

Committee Agenda



**Epping Forest
District Council**

CONSTITUTION WORKING GROUP Monday, 25th June, 2018

Place: Civic Offices, High Street, Epping
Room: Committee Room 2
Time: 7.00 pm
Democratic Services Officer V. Messenger Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors M McEwen (Chairman), M Sartin (Vice-Chairman), D Dorrell, S Heap, L Hughes, S Jones, J Philip, C C Pond, C P Pond, J Share-Bernia and J H Whitehouse

MEMBERS ARE REMINDED TO BRING THEIR COPIES OF THE EXISTING CONSTITUTION DOCUMENT WITH THEM TO THE MEETINGS – FURTHER COPIES CAN BE SUPPLIED ON REQUEST.

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS

(Director of Governance) To report the appointment of any substitute members for the meeting.

3. NOTES OF PREVIOUS MEETING (Pages 3 - 8)

To agree the notes of the meeting of the Working Group held on 16 April 2018.

4. TERMS OF REFERENCE & WORK PROGRAMME (Pages 9 - 12)

(Director of Governance) To review the terms of reference and progress with the achievement of the current work programme for the Working Group.

5. CONSTITUTION - REVISIONS & AMENDMENTS

(Director of Governance) To note that no further revisions or amendments have been made to the Constitution since the previous meeting of the Working Group, pursuant to the authority delegated to the Director of Governance.

6. PLANNING PROCESS REVIEW 2017/18 - DELEGATIONS TO PLANNING OFFICERS (Pages 13 - 72)

(Assistant Director of Governance) To consider the report (attached).

7. DATE OF NEXT MEETING

To note that the next meeting of the Working Group will be held at 7pm on 27 September 2018.

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION WORKING GROUP
HELD ON MONDAY, 16 APRIL 2018
IN COMMITTEE ROOM 2, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 8.40 PM**

Members Present: M McEwen (Chairman), M Sartin (Vice-Chairman), D Dorrell, L Hughes, S Kane (Safer, Greener & Transport Portfolio Holder), C C Pond, C P Pond, D Stallan (Chairman of the Council) and J H Whitehouse

Other members present: None.

Apologies for Absence: J Philip (Planning and Governance Portfolio Holder) and S Tautz (Democratic Services Manager)

Officers Present S Hill (Assistant Director (Governance)), N Richardson (Assistant Director (Development Management)) and V Messenger (Democratic Services Officer)

20. SUBSTITUTE MEMBERS

There were no substitute members at the meeting.

21. NOTES OF PREVIOUS MEETING

RESOLVED:

That the notes of the last meeting of the Working Group held on 20 February 2018 be agreed as a correct record.

22. TERMS OF REFERENCE & WORK PROGRAMME

- (a) The Terms of Reference were noted.
- (b) Work Programme
 - (i) Item (3) Committee systems for members considering planning applications – this would be reviewed at the next scheduled meeting in September 2018.
 - (ii) Item (8) Gifts and hospitality advice – this outstanding item had been rescheduled into the 2018/19 meetings cycle.

23. CONSTITUTION - REVISIONS & AMENDMENTS

It was noted that a revised version of the Constitution was published on 26 February 2018, details of which were also published in the Council Bulletin on 28 February. This had included revisions to the following elements of the Scheme of Delegation (Part 3), owing to changes in the Council's senior management structure, which had been agreed by the Council on 22 February 2018:

- Appendix 3 – Delegation of Officers from Full Council; and

- Appendix 5 – Delegation to Officers from the Executive.

The latest version of the Constitution also incorporated the following:

- Members' Allowance Scheme for 2018/19 municipal year, which had been agreed by the Council on 21 December 2017; and
- Procurement Rules, revised and agreed by the Council on 22 February 2018.

24. PLANNING PROCESS REVIEW 2017/18 - DELEGATION, OBJECTIONS AND COMMITTEE SYSTEMS

The Assistant Director (Governance) advised members that in the previous two meetings of the Working Group in January and February 2018 they had looked at officer delegations. Both he and the Assistant Director (Development Management) with the help of planning officers had developed the 'Replacement Planning Delegations' scheme, shown in Appendix 1 of the agenda. The Town and Country Planning Act 1990, in particular, and other planning legislation made it challenging to keep protocols up to date. Officers had tried to come up with a scheme to reflect members' comments and to keep it as simplified as much as possible to reduce errors or misinterpretation. Another objective was to give the planning committees more time for determining applications for larger sites. Planning had already started to employ an Implementation Team in preparedness for a greater influx of planning applications, particularly those for Local Plan (LP) sites.

As the next scheduled meeting of this Working Group was not until September 2018, this extra meeting today had been agreed with the Chairman. A letter to members and local councils had been circulated before Easter, via email. Four members had replied that the timescale of the consultation was not long enough and only one local council had declined to comment on the basis the consultation period was too short. The Council was not statutorily required to consult with local councils but had chosen this route following members' support at the Local Councils' Liaison Committee (LCLC) in March 2018. Much of the LP work, would be well under way by the next Working Group meeting in September. Also the Assistant Director (Governance) would soon unveil the induction training and planning courses for new and existing councillors after the May 2018 elections.

The Assistant Director (Governance) summarised the responses he had received from six members and fourteen local councils, most of which had been published in two supplementary agendas.

There was a mixed reaction to A(1) because only applications for residential developments consisting of 10 or more dwellings on unallocated sites or 25 or more dwellings on allocated sites would go to committee. Where this was felt to be unacceptable it was because even 5 dwellings might have an 'adverse impact' on a neighbourhood or village setting.

On A(2) (Council applications for developments on its own land or disposal of assets) while some local councils considered the District Development Management Committee (DDMC) should only determine these applications others considered the area sub-committees also should, to ensure local input.

A(3) about the number of objections required to be received for the sub-committees to determine, there were various comments received. While some supported the

proposals given in Appendix 1, there was concern that local councils would not know, for instance, if they were the only objector. Others that 5 objections was too much in rural areas. Also there should be training for parish/town councillors. The Assistant Director (Governance) clarified that local councils were not statutory consultees in the planning process as some thought, but that the Council had agreed to consult with them. There was a list of statutory consultees who, depending on the type of application, did have a right further along in the consultation process to refer an application to the Government but not the planning committees. He added that over the last two years out of over 200 local councillors only around 25 had attended its training sessions, despite these being publicised to all the local councils. The Council was proposing that if the only objection (with material planning merits) was received from a local council then a representative from that council should attend and speak at that area sub-committee, if they wished it referred to members.

A(4), to do with members 'calling in', the proposal was to change the wording to 'any' member from 'ward' member. Some responses had commented that the deadline for written requests for referral by members within four weeks of the relevant weekly list was too short, but no change had been made here.

A(5) for applications made within 12 months of refusal of a similar development, where a recommendation for approval contradicted a previous decision of the committee, responses had indicated that this should be increased, e.g. to 24 months. Alternatively, members might want to remove this clause entirely, but use the 'call in' procedure.

A(6) concerning applications by members, senior officers or a relevant person, were normally dealt with by the DDMC. Representations had been made that if a parish councillor made an application then this should also go the sub-committees.

B(3) on enforcement was a matter for the DDMC and not the sub-committees. Sub-committees could ask for enforcement action, but could not resolve to take enforcement action.

The Assistant Director (Governance) said that members could decide to review this protocol on an annual basis. He had received some strange comments from local councils, such as this was a 'power grab', which he rejected as this was not what the Council was trying to achieve. Comments had also been received that junior planning officers were inconsistent in their advice. The Assistant Director (Development Management) emphasised that every application was signed off by a senior planning officer. He added that planning legislation had relaxed over time and the National Planning Policy Framework had allowed a presumption in favour of development and therefore more recommendations for granting of permission.

The Assistant Director (Governance) asked the Working Group to consider the comments received, look at where they were now, and asked if they wanted to go for a further consultation with members and local councils owing to the previous short consultation period. Otherwise, were they ready to make a recommendation to Full Council in April? The following meeting would be held on 31 July 2018, a response to Annual Council was not appropriate.

The following issues were raised by the Working Group members during discussion.

Councillor D Stallan said he did have concerns at the quality and information given in Plans East reports, but did not agree that proposals were a 'power grab'. He agreed with the proposed representation requirements but acknowledged that 5 objections

for isolated sites might be hard. He also commented that he had previously called in an application, which had not been material to a planning merit to allow a wider debate by the sub-committee. On proposal A(5) who would make the decision what was 'similar' or not. If planning applications by members were handled by the sub-committees, rather than the DDMC, there would be more chance that member could be involved with fellow councillors, so these should go to the DDMC. The Assistant Director (Governance) replied that members should speak to planning officers and state what their planning concerns were. Councillor C C Pond added, or procedural. There was no right of appeal if a planning officer did not agree the concern was not a material consideration. The Chairman, Councillor M McEwen, commented that it was not always possible to read the planning officers' reports before the 4-week call in period had expired.

On proposal A(5) there was discussion on what constituted 'similar' development. An application for a flat development could be turned down, then another application could be submitted for flats, but this should not automatically come back to committee.

Councillor J H Whitehouse asked how people could find out how many objections had been received, to which the Assistant Director (Development Management) replied that members or the public would need to phone up Planning.

The Chairman said that on A(3) the criteria for consulting was in question, as sometimes only two neighbours might be consulted.

Councillor C C Pond said that on A(1) 'or 25 or more dwellings on allocated sites' should be removed. The Assistant Director (Governance) commented this clause concerned sites in relation to the density of adjacent properties.

Councillor M Sartin thought the consultation period had been far too short, especially for local councils.

Councillor C C Pond suggested the Working Group could carry out a review after 12 or 18 months, and members might consider not taking this to Council in April but in July because of the short consultation period and the delay to the submission of the LP. He was happy with Appendix 1 subject to:

A(1) – 'or 25 or more dwellings on allocated sites' being removed;

A(4b) – 'applications' should have an apostrophe to read, 'application's';

A(5) – could be removed completely; and

A(6) – 'Head of Service' should be defined and the term aligned with the new Council structure, which was currently under review.

The Assistant Director (Development Management) added that B(1a) should read – 'Tree Preservation Order consent applications other than where tree felling is proposed'.

Councillor D Stallan agreed with taking this to Council in July, which was supported by other members, but added that a lot of local councils had not attended the LCLC's March meeting when this item was discussed.

Councillor D Dorrell remarked that a reference was made that parish councillors were volunteers but so too were District councillors. He did not think it necessary that a planning reason had to be correct.

Councillor S Kane asked members if A(3b) and A(3c) could be covered if local councils went through the District councillor to call in an application. If this was the case, then it was the responsibility of the District councillor to be able to call in and to give a reason for doing so. Councillor M Sartin did not think this would work in one-member wards.

Councillor J H Whitehouse agreed with A(3a) that at least 5 objections were received. Councillors were there to support residents, and that this should be their primary focus, rather than losing this focus by needing to free up councillors' time to become involved in larger, masterplan sites. Regarding the changes to restructure the Council to focus on customers, it was important for residents to come to planning committees.

The Assistant Director (Governance) said that for Planning services, their clients were also the applicants / agents. When applications went to committee for determination this caused months or weeks of delay to clients' applications, and did not meet the statutory time limit. Planning officers would negotiate with the applicants / agents to extend these deadlines. Planning officers assessed applications and did refuse them. However, of the applications going to committee, 86 per cent were approved and he advised that the days when committees had the time to determine small / minor applications was numbered. Development Management had a Customer Services team and Technical Services team. Its business processes were going to be reviewed and the customer service element would move to the Council's centralised Customer Services.

Councillor D Stallan said that councillors had to support residents, but also had to make decisions on applications as a Local Planning Authority representative. The silent majority supported applications. Also regarding a further consultation, local councils should be advised that the Council strongly refuted comments, such as 'power grab', to minimise these unhelpful remarks.

Councillor S Kane asked if the changes proposed would allow members to do what was required as the Council was not dealing with applications fast enough. He cited an example where five applications had been referred by a local council to a Plans West Committee, but it had not attended that meeting.

The Assistant Director (Governance) summarised what the Working Group had achieved at this meeting.

Agreed:

- (1) That the proposed amendments be made to the replacement delegation scheme:
 - (i) A(1) delete 'or 25 or more dwellings on allocated sites';
 - (ii) A(4b) add an apostrophe to 'applications' to read, 'application's';
 - (iii) A(5) remove entire clause; and
 - (iv) 'Head of Service' should be defined and the term aligned with the new Council structure, which was currently under review.
 - (v) B(1a) to read, 'Tree Preservation Order consent applications other than where tree felling is proposed';
- (2) Offer local councils and all members of the Council a further opportunity to comment on this scheme, taking into account the amendments above.

- (3) This second consultation would be carried out by letter, the wording of which would be agreed with the Chairman, with a response deadline by early June.
- (4) After the elections, the Assistant Director (Governance) to contact the chairmen of the planning committees to see if they wanted to hold a meeting to consider this scheme, which he would attend.
- (5) Arrange a further meeting of the Constitution Working Group before the end of June 2018 to agree / make any recommendations to Council for the meeting on 31 July 2018, if appropriate. This would also allow officers time to understand any concerns raised.

25. REVIEW OF AUDIT AND GOVERNANCE AND STANDARDS COMMITTEES

The Council on 26 April 2016 had not adopted the proposal to merge the Audit and Governance Committee with the Standards Committee, but instead required the Working Group to review the proposal within two years. The Standards Committee had not been in favour of a merger, as under the proposal the current nine members available to consider Standards issues would reduce to three, which it did not consider was sufficient.

The Assistant Director (Governance) advised members that this review should be deferred, as the structure of the Council's departments was changing significantly. A report would be going to Cabinet in June on the Council's new structure, which would replace the old directorates. There would be more matrix working. In addition, the overview and scrutiny structure currently focussed on the four directorates. The structure of the overview and scrutiny committees might be required to change, to reflect this new directorate structure. He therefore suggested that this review be revisited towards the end of the 2018/19 municipal year, and that when it was brought back, there would be a further report on where the Council was with its structural changes and Audit and Governance.

