spoiling fruit. Poly tunnel growing enables a continuous and reliable supply of fresh and quality fruit, which is grown and sold in this country.

- *Growth and Diversification of Agricultural Sector* – The British soft fruit industry has used polytunnel systems to lengthen the growing season from six weeks to eight months or more. This has significantly reduced the amount of soft fruit imported into the UK, ensuring that the British soft fruit industry is economically successful in a period when, in general, the UK agricultural sector is in a period of decline.

(b) Wider Benefits to the Local Rural Economy or the National Economy

4.10 In addition to the commercial/business economic benefits of producing crops under tunnels, there may also be economic benefits to both the economy of the wider rural community and the agricultural economic prosperity of the country as a whole. It is those benefits to the local or national economy that are likely to carry the more weight in the determination of a planning application than those economic benefits to individual businesses. Therefore properly evidenced statements of such advantages should be an important component of any planning application.

- *Employment and the Rural Economy* – The soft fruit industry is labour intensive compared to many other parts of the agricultural sector. Staff working on fruit farms where polytunnels extend the growing season can be employed for longer parts of the year than was previously the case before the

introduction of tunnel growing. During harvesting, seasonal workers are brought in to a growing area. They then contribute to the local economy by spending money in local shops and businesses and making use of local services, for example. In addition soft fruit enterprises will purchase goods and services from elsewhere both locally and in the UK, helping to support jobs in supplier companies.

▪ *Impact on local services.*

The number of employees required to work on fruit farms has resulted in an increase in inward migration to rural areas. Although local inhabitants have objected to this because of the perceived pressures this is putting on local services such as schools, police, doctors' surgeries and even on internet terminals in libraries, this is a moot point. Conversely, others argue that the general decline in rural services that has taken place over recent years has been reversed as a result of an increase in demand for the services they provide. Local bus services are said to be better supported, as are shops, pubs, schools etc. This could be helping to keep these services alive in rural locations, where they have previously struggled to remain economically viable. The positive or negative influence of an increase in local populations, whether temporary or permanent, should be addressed as part of the assessment of the economic effects that polytunnel proposals may have on localities.

▪ *Pesticide Usage* – The use of polytunnels results in significant reductions in moisture related diseases such as botrytis, downy mildew and black spot, meaning that fewer pesticides to control these types of diseases have to be purchased and used (this can equate to a 50% reduction in botrytis fungicide use or more). This can be beneficial not only for the economic viability of the farm, but also for the environment.

▪ *Reduction in Food Miles* – Over the last 10 years the substitution of imported fruit for local fruit has resulted in significant sustainability benefits of reducing the international transportation of fruit by air and road. For instance, until recent years fruit was air-freighted from California as the main source of late summer and early autumn soft fruit, but these imports have been eliminated. Nationally this import substitution is valued at over £100 million per annum. Although the contributions that individual farms make are relatively small, it is considered that weight should be attributed to their share of this overall national economic benefit.

- 4.11 The decision of the Council that weight should be given to the economic benefits of increased covered soft fruit production when assessing planning applications was supported by the comments of an Inspector in the appeal decision in 2008 on a soft fruit enterprise at Kings Caple¹⁰.

**SUPPLEMENTARY GUIDELINE 1: ECONOMIC BENEFITS
[RSS Policy PA15 and UDP Policy S4]**

The benefits of polytunnels in enabling the production of increased quantities and qualities of soft fruit, the sustainability benefits of reducing food miles and the positive contribution to the rural economy are all matters

¹⁰ The Planning Inspectorate Appeal Decision Ref. APP/W1850/C/07/2041603 Land at Pennoxstone Court, Kings Caple, Herefordshire, HR1 4TX (08.01.08).

to which considerable weight will be accorded in the balance of considerations.

(c) Local Tourism and Leisure – Economic Impacts

4.12 In addition to the economic points raised above, there is another side to the economic impacts of polytunnels, which must also be considered. Landscapes, particularly those that are specifically protected, are an important focus for tourism and other leisure visits to the countryside of Herefordshire, bringing income to the wider rural economy. The visual impacts of polytunnel use could prove detrimental to these interests. It is acknowledged that there is little current statistical evidence produced by the Council or others on the effect of polytunnels on tourism.

➤ **LANDSCAPE AND VISUAL IMPACTS**

4.13 In Herefordshire where the high quality of the landscape is part of the intrinsic character of the area, the visual impact of polytunnels is invariably the most significant negative planning issue in connection with polytunnel development. The much valued landscape assets are irreplaceable and must be conserved if sustainable development is to be achieved. It is the Council's ambition to regenerate rural areas and encourage sustainable development in living communities, whilst recognising the need to protect the historic landscape character and identity.

4.14 Applications for tunnels will be expected to fully address the landscape impacts of the proposal, both individually and in the context of other similar developments within visual proximity of the proposal site.

4.15 The Supplementary Planning Guidance (SPG) document *Landscape Character Assessment* (2004) provides the guidance necessary to enable applicants to ensure that their development proposals comply with the landscape policies of the UDP. It is intended to promote the use of landscape assessment as part of the development control process, to increase awareness of the countryside's character and to ensure that future development is compatible with that character.

4.16 It is often inevitable that proposals for development in the countryside will alter the appearance of the landscape. However, the Council's planning policies stress the importance of ensuring that change should be appropriate to its setting and not be allowed to overwhelm and destroy the inherent character of the landscape. The landscape's ability to accept a polytunnel development without undue harm should be a prime consideration.

(a) Protected Landscapes

4.17 Areas of Outstanding Natural Beauty are statutory landscape designations. Local planning authorities have a duty of care to protect, conserve and enhance the natural beauty and character of these nationally important, high quality landscapes.

4.18 The UDP also contains specific policies for development in the two AONBs in Herefordshire, which seek to complement both AONB management plans and reconcile development needs and visitor pressure with the conservation of the landscape and natural resources.

4.19 In AONBs, UDP policy LA1 states that development will only be permitted where, amongst other things, it does not adversely affect the intrinsic natural beauty of the landscape. Clearly the protection of such nationally designated landscapes is of

utmost importance and development that adversely impacts upon them will not generally be permitted.

- 4.20 Whilst it may be possible to accommodate change within particularly sensitive or ancient landscapes, the scale of the change is likely to be very limited before the character of the landscape is compromised. This is especially true if the least resilient attributes of landscape character are those that are affected by the change.
- 4.21 In addition to the statutory development plan, the local planning authority will also take account of such non-statutory documents like AONB management plans during the determination of a planning application.
- 4.22 Although some have argued that there should be a blanket ban on polytunnel development in AONBs, this is not a feasible option. There may very well be instances where small scale tunnel developments may be acceptable and it should be acknowledged that AONBs are working landscapes where farming and other businesses should be allowed to thrive where there are no significantly detrimental impacts on the intrinsic natural beauty and character of the protected landscape.

