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Monday, 03 October 2005

Dear Mr Barrett

**Polytunnels and Planning Permission in the Malvern Hills Area of Outstanding Natural Beauty (AONB)**

On Friday 23 September 2005 the Joint Advisory Committee (JAC) for the Malvern Hills AONB met for one of its scheduled meetings. Amongst other items the group discussed the issue of polytunnels and their potential impacts within the designated area. **As an action point from this meeting the JAC has asked that I write to you on its behalf to request that all polytunnels within Herefordshire Council's part of the Malvern Hills AONB be subject to the formal planning process.**

There are two main considerations which underpin this request. Firstly, as you know, there is currently a lack of consistency in how this subject is handled locally, with Herefordshire Council operating a Code of Practice whilst the planning authorities in the Malvern Hills and Forest of Dean request the submission of planning applications. This inconsistency of approach threatens the integrity of the AONB as a designated area due to the possibility that certain developments might appear in one administrative part of the area and not in another. The need for consistent guidance in development plan policies across the AONB is listed as a strategic objective in the AONB Management Plan. As you are aware, Herefordshire Council is a signatory to this document which was produced on behalf of the local authorities in order to meet their statutory requirement under Section 89 of the Countryside and Rights of Way (CRoW) Act (2000).

Secondly, you will also be aware that, under Section 85 of the Countryside and Rights of Way Act, all relevant authorities (including local authorities) have a duty to have regard to the purpose of conserving and enhancing the natural beauty of AONBs. Recent guidance issued by Defra<sup>1</sup> states that relevant authorities are expected to clearly demonstrate how they have fulfilled these duties. Consideration of AONB issues within a formal planning application process is one very clear and obvious way in which a planning authority can demonstrate that this has been done. The absence of such a process with regard to polytunnels in the AONB might make it difficult for Herefordshire Council to show that its duties under the CRoW Act have been met.

I hope that Herefordshire Council will be able to give this request due consideration. I would like to stress that the JAC is not suggesting here that polytunnels have no place within the Malvern Hills AONB. The aim is simply to ensure that there is a consistency of approach in how this important issue is dealt with in the context of a nationally protected landscape.

Please let me know if you wish to discuss this issue further or if there is anything which I or the JAC can do to help you to take this issue forward.

Yours sincerely

Paul Esrich  
Malvern Hills AONB Manager

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<sup>1</sup> 'Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk broads.' Guidance Note, 2005. Product code PB 10747

**Checklist for Points to be considered by the MHAONB Planning Group when responding to Planning Applications for Polytunnels.**

**The single primary purpose of an Area of Outstanding Natural Beauty designation is to conserve and enhance natural beauty. In pursuing this purpose account should be taken of the economic and social needs of local communities. In light of these purposes the JAC believes that each proposal for a polytunnel or related structure within or in the immediate visual vicinity of the AONB should be subject to a formal planning application so that it can be fully assessed on its own merits. In considering proposals the planning group which represents the JAC will consider the following:-**

1. Scale of Structure
  - a. The group should seek to comment on all applications over 100sq m. However, because of potential cumulative impacts smaller proposals may be commented on where these lie within 200m of extant polytunnel developments. There should be no 'rolling development' where one site is exhausted and tunnels are simply moved to adjacent sites without formal approval.
2. Siting near Buildings.
  - a. Siting within 100m of other buildings should only be by agreement with the owners of those buildings.
3. Effect on the visual amenity
  - a. The plastic should reflect the incoming light as little as possible.
  - b. Screening by way of hedgerows and tree planting schemes should be applied to protect the views from the hills, highways and footpaths. Screening should only be used where the screening itself fits within the landscape and locally distinctive and indigenous species should be used.
4. Duration of structure
  - a. Planning permission should be required for any polytunnel structures which will exist in one place for at least 2 years.
5. Service Traffic.
  - a. The size and volume of service traffic should be appropriate to the setting and attend to the site within sociable hours.
6. Lighting
  - a. Lighting, whether it be for security or growing should be carefully restricted.
7. Noise
  - a. The tranquillity of the area should not be disturbed by employees making unacceptable noise.
  - b. The plastic should be maintained so as to be as silent as possible in wind.
  - c. Any other equipment, including generators should be as silent as possible.

- d. Where compatible with landscape objectives any siting of equipment or structures which impact on the tranquillity of the area should be placed downwind of residential property.
8. On site accommodation:
- a. The on-site accommodation such as caravans and loos should be screened and be of such a colour that they are camouflaged within the landscape. Screening should fit within the landscape and, where appropriate, should make use of locally distinctive and indigenous species.
9. Landscape Impact Statement/Environmental Impact Statement
- a. This should be provided by the applicant and should take into account where the structures can be viewed from and the proposed mitigation measures. All factors affecting AONB qualities should be considered.
10. Reinstatement of Land
- a. The applicant should demonstrate how the land will be restored and improved in landscape and biodiversity terms once the polytunnels are removed. Restoration and improvement should be a binding condition of planning approval. It is expected that all items associated with the 'development' will be removed.
11. Disposal of Plastic debris.
- a. The disposal of spent plastic should be through recycling off site.