Councillor D Stallan proposed that the Working Group wait to review this merger once the Council's new structure was much clearer.

Agreed:

That the Working Group defer its review of the merger of the Audit and Governance and Standards Committees, until the Constitution Working Group meeting in March 2019.

26. DATE OF NEXT MEETING

The Working Group agreed to a further meeting towards the end of June, which was arranged with the Chairman to held at 7pm on 25 June 2018.

CONSTITUTION WORKING GROUP

TERMS OF REFERENCE

Title: Constitution Working Group
Status: Working Group
Terms of Reference: (1) To review any aspect of the authority's constitutional arrangements as requested by the Council; (2) To undertake general reviews of specific elements of the Constitution in order to ensure that the authority's constitutional arrangements complement current legislative requirements and decisions made by the Council; and (3) To consider any proposals of the Director of Governance for necessary revision to any element of the Constitution. Reporting: The Working Group shall report directly to the Council in connection with its Terms of Reference and the achievement of its work programme.
Chairman: Councillor M McEwen

S. Hill (November 2017).

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Constitution Working Group (Chairman – Cllr M McEwen)

Work Programme

Item	Starting Dates	Progress
(1) Constitution – proposed minor amendments	28 September 2017	Article (6) O&S – Q3(1), Q3(2) and Appendix 1, 1(q). Article 10 (Membership of Area Plans Sub-Committees) – paragraph 3 replaced. (Adopted by Council on 1 November 2017). Completed
(2) Planning Code of Practice	28 September 2017	(Adopted by Council on 1 November 2017). Completed
(3) Planning Process Review 2017/18	25 June 2018	Report to review: (i) Officer delegations (Revised version to consider).
		(ii) How objections are considered and resolved. Completed
		(iii) How objections trigger a member review. Completed
	27 September 2018	(iv) Committee systems for members considering planning applications.
		(v) Style of officer reports. Completed
(4) Procurement Rules	25 January 2018	To review after one year's operation. (Revisions – Adopted by Council – April 2016). Completed
(5) Review of Audit & Governance and Standards Committees	March 2019	Review required after two years at members' request (deferred at April meeting).
(6) Gifts and hospitality advice	TBC	To be rescheduled during 2018/19.

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Report to Constitution Working Group

Date of meeting: 25 June 2018

Subject: Planning Process Review 2017/18 – Delegations to Planning Officers

Officer contact for further information: S Hill (01992) 564249

Democratic Services Officer: V. Messenger (01992) 564265

Recommendations:

- (1) To consider revised new delegation schedules to Officers for Planning matters;**
- (2) To receive the further responses from members and Local Councils on the proposals**
- (3) To consider whether recommendations can be made to Council at its meeting in July 2018.**

Background to proposals

1. (Assistant Director, Governance / Assistant Director Development Management) At the last meeting in April 2018, members looked at the number of submissions that had been made on the proposed changes to the delegation arrangements.
2. The working group made some minor alterations to their proposals (at Appendix 1 to this report) and agreed that we give members and local council's a further period in which to submit responses to the consultation on revised planning delegations.
3. Since that meeting officers have recirculated the proposals and the consultation period ended on 6 June 2018.
4. Attached at Appendix 2 are the comments made during the first phase consultation, those submitted during the second stage consultation are at Appendices 3 and 4. Twelve additional representations have been received from Local Councils, (one of which repeating an earlier representation) and six from district members. Appendix 5 shows a reminder of the current arrangements.

Consultation Response Themes

5. Detailed in Appendix 3 are comments from District Members. There are some themes to the responses which are outlined below.

Limit of 10 or more dwellings

6. Some members have expressed the view that every application for any new dwelling should come to committee. One has also asked that all householder applications come to members for determination.
7. Making a change of this nature would however significantly increase the numbers of applications coming to Subcommittee. Objection has also been made to the increase from five to ten dwellings for the trigger point. This could be reviewed after a year of operation.

Applications on Council Land

8. The suggestion has been made that any application made by the Council should come to Subcommittee rather than those on larger sites. Applications that are contentious (examples recently have included ex-garage sites) are often caught by other reasons such as the number of objections.

9. Members could, however, make the change requested. However, existing rules would mean that any site rejected by the Area Committee's would be referred to DDMC for decision.

Objections/Local Council Objections

10. The view has been expressed that in rural areas having five objections to trigger applications into committee may be too high. Members may wish to consider if the properties consulted is less than five, if all those properties object then the application would be referred to Subcommