

WRITTEN STATEMENT OF A KEY DECISION CABINET

ITEM:	REVIEW OF THE VOLUNTARY CODE OF PRACTICE FOR THE USE OF POLYTUNNELS IN HEREFORDSHIRE
Members Present:	Councillors: RJ Phillips (Leader), Mrs LO Barnett, PJ Edwards, Mrs JP French, JC Mayson, DW Rule MBE (Deputy Leader), DB Wilcox, RM Wilson.
Date of Decision:	22nd March 2007
Exempt:	No
Confidential	No
<p>This is a key decision because</p> <p>It is significant in terms of its effect on communities living or working in Herefordshire in an area comprising one or more wards</p>	
<p>This item was not included in the Forward Plan however inclusion in the agenda gives the required notice in accordance with Section 15 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000.</p>	
Urgent Decision:	No
Purpose:	To report the findings of the Poly tunnel Review Working Group.
Decision:	<p>THAT</p> <ul style="list-style-type: none"> (a) all <i>new</i> polytunnel developments within the County (be they for soil grown crops or table top growing or otherwise howsoever) be treated as development requiring planning consent. The usual application form will need to be completed in those circumstances; (b) enforcement proceedings be continued and/or initiated in accordance with the priorities below: <ul style="list-style-type: none"> (i) Enforcement proceedings to be continued in respect of those sites where notices have already been served and/or are in preparation (ii) Enforcement proceedings to be initiated during the growing season of 2007 in all cases where polytunnels are already known, or are suspected, to be outside the Code of Practice, there is a threat to acknowledged planning interests, and are approaching four years in situ (iii) Enforcement proceedings to be initiated after the end of growing season 2007 in all other cases where planning applications have not, by

	<p>then, been submitted and there is a threat to acknowledge planning interest;</p> <p>(c) the Executives response be reported to the Environment Scrutiny Committee in due course; and</p> <p>(d) a Supplementary Planning Document be prepared on polytunnel developments to a timetable to be arranged by the Cabinet Member (Environment) and the Local Development Scheme be amended accordingly in consultation with growers and the community.</p>
<p>Reasons for the Decision:</p>	<p>It is important that advice to the Council reflects the legal position whether established through statute sub-legislation or case law in the discharge of its functions. The Waverley case sets binding legal precedent, which must be followed, if the Council is to avoid the risk of challenge.</p>
<p>Options Considered:</p>	<p>As an alternative, Cabinet could choose not to implement the recommendations.</p>
<p>Declaration of Interest:</p>	<p>None.</p>
<p>Date the key decision is due to take effect:</p>	<p>29th March 2007</p>

<p>COUNCILLOR RJ PHILLIPS.....Date: 22nd March 2007 LEADER OF THE COUNCIL</p>
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<p>To be completed by officer:</p>	
<p>Date consent received from Chairman of Environment Scrutiny Committee:</p>	<p>No response.</p>
<p>Subject to Call-in:</p>	<p>Not called in.</p>
<p>If yes was the decision modified?</p>	
<p>If yes Cabinet Member (.....) decision reference:</p>	
<p>Date original decision took effect:</p>	