SUPPLEMENTARY GUIDELINE 2: AREAS OF OUTSTANDING NATURAL BEAUTY
[UDP Policy LA1]

In AONBs, in marginal cases where economic benefits are being weighed against landscape impact, priority will be afforded to the landscape over all other planning considerations.

(b) Landscapes with no statutory designations

- 4.23 Policy LA2 of the UDP states that proposals for new development that would harm the character of the landscape, or its key attributes, as described in the Supplementary Planning Guidance: *Landscape Character Assessment* (2004) will not be permitted and that new development should take account of landscape character. With polytunnel developments, it is most often the large scale, cumulative impact and prominent visibility of such schemes that causes harm to landscape character.
- 4.24 The capacity of different landscape types to accommodate change should be assessed (with information contained in the Landscape Character Assessment SPD and site visits providing the necessary guidance). Some landscapes may be less sensitive, such as those that are intensively farmed, and should be able to tolerate a wider range and higher (although not unlimited) level of change. Development of polytunnels in such areas would reduce the risk of weakening characteristics considered essential to their definition.
- 4.25 One of the major objections raised to polytunnel development is the sheer scale of coverage of land in any one area. This often occurs gradually as farmers expand their polytunnel requirements year on year. The effect on the landscape of an area can be significant and therefore the cumulative impact of tunnel developments will be fully considered during the planning application process. Where it is considered that the policies of the UDP that seek to protect landscape character or that on the setting of a settlement (LA3) would be breached by a new polytunnel proposal then it will be refused.
- 4.26 Encouraging growers to take a 'whole farm plan' approach to planning for polytunnels (see Section 6) would help the local planning authority to access the potential

cumulative impact of a number of closely located applications, in addition to the impact of rotating polytunnels on one farm from year to year or at different stages in the fruit growing process. The idea is to clarify where an applicant can and cannot erect polytunnels and under what restrictions. The 'whole farm approach' is promoted by the local planning authority, particularly during pre-application discussions, or where it is understood that polytunnels are likely to be erected on different parts of a farm at different times and where there are contiguous farms using polytunnels. A section on pre-application procedures is set out in Section 6.

**SUPPLEMENTARY GUIDELINE 3: CUMULATIVE IMPACT - LIMITS TO
POLYTUNNEL COVERAGE
[UDP Policies S1, S2, S7, LA1, LA2, LA3 and E13]**

The local planning authority will normally seek to secure, via an appropriate legal mechanism (usually a planning condition), a limit as to the total area of an agricultural holding or unit that may accommodate polytunnels.

**SUPPLEMENTARY GUIDELINE 4: LANDSCAPE CHARACTER ZONES
[UDP Policies S1, S2, S7, LA1, LA2, LA3 and E13]**

The local planning authority will normally seek to define distinct landscape character zones upon each agricultural holding or unit and secure, via an appropriate legal mechanism (normally a planning condition), a limit as to the total area of polytunnels within each distinct landscape character zone.

(c) Landscape - Mitigation

4.27 Clearly where it is considered by the local planning authority that a polytunnel proposal would cause unacceptable harm to the landscape, it will be refused. However, where it is considered that a development can be made acceptable by mitigation measures this may be reflected in a conditional planning permission. Depending upon the proposal concerned, these mitigation options could include:

(i) Landscaping/Screening – a condition could be attached to a planning permission stating that some form of tree planting is necessary to screen the polytunnels. However, in Herefordshire the nature of the rolling topography can often mean that tree screening is not successful in hiding the potential glare of fields of plastic sheeting, since the tunnels are visible from nearby high ground. Similarly, tree screening can be inappropriate in sensitive landscapes where the normal pattern of low vegetative cover (such as maintained hedgerows) may be detrimentally altered if tall trees are used to disguise polytunnel developments. Tree screening, where it is considered appropriate, can provide the opportunity to re-establish historic field patterns; however this can take decades to become truly effective. If it is possible within the business plan for a farm to identify areas where new polytunnels are likely to be required in the next 2/3 years, then potentially planning permissions can be obtained in advance (using the whole farm approach) so that landscaping schemes involving new planting can be implemented before the polytunnels are erected, giving them time to become effective.

Pre-application consultation with the conservation officers of the Council and their subsequent recommendations should be taken into account and conditions will be imposed on planning permissions as appropriate.

(ii) Use of non-reflective materials – some experiments have taken place using different coloured or less- reflective alternatives to the usual type of plastic tunnel sheeting, however, results have proved disappointing due to poor light levels reaching the plants beneath and no marked reduction in the negative impacts of the tunnels' appearance. Planning applicants should ensure that the technical specifications of the tunnels are detailed, including the type of material proposed as a covering to the metal frames.

SUPPLEMENTARY GUIDELINE 5: LANDSCAPE IMPACT – MITIGATION
[UDP Policies S1, S2, S7, DR1, LA1, LA2, LA3 and E13]

The local planning authority will not allow polytunnels to be erected in areas or individual fields that create a significant visual intrusion within the landscape and where their impacts cannot satisfactorily be mitigated by a landscaping scheme comprising indigenous species in the medium term.

(iii) Periods of coverage – when crops do not need to be protected, all polythene should be removed from the metal hoops of the tunnels during these periods of the year to help minimise the visual impacts of the development.

SUPPLEMENTARY GUIDELINE 6: POLYTHENE REMOVAL
[UDP Policies S1, S2, S7, DR1, LA1, LA2, LA3 and E13]

The local planning authority will normally attach a planning condition to any grant of planning permission ensuring that polytunnels are not covered with polythene during certain period(s) of each calendar year.

(d) Listed Buildings, Historic Parks and Gardens

- 4.28 The erection of polytunnels, construction of reservoirs and other associated works (such as the access roads and hardstandings) are likely to have a significant impact on the landscape and setting of designated and other national or regionally important sites. These impacts will be assessed in accordance with policies LA4 and HBA4 at the pre-determination stage of a planning application and, where appropriate, propose mitigation measures to address any adverse impacts.
- 4.29 The effect of a development on the character and setting of listed buildings is a particular material consideration in determining planning applications, since there are a plethora of such buildings throughout the Herefordshire countryside. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings or their settings. The UDP similarly contains policy HBA4 which seeks to protect the setting of listed buildings. Whether or not a polytunnel development would adversely affect such a building should be assessed by a relevant historic buildings/conservation expert, who will provide guidance to the Council to determine whether or not impacts are sufficiently detrimental to warrant refusal of an application on these grounds or suggest mitigation measures where necessary.

**SUPPLEMENTARY GUIDELINE 7: SETTING OF LISTED BUILDINGS
[UDP Policy HBA4]**

Polytunnel developments that adversely affect the setting of listed building(s) will be not be permitted by the local planning authority.

**SUPPLEMENTARY GUIDELINE 8: HISTORIC PARKS AND GARDENS
[UDP Policy LA4]**

Polytunnel developments will not be permitted upon a registered historic park or garden nor will developments be allowed that adversely affect their setting. The same approach will apply to unregistered parks and gardens recognised and identified by Herefordshire Council as having local importance.

(e) Herefordshire and Gloucestershire Canal

- 4.30 The route of the Herefordshire and Gloucestershire Canal is the subject of long-term restoration project with the aim of re-opening the canal link between Hereford and Gloucester. It is recognised by Herefordshire Council that there are potential recreation, tourism and economic benefits to be gained from the project and the canal corridor has therefore enjoyed planning protection for many years.

**SUPPLEMENTARY GUIDELINE 9: SAFEGUARDED ROUTE OF
HEREFORDSHIRE AND GLOUCESTERSHIRE CANAL
[UDP Policy RST9]**

No polytunnels shall be erected within the safeguarded route of the Herefordshire and Gloucestershire Canal.

➤ **HIGHWAY MATTERS**

(a) Highway Safety and Access

- 4.31 It is primarily the increase in the number and frequency of lorry movements on narrow rural lanes both during the harvesting season and when the tunnels are erected or dismantled that is the cause of concern amongst those living close to polytunnels. Some, however, state that a high level of HGV movements occurs during most months of the year. Such lorries, particularly large articulated, have caused worries over highway safety, noise (especially early in the morning and later in the evenings), damage to highway surfaces and their verges over time and mud and dust in the roads causing hazardous driving conditions. In addition to lorries, there is concern amongst local residents that when fruit pickers are being employed during harvesting, there is also general increase in the amount of cars and buses on rural lanes, used to transport employees to the fields, which again is a cause for concerns over highways safety.
- 4.32 Full consultation should take place with the local highways authority prior to the determination of planning applications to ensure that issues of highway safety are addressed. Where appropriate planning conditions should be imposed as recommended.

- 4.33 Some large scale developments may require a Transport Assessment/Study. This will be dependant upon existing and anticipated vehicular movements, including heavy or large vehicles. However, in all other instances applications should be accompanied by a written statement (which could be incorporated in the Design and Access Statement) which addresses the amount and type of traffic to be generated and the adequacy of the local highway network to cater with that traffic both in terms of design and capacity. Other matters such as the adequacy of the vehicular means of access(es) to the application site and the adequacy or otherwise of visibility splays should be addressed.

**SUPPLEMENTARY GUIDELINE 10: HIGHWAY SAFETY
[UDP Policy T8]**

The applicant will need to demonstrate that the vehicular means of access(es) and the local highway network (in terms of both design and capacity) are adequate to cater with the traffic generation, addressing both numbers and types of vehicles.

(b) Public Rights of Way

- 4.34 The public rights of way service of the Herefordshire Council has a legal duty to assert and protect the rights of the public to the use and enjoyment of any public right of way (PROW) in the county (section 130 Highways Act 1980). In addition, PPG17 states that rights of way are an important recreational facility, which local authorities should protect and enhance. Local rights of way in Herefordshire are part of our heritage and form a major recreational resource. They help boost tourism and contribute to local rural economies, in addition to providing a convenient means of travel. For these reasons the UDP contains a number of policies which are relevant to the assertion and protection of the rights of users of PROWs in the County (S1, S2, DR1, DR2, DR4, E13 and T6).
- 4.35 Polytunnels can have significant impacts on public rights of way since they are often located in fields crossed by these access routes. They can affect both the use and enjoyment of a PROW. Over the last few years the Council has received numerous valid reports from members of the public describing the impact of polytunnels on their use and enjoyment of public paths in the County. The main problems encountered are:
- the obstruction of the PROW by polytunnel support frames, plastic sheeting, growing beds, wires and ancillary materials such as boxes, irrigation pipes and sundry tools and equipment;
 - water run-off leading to waterlogged surfaces;
 - the day to day farming operations associated with polytunnel crop production, including heavy and light mechanical vehicles, over spraying with chemicals and water and erecting and removing frames and plastic sheeting;
 - damage to the surface of paths caused by vehicles;
 - the loss of long distance views from a PROW crossing land covered by tunnels;
 - the loss of short distance views available to the public from the PROW crossing land covered by tunnels;
 - the impact on views from a distant PROW over land covered by polytunnels;
 - litter and general mess associated with a labour intensive operation;
 - lack of sufficient toilet and washing facilities for polytunnel workers leading to 'misuse' of adjoining hedges and woodlands;
 - noise and dust associated with increased machinery movement in the area; and

- the destruction of natural and historic features such as path surfaces, hedgerows and ditches etc.

4.36 Mitigation of the impacts of polytunnels on public rights of way is something that developers should take into consideration when seeking planning permission.

**SUPPLEMENTARY GUIDELINE 11: PUBLIC RIGHTS OF WAY
[UDP Policy T6]**

There shall be no polytunnels erected within 2 metres of the centre line of a public right of way and no polytunnels sited within 3 metres of a bridleway.

4.37 Where distant views over polytunnels are available from a PROW the guidance is as follows:

- Consideration should be given to impacts on both the local tourist economy and on those who choose to live and work in Herefordshire, particularly in designated areas such as AONBs and Conservation Areas.

➤ **RESIDENTIAL AMENITY**

4.38 In areas where polytunnels are erected close to dwellings, local residents are frequently aggrieved by a number of issues which affect their residential amenity, including:

(a) Negative visual impacts of polytunnels

4.39 This is particularly problematic when the tunnels are in close proximity to domestic curtilages. It is because the tunnels can be substantial in height; highly visually intrusive because of the white, reflective appearance of the plastic and they usually cover large expanses of land that problems are caused for those living close by. Additionally, the polytunnel frames often remain in place during the winter months over several years and can still have a negative visual impact on the locality.

**SUPPLEMENTARY GUIDELINE 12: REDUNDANCY OF POLYTUNNELS
[UDP Policies DR2 and E13]**

**The local planning authority will attach a condition to any planning permission stating that:
'In the event of the polytunnels hereby permitted becoming redundant for the growing of _____, the polytunnels, including the supporting structures and any structures, fixtures and fittings within them, shall be removed from the application site within a period of six months.'**

(b) Noise

4.40 In addition to noise created by an increase in vehicular movements, those living in close proximity to agricultural polytunnels have indicated that there is an appreciable amount of noise generated by the, often significant, numbers of fruit pickers during the harvesting season. As well as general noise, this can be exacerbated by the use of radios being played at high volume. It is reported to be the case that the majority of such noise occurs during the early hours of the morning and later in the evening when pickers arrive and depart the fields.

- 4.41 In order to alleviate noise impacts, Environmental Health legislation is the standard control mechanism, however, conditions can also be attached to permissions which regulate the times when noise-generating activities can take place. This is particularly relevant if polytunnels are located close to residential properties. In addition to planning conditions, good management can help alleviate potential problems particularly those associated with the playing of music close to residential properties and should be practised by tunnel farmers in order to help maintain respectful relationships with those who live close to the tunnels.

SUPPLEMENTARY GUIDELINE 13: RESIDENTIAL AMENITY – NOISE
[UDP Policies DR2 and E13]

The local planning authority will refuse planning applications that would result in an undue loss of amenity by way of noise to the occupiers of residential properties by either an intensification of use of an existing access resulting from a polytunnel development or a new vehicular means of access.

(c) Plastic Sheeting (local environmental impacts)

- 4.42 There are concerns over the impacts of sections of plastic sheeting coming away from the tunnel frames in high winds and blowing onto adjacent properties and into roads. The plastic can become particularly brittle when it has been used over several seasons due to the effects of sunlight and heat.
- 4.43 The majority of plastic sheeting used to cover polytunnels is not yet biodegradable and is therefore difficult to dispose of once it needs to be replaced. A typical lifespan for the thicker plastics is up to five years. Since it is in farmers' interests to replace plastic sheeting which is damaged, it is unlikely that planning conditions would be appropriate to regulate when the sheeting is replaced. Conditions could be used to ensure that waste plastic is disposed of promptly and appropriately to avoid nuisance to the local environment. Similarly if a polytunnel operation ceases for any reason the owner should be made to remove any waste plastic promptly and completely. Local burning as a form of disposal is not a desirable option since this releases harmful chemicals into the atmosphere; the recycling of sheeting would be a preferable solution.

(d) Lighting

- 4.44 Where artificial lighting either for growing or for security is proposed, this should be included within the planning application. There can be adverse impacts on the amenities of those living near to the site as a result of light spillage, which may be mitigated through careful positioning, screening or limitations on brightness.

SUPPLEMENTARY GUIDANCE 14: EXTERNAL LIGHTING
[UDP Policies DR2, DR14 and E13]

The local planning authority will normally attach a planning condition requiring the submission for approval of full details of all external lighting (if any) to be installed upon the site (including upon the external elevations of the building(s) or polytunnel(s)).

(e) Proximity to dwellings – Mitigation

- 4.45 A condition could be imposed stating that polytunnels should not be erected within a certain distance of dwellinghouses, for example 50 metres depending on the scheme

in question. Deviations from this general safeguarding distance may be permitted in certain circumstances. The distance of 50 metres was used in the Polytunnel Voluntary Code of Practice.

SUPPLEMENTARY GUIDELINE 15: RESIDENTIAL AMENITY – DISTANCE FROM DWELLINGS (BUFFER ZONES/ZONES OF TRANQUILITY)
[UDP Policies DR2 and E13]

No polytunnels or associated development (works, storage, servicing accesses, toilets etc) shall be sited within a minimum distance of 30 metres of the boundary of any residential curtilage and 50 metres of any dwelling.

- 4.46 If such a requirement is part of a permission then it will also be made clear through the use of planning conditions that any 'buffer' or 'zone of tranquillity' must be kept free from all associated storage, not be used as a vehicular access or for general activities connected with the operation of the tunnel growing or harvesting. This is necessary to ensure that the amenities of those living nearby are not detrimentally affected by noise, vehicular activities and adverse visual impacts of the storage of tunnel associated materials. Consultations have revealed that existing buffer zones are kept free of tunnels; however the space is frequently made use of for a range of other activities which impact adversely upon their residential amenities.

SUPPLEMENTARY GUIDELINE 16: RESIDENTIAL AMENITY – ZONES OF TRANQUILITY
[Policies S2, DR2 and E13]

The local planning authority will normally attach a planning condition ensuring that any 'zones of tranquillity' around polytunnels are permanently kept free from associated storage, are not used as vehicular accesses or for other activities connected with the operation of the tunnel business.

- 4.47 In addition to providing 'buffer zones' around the margins of polytunnel sites where they are close to residential properties, it may also be appropriate to impose conditions relating to the maximum acceptable height of the tunnels in sensitive locations. Tunnel heights can vary significantly depending on the crop being grown and the methods of production. To clarify the maximum permitted height would ensure that residential amenities can be protected.

SUPPLEMENTARY GUIDELINE 17: POLYTUNNEL HEIGHT
[UDP Policies S1, S2, S7, DR1, E13, LA1 LA2 and LA3]

The local planning authority will normally attach a planning condition to any grant of planning permission controlling the height of the polytunnel(s) above existing ground level.

➤ **WATER**

(a) **Flood Risk**

- 4.48 The risk of increased surface water run-off is likely to rise with the use of polytunnels because of the impermeable layer that plastic sheeting on a large scale can create. This is similar to the surface water run-off problems created in urban areas by roads and hard surfacing etc. With an increase in run-off, particularly during periods of heavy rainfall, there is often a greater risk of localised flooding. Indeed this problem has already been reported by those living close to existing polytunnel development who consider that the flooding of nearby roads has become a more frequent problem since the tunnels have been erected.
- 4.49 The susceptibility of land to flooding is a material consideration when assessing planning applications. This applies to polytunnels just as it does to other forms of development. Both the Government and the UDP set out the importance that is attached to the management and reduction of flood risk in the planning process, recognising the uncertainties that are inherent in the prediction of flooding and that flood risk is expected to increase as a result of climate change.
- 4.50 It is necessary for the local planning authority to ensure that development in flood risk areas, or elsewhere in catchments, does not create or exacerbate flood risk to other land. For these reasons the UDP states;
“...development within land at risk of flooding should generally be avoided, and will only be permitted where no alternative location is available on land at lower risk of flooding and which is otherwise suitable in planning terms... Developments in flood risk areas should result in no net loss of flood plain storage, should not impede water flows and not increase flood risk elsewhere.” (UDP, paragraph 4.5.7)
- 4.51 The Environment Agency recommends that polytunnels be sited outside any areas at high risk of flooding (as defined in PPS25, i.e. with a 1% annual probability of occurrence) to avoid impact on flood flows and in the interest of preventing flood risk elsewhere. In addition, it is not in most cases considered desirable or practicable for applicants to operate tunnels in these flood prone areas.
- 4.52 Prospective developers are guided specifically by policies DR4 and DR7 of the UDP and the Environment Agency will be consulted on planning applications for larger polytunnel developments or those in areas particularly prone to flooding and their advice taken into account. A flood risk assessment may be needed in accordance with the requirements of Government planning guidance on flooding provided in PPS25. (See Section 5 for more information on Flood Risk Assessments).

SUPPLEMENTARY GUIDELINE 18: FLUVIAL FLOODPLAINS
[UDP Policy DR7]

No polytunnels shall be sited within the fluvial floodplain (i.e. the 1% plus climate change fluvial floodplain extent).

(b) Surface Water Drainage

- 4.53 Mitigation measures will often play an important role in schemes for polytunnel development. Careful active management of surface water run-off can often be highly beneficial, including the use of drains and gulleys that allow water to be diverted into watercourses (where it could be used for crop irrigation) and other sustainable water management techniques or the erection of polytunnels so that they run parallel to the natural contours of a field, rather than at right angles to them, thus potentially slowing

down the flow of rainwater run-off down slope with the result of reducing the possibility of flooding on adjacent lower lying ground.

**SUPPLEMENTARY GUIDELINE 19: SURFACE WATER DRAINAGE
[UDP Policy DR7]**

A Flood Risk Assessment will be required for all developments over 1 hectare, which should address surface water run-off. Any such drainage report should consider restricting run-off to the Greenfield rates and detail what attenuation is to take place designed to the 1% with climate change standard (Annex B2 PPS25) to prevent flood risk along with how the polytunnels are designed to prevent run-off and erosion issues.

(c) Water Resources

- 4.54 Policies DR4 and DR6 of the UDP provide guidance on the need to protect the availability and quality of water resources. Water is an essential resource, the pollution of which can have serious effects on drinking water supplies (including private water supplies) and ecology. Inappropriate agricultural activities can be a risk to both surface and groundwater quality and quantity. In particular, groundwater requires particular protection from both contamination and over-exploitation. The availability of groundwater can be affected by changes in land use such as the increased use of large-scale agricultural polytunnels, which may restrict recharge through increases in impervious surfaces or the diversion of flows. Groundwater forms part of the base flows of watercourses and is vital to ensure the dilution of discharges, maintenance of water supplies and biodiversity. Both water efficiency and water neutrality (betterment) are key elements of the Government's climate change (reduction) agenda.
- 4.55 In some parts of Herefordshire there are issues surrounding 'low flows' of local rivers (information is based on the Environment Agency's Catchment Abstraction Management Strategies (CAMS)), such as the potential loss of flora and fauna and changes in species distribution. Whilst many existing polytunnel businesses and applicants for new polytunnel planning permissions either already use or seek to use trickle irrigation methods, this form of irrigation is currently exempt from requiring an Environment Agency water abstraction licence. However, the Water Act 2003 ends this exemption and will bring trickle irrigation into the licensing system. It is expected that these new controls will not be implemented by the Environment Agency before October 2008 at the earliest.
- 4.56 The Environment Agency does, however, seek detailed information on proposed water use and water management from prospective polytunnels developers, hence these are material considerations in determining whether or not to grant planning permission. This is particularly important in the context of both low flow problem areas and where there may be a potential detrimental impact on the water environment of SSSIs and SACs (such as sedimentation, pollution or adverse impacts on biodiversity).
- 4.57 Planning applications for polytunnels on a significant scale (on sites of 1 hectare or more) should therefore detail the proposed water use in the context of the catchment area and water management techniques through the production of a detailed Water Resources Study/Audit. In cases where small scale polytunnels are not proposing to use water irrigation from low flow rivers or in areas away from SSSIs or SACs then a brief statement of water use and efficiency techniques could suffice. (For more information on Water Resources Studies and Audits see Section 5).

➤ **BIODIVERSITY**

- 4.58 Since the effects on the biodiversity of an expanse of polytunnels, (including effects of irrigation techniques, soil sterilisation, loss of habitat and chemical usage) are not always apparent; any planning application for polytunnels should include an ecological survey/analysis. This should include plans for the protection and enhancement of the biodiversity of the area and proposals for mitigation techniques, in line with the guidance provided in PPS9. Further advice on ecological assessments is provided in Section 5.
- 4.59 The way in which land is reinstated following the cessation of polytunnel use on an area of land is critical in terms of both biodiversity and visual impact. During the assessment of a planning application, the local planning authority will need to be satisfied that there has been detailed consideration of high quality land reinstatement and even improvement of the natural environment. The imposition of a planning condition regarding reinstatement may be deemed necessary if planning permission is granted for the development in question.

SUPPLEMENTARY GUIDELINE 20: ECOLOGY

[UDP Policies NC1, NC2, NC3, NC4, NC5, NC6, NC7, NC8 and NC9]

The local planning authority will need to be satisfied that the habitats of protected species (if any) are protected or mitigated.

SUPPLEMENTARY GUIDELINE 21: ECOLOGY

[UDP Policies NC1, NC2, NC3, NC4, NC5, NC6, NC7, NC8 and NC9]

The local planning authority will seek the creation, restoration and enhancement of habitats.

➤ **ARCHAEOLOGY**

- 4.60 The development of polytunnels and associated works such as the installation of irrigation systems (reservoirs, pipes etc) and the creation of access roads and hardstanding areas has the potential for impacting on archaeological deposits and other historic environment interests. It will be important to assess the impact of such proposals in line with policies ARCH3, ARCH4, ARCH5 and, where appropriate, carry out pre-determination investigation (ARCH1) or post-determination recording (ARCH6).
- 4.61 Reservoirs are particularly intrusive elements of a polytunnel development in relation to the historic environment due to the scale of the earthmoving operations involved and the permanency of the created feature.

SECTION 5: ADDITIONAL INFORMATION

5.1 In order for a comprehensive planning assessment to be made by the local authority when a planning application is submitted for consideration, it may be necessary for the applicant to supply additional information. This is particularly the case if the application is for large-scale development or where the development site is located in a sensitive area. Pre-application discussions should take place with a development control officer prior to submission to ascertain what additional documentation may be deemed necessary. Applications for planning may fail due to lack of sufficient evidence.

5.2 In addition to the standard requirement of four copies of application forms, appropriately scaled and detailed plans, elevations and requisite fee, the following additional information may be required:

DESIGN AND ACCESS STATEMENTS

5.3 Any new development will require an overall design concept to be submitted based on survey and analysis data to establish a framework for the detailed design of the scheme. This will assist in assessing the application against the Council's design policies and objectives. Proposals for larger polytunnel developments should explain the principles that have been adopted for the site and its wider context. An annotated plan should be submitted with a planning application showing the site's relationship with the surrounding pattern and form of land uses and activities, landscape, key characteristics and features.

5.4 Relevant adjacent development, particularly if there are existing polytunnels, access to the site, all vehicular and pedestrian movements, natural features including watercourses, hedgerows, trees and any wildlife habitats, views into and out of the site, on-site structures and the form and condition of site boundaries should be addressed.

5.5 Where relevant to the proposal, full planning applications for complex or large-scale polytunnel schemes or those which are proposed in sensitive areas should be accompanied by a design statement containing a site appraisal and written explanation. A design statement would typically include the following:

- design principles and design concept;
 - how these are reflected in the layout, scale, visual appearance and landscape;
 - how the design relates to its site and wider area, including how the development has been planned to minimise the effects on the environment; and
 - a summary of the above where this would be of value in public consultation.

5.6 Transportation matters should be addressed, including detail of the amount of traffic generated (both hourly and daily) and its type together with an assessment of the adequacy of the local highway network to cater with the traffic generated in terms of both design and capacity. Means of vehicular access(es) to the site, together with the proposed visibility splays will need to be provided.

LANDSCAPE OR VISUAL IMPACT ASSESSMENTS

- 5.7 All applicants will be expected to fully address the landscape impacts of a polytunnel proposal, both individually and in the context of other similar developments within visual proximity of the proposal site.
- 5.8 A landscape impact assessment will be necessary for the vast majority of planning applications since it is the potential harm to the landscape of an area which is one of the key planning considerations in such schemes.
- 5.9 There are numerous publications available which describe various techniques available to identify and assess the landscape and visual effects of development or change. It is now generally recognised that The Landscape Institute of Environmental Management and Assessment *Guidelines for Landscape and Visual Impact Assessment* (2nd Edition, SPON Press) is the definitive work in this field.

ECONOMIC ASSESSMENTS

- 5.10 Economic arguments as discussed in section 4 above are often technical ones and in order for the local planning authority to assess their validity and importance adequately, they must be set out in robust manner which is fully evidenced. To simply include in the information accompanying a planning application a set of broad statements will not be acceptable.
- 5.11 In instances where the polytunnels proposed are on a small scale, a simple business case may suffice. It is important to clarify requirements with an officer of the planning – development control department prior to the submission of a planning application. The more economic information that can be provided, the better the understanding of an applicant's business venture and associated business case, and its likely impact of the local economy. Appendix 1 provides some helpful background questions which an applicant is encouraged to answer:
- 5.12 A comprehensive economic impact assessment or appraisal should be submitted alongside proposals for large-scale polytunnel schemes. Again, it is essential to discuss the proposal with a planning officer prior to submission of an application.
- 5.13 In respect of the potential impacts of a large-scale polytunnel development in the AONB, the applicant may find it appropriate to submit a balance sheet analysis of the economic issues and the wider relationship between agriculture and other interests. This would establish the relative contribution of each to the local economy.
- 5.14 Appendix 2 sets out an example of the components of a balance sheet analysis, which could be used to outline how such a study might be structured¹¹.
- 5.15 Since it is likely that such in depth economic analyses are likely to be very costly, it may be useful for large-scale growers who anticipate that they will be required to submit such detailed planning applications in the future to work together to produce an economic assessment analysis, thereby reducing costs and avoiding unnecessary duplication of work. This could be particularly relevant in Herefordshire where there are a number of large-scale soft fruit producers in one county. Where a proposal site does not fall within a designated landscape area, it may still be necessary to

¹¹ Source: An Investigation into Polytunnel Development in AONBs and National Parks – The Countryside Agency, January 2006, Entec UK Limited

undertake a similar balance sheet analysis, since the high quality of landscapes throughout the County is one of its primary assets that is afforded specific protection through the UDP.

FLOOD RISK ASSESSMENTS

5.16 In areas particularly prone to flooding and in respect of planning applications for larger polytunnel developments (sites of 1 hectare or more), the Environment Agency will be consulted. A Flood Risk Assessment may be necessary in accordance with the requirements of PPS25. Where such a Flood Risk Assessment is deemed necessary, it should be appropriate to the scale and nature of the development and should consider:

- (f) flood risk and surface water run-off implications;
- (g) any increase risk arising elsewhere;
- (h) measures proposed to deal with these risks and effects, e.g. restricting run-off to the Greenfield rates;
- (i) explaining what attenuation measures are in place designed to the 1% with climate change standard (annex B2 PPS25) to prevent flood risk; and
- (j) how the polytunnels are designed to prevent run-off and erosion issues.

WATER RESOURCES STUDIES/AUDITS

5.17 Planning applications for polytunnels on a significant scale (sites of 1 hectare or more) should detail the proposed water use in the context of the catchment area and water management techniques through the production of a detailed Water Resources Study/Audit. The Water Audit could include the identification of a number of water efficiency measures such as, for example;

- rainwater harvesting from water run-off from the polytunnels and/or re-circulation programmes, and
- the use of buffer zones around polytunnels to help prevent chemical leaching into streams and nearby watercourses.

5.18 In cases where small scale polytunnels, not proposing to use water irrigation from low flow rivers or in areas away from SSSIs or SACs, a brief statement of water use and efficiency techniques could suffice.

ECOLOGICAL APPRAISALS/NATURE CONSERVATION ASSESSMENTS

5.19 A wildlife habitat survey will be required where a proposal affects a site which is known to have, or is suspected to have, any species protected under the Wildlife and Countryside Act 1981, Conservation (Natural Habitats etc) Regulations 1994 or Protection of Badgers Act, 1992. This will include badgers, bats, certain reptiles and breeding birds. Should habitats or species of significance be identified, further assessment will be required to determine the impact of the development on the wildlife and proposed mitigation to minimise the impact. Applications for the development in the countryside which affect sensitive areas which must be accompanied by ecological assessments and include proposals for long-term maintenance and management.

5.20 The following list should enable potential applicants to satisfy the expected level of detail required as part of a tunnel application:

- An ecological assessment of the site in the form of an extended phase 1 habitat survey at an appropriate time of year and an assessment of the presence of protected species. This should include maps showing habitats present, distribution of species and the location and type of existing and proposed polytunnels.
- Nearby designated sites should be identified along with any potential impacts upon them. Natural England and the Environment Agency will be consulted as to the need for Appropriate Assessments where a Special Area of Conservation (SAC) may be affected.
- Further protected species surveys at an appropriate time of year and following Natural England (or other approved) guidelines will be required for any protected species that have potential to be present or have been found.
- An assessment of the impact of the tunnels and associated working practices upon habitats and protected species. Strategies will be required to mitigate and compensate for any impacts.
- The retention of existing trees, hedgerows and other biodiversity features on the site should be sought, and also opportunities for biodiversity enhancement within the proposals. This could include provision of bird and bat boxes/tubes as well as the planting of native species within landscaping schemes and restoration of habitats.
- Opportunities for creation of BAP habitats where appropriate.
- Compliance with Herefordshire Council's UDP policies for nature conservation (NC1-NC9) and Government Guidance. (See Herefordshire Council's Biodiversity SPG for further information).

STATEMENT OF COMMUNITY CONSULTATION

- 5.21 Since many proposals for large-scale polytunnel development are likely to produce significant public interest or controversy and can often affect the amenities of nearby residents, where this is likely to be the case, it is advised that the applicant enter into early discussions with Parish Councils and local people in order to iron out any potential problems before planning permission is sought. Sometimes this will also involve important consultees such as the Environment Agency, English Nature and the Council's traffic manager. Planning officers will, at this early stage, advise applicants if their proposals are likely to be considered 'significant' and therefore need to be the subject of specific community involvement measures. This advice is contained formally within the Council's *Statement of Community Involvement*.
- 5.22 At the application stage, a statement of community consultation should be submitted to the local planning authority detailing how the applicant has approached this and what the outcomes were. This will assist the passage of the application through the planning process.

OTHER INFORMATION

- 5.23 In addition to the aforementioned documents, there may be a variety of other studies or assessments which may need to accompany certain planning applications depending on their scale and location. The Council's development control officers will be able to discuss such requirements with potential applicants on a case by case basis. It is therefore important for potential developers to engage in pre-application discussions. The following lists sets out the majority of possible additional information that may be required:

- Draft Travel Plans
- Legal Agreements
- Sustainability Appraisal
- Listed Building or Conservation Area Appraisal
- Archaeological Assessment
- Noise Assessment
- Rights of Way Assessment
- Transport Assessments

SECTION 6: PRE-APPLICATION PLANNING GUIDANCE

TEMPORARY PLANNING PERMISSIONS

- 5.24 During the consultation process of producing this document, it was suggested that permanent planning permissions should not be permitted for polytunnels. Instead permissions could be granted on a temporary basis; meaning that there would be some certainty about how long polytunnels would be located in any particular field. This argument, however, is one that is not straightforward.
- 5.25 Where polytunnels are required for the production of ground grown crops to be rotated on a predetermined regular basis, for example every three years, then it may be reasonable for a time limited planning permission to be granted. Indeed, granting permission for three or four years would provide some certainty to those living or working nearby that the tunnels would not be a permanent feature of the landscape.
- 5.26 However, the lifespan of a crop varies according to crop type and variety. Some strawberries may be re-established after three years, whereas raspberries and cherries will remain in situ for much longer. Therefore any rotation periods must take into account the needs of the crop. To grant permissions limited to two or three years would therefore not be appropriate to the needs of growers, particularly as future crop breeding will improve the productive life of many plant types. In addition, it may not be economically viable for polytunnels and associated infrastructure to be developed for only a short time, then subsequently removed. When an application for planning permission is received, it should be made clear by the applicant that if the tunnels are only required in certain positions for a limited period, then an appropriate time limited planning permission can be considered.

PRE-APPLICATION DISCUSSIONS

- 5.27 It would assist both potential applicants and the local planning authority if a tiered planning approach is taken to large scale polytunnel developments. This would highlight any significant issues at an early stage in the process and identify the likely viability of an application and the required additional information. This would reduce the likelihood of a significantly adverse impact case coming to the application stage, thus reducing workload pressures within the local planning authority and unnecessary expenditure on the part of the applicant.
- 5.28 The following steps outline the most appropriate way to approach polytunnel development proposals that require planning permission:
1. Pre-application assessment and informal discussion to highlight significant issues and guide what additional information will be required.
 2. A checklist of what information is required for the planning application based on the initial assessment drawn up by the case office in conjunction with the applicant.
- 5.29 It should be made clear during pre-application discussions that although such an assessment will highlight significant issues relating to the proposal it might be

necessary to carry out further assessment work to inform the determination, depending on the scale, location and nature of the proposal.

WHOLE FARM PLANS

- 5.30 Whilst applicants have the right to apply for planning permission on the basis of each individual polytunnel or each individual field, it is the view of the local planning authority that it would be preferable for applications relating to large agricultural holdings to be presented as a 'whole farm' application. Such applications ensure a holistic approach rather than a piecemeal approach and give certainty to both the applicant to plan the business and the local community as to the longer-term environmental impacts.
- 5.31 The most appropriate way to approach this matter is for applicants to engage with the local planning authority in pre-application discussions to establish the planning constraints. The applicants would then need to engage with officers of the Council, the local community and other bodies (e.g. Environment Agency) to address the identified planning constraints. A sieve-map analysis can then be created whereby one can attempt to agree where upon the holding polytunnels should not be sited (if anywhere). This would normally then leave less sensitive area(s) where polytunnels could potentially be sited. However, this does not mean that all such areas should be covered due to the issue of cumulative landscape impact highlighted earlier within this SPD.
- 5.32 Whole farm plans can be useful on farms where crop rotation methods are employed. Usually if planning permission is granted on a field by field basis, then each time the polytunnels (plastic and frames etc) are removed the grower will have to re-apply for planning permission to re-erect them in a few years' time. However, if a whole farm plan planning permission is granted then removal and re-erection of tunnels will not require repeat planning permissions so long as the land in question was appropriately zoned as part of the original permission. This approach is helpful to both nearby homeowners and to growers since it will provide both certainty as to where polytunnel are to be erected and give the grower the opportunity to formulate longer term business plans for the farm holding.
- 5.33 Attached, as Appendix 3 is a copy of a Committee Report in relation to a 'whole farm' planning application at Withers Farm north of Ledbury, where a sieve-map analysis was undertaken.

APPENDIX 1: ECONOMIC CRITERIA – BUSINESS CASE

Polytunnel Business Case – Economic Criteria

1.	Estimated acreage?
2. 2a. 2b. 2c.	Estimated tonnage to be grown? Likely market destinations? Use of local hauliers? Source of packaging?
3.	Gross value added – estimated market value of crop?
4. 4a. 4b.	Approximate numbers of people to be employed? Hourly rate x hours per week x number of weeks? Weekend working?
5.	Fulltime/seasonal worker split?
6. 6a. 6b. 6c. 6d. 6e.	Local/Migrant worker split? Age group targeted? Single/Accompanied by partner and/or children? Likely accommodation provision and location? Nearest shops? Likely use of public transport?
7. 7a. 7b. 7c.	Will any other supporting infrastructure need to be built? If so, what? Likely estimated cost? How would you identify a contractor for the work?
8.	What would the land be used for if not under polytunnels?
9.	Likely impact on existing business, if project not proceeded with?

APPENDIX 2: ECONOMIC BALANCE SHEET ANALYSIS

Suggested Components of a Balance Sheet Analysis of the Impact of Polytunnels on a Protected Landscape

Aim:

To establish the costs and benefits associated with large-scale polytunnel development in a protected landscape.

Objectives:

1. to determine the contribution of agriculture and tourism to a locality
2. to determine the economic benefits for agriculture attributable to polytunnel use
3. to determine the tourism uplift attributable to the presence of a particular landscape without polytunnels

Method:

- Literature review
- Establish economic baseline for both tourism and agriculture (specifically horticulture and polytunnels) – ONS, local authority data etc.
- Survey tourist authorities/boards/local authority tourism departments applicable to AONBs
- Perform a 'balance sheet' analysis using figures identified, interpolating where appropriate.

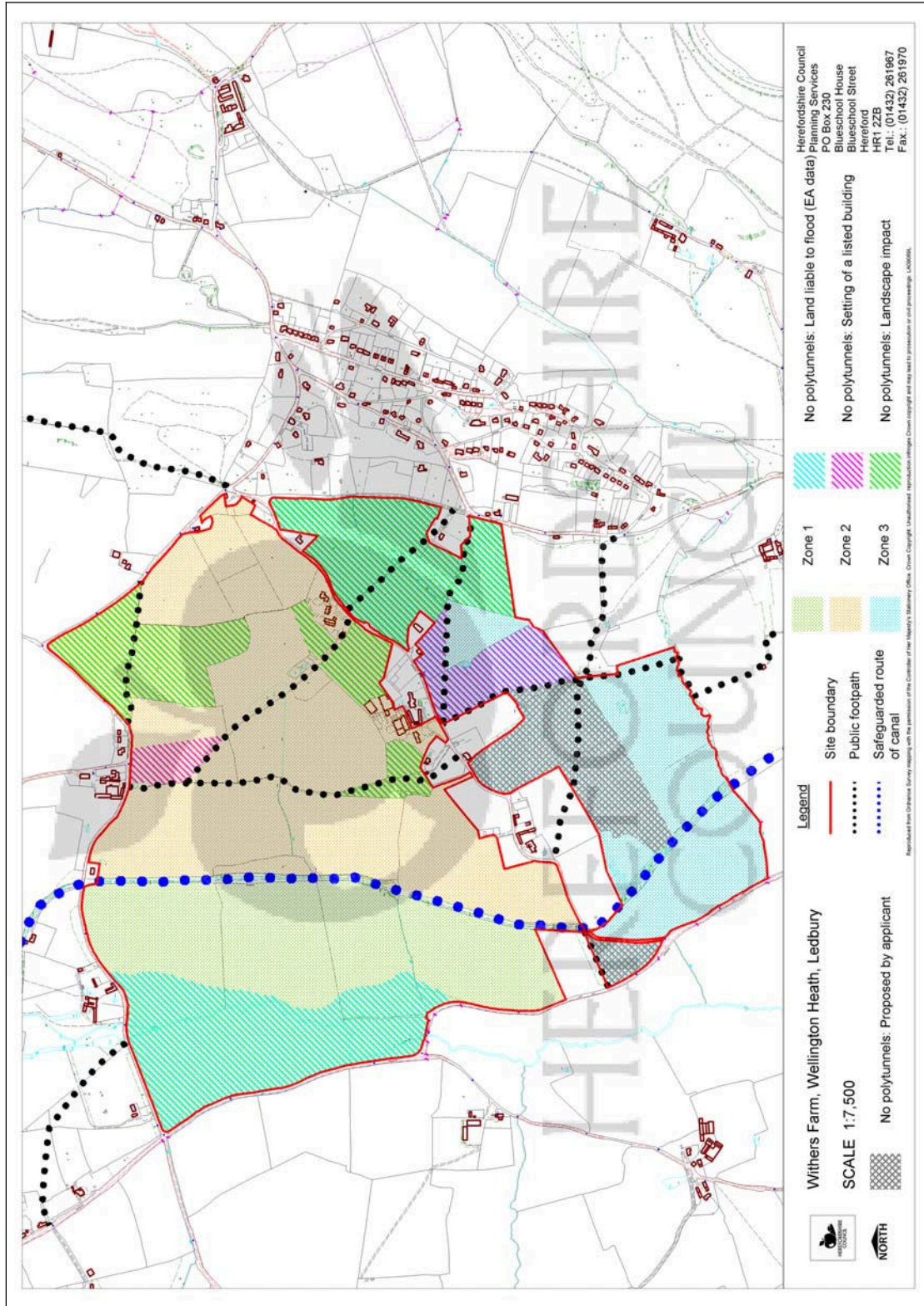
Key Study Considerations:**AGRICULTURE:**

1. Economic uplift attributable to polytunnels – production, labour force etc.
2. National vs. local benefit
3. Growth potential
4. Contribution of polytunnels to local rural economy

LEISURE AND TOURISM:

1. Actual and potential leisure and tourism uplift attributable to AONB designation. Establish the baseline position: GDP, trends, number of tourists, number of employees, role in rural economies and visitor surveys of reasons for visits.
2. Is the attractiveness of the AONB based purely on visual quality? Landscape may be just one factor. There are wider considerations such as: season/weather, choice (competing locations) and state of the economy.
3. Indicators of the impacts of polytunnel development in AONBs:
 - number of visitors
 - number of return bookings recorded by B & Bs, hotels, guest houses etc
 - people active in local tourist economy
 - day trip vs. overnight stays
4. Growth potential
5. Market niches

APPENDIX 3: EXAMPLE OF WHOLE FARM, SEIVE-MAP ANALYSIS



If you need help to understand this document, or would like it in another format or language, please call the Forward Planning Team on 01432 260500 or send an email to: ldf@herefordshire.gov.uk



HEREFORDSHIRE
COUNCIL

www.herefordshire.gov.uk

