

Report to Constitution Working Group

Date of meeting: 3 December 2018

Portfolio: Planning and Governance (Councillor J. Philip)

Subject: Planning Process Review

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**Epping Forest
District Council**

Recommendations:

- (1) That the Working Group consider options for the improvement of relevant planning processes in light of the operation of revisions agreed by the Council in July 2018; and**
 - (2) That, subject to (1) above, the Council be requested to agree appropriate revisions to the planning processes set out within the Planning Delegation arrangements of the Council's Constitution.**
1. At its meeting on 31 July 2018, the Council adopted a number of recommendations of the Working Group arising from a review of planning processes, which had been considered against the implications of the delivery of the Local Plan and the resource implications likely to result from an increased volume of work at the pre-application and application stages.
 2. Part of the review undertaken by the Working Group concerned existing arrangements for the consideration of planning applications by the Area Plans Sub-Committees, many of which did not meet the national target for determination within eight weeks of receipt, to which an objection to a development proposal was made by a local town or parish council. This report concerns issues that have arisen as a result of the application in practice of this arrangement.
 3. To improve relevant processes in this regard, the Council agreed that, in all cases where a local council had submitted a material objection to a development proposal but such objection was not supported by local residents, applications be determined in accordance with the authority delegated to the Service Director (Planning Services) within the Scheme of Delegation set out in the Council's Constitution.
 4. Applications recommended for approval where an objection to the planning merits of a development proposal has been received from a local council continue to be considered by an Area Plans Sub-Committee, only where the local council has confirmed in writing its intention to attend the relevant meeting where the proposal will be considered, in order to present such objection to the Sub-Committee.
 5. In at least two recent instances, applications contained within the agenda for a meeting of one of the Area Plans Sub-Committees have been referred to the Sub-Committee for determination solely as a result of the receipt of an objection to the development proposal by the relevant local council. In each instance, no other objection had been received to the development proposal and, without the receipt of an objection by the relevant local council, each would have been determined by the Service Director (Planning Services) in accordance with the current Scheme of Delegation. At the close

of registration for speakers for each meeting, neither of the respective local councils had confirmed a wish to speak on the applications although, in one instance, the applicant's agent had registered to speak on the application. Neither of the respective local councils attended the meeting of the Sub-Committee.

6. As each of the applications had been correctly published within the agenda for the respective meeting, the Monitoring Officer considered that it was inappropriate for them to be simply withdrawn without some form of 'consideration' by members and advice was issued to each chairman and vice-chairman in this respect.
7. Although it may be possible on occasion to pre-empt applications for which this situation might arise, it should be noted that agendas for meetings of the Sub-Committees are published over a week before each meeting and that the close of registration for speakers for meetings of the Sub-Committees is 4.00pm on the day before each meeting. As already indicated, it is inappropriate for applications to be withdrawn from a published agenda in these circumstances.
8. The Working Group is therefore requested to consider the following options that appear available to address this unforeseen situation:
 - (a) that relevant applications be automatically referred (without any consideration of the merits of the development proposal) to the Service Director (Planning Services) for determination in accordance with the Scheme of Delegation; or
 - (b) that the Area Plans Sub-Committees be authorised to consider and determine relevant applications on the basis of the information set out in the report of the Service Director (Planning Services) and presented at the meeting by the Principal Planning Officer (and external speakers where relevant).
9. The application of the new requirements for local councils to present objections to development proposals at meetings of the Area Plans Sub-Committees is being monitored on an ongoing basis by Democratic Services. The chairmen and vice-chairmen of the Area Plans Sub-Committees have requested that the Working Group consider the operation of the relevant revisions to the Planning Delegation arrangements agreed by the Council in July 2018, as soon as possible.
10. Guidance in relation to the operation of the new planning process arrangements was issued to the clerk of each local council in August 2018 and was the subject of a presentation to the Local Councils' Liaison Committee in September 2018. A copy of the letter sent to local councils in this regard is attached as Appendix 1 to this report.
11. Subject to the views of the Working Group in this regard, any further revision to the planning processes set out within the Planning Delegation arrangements of the Constitution will need to be agreed by the Council at its meeting on 20 December 2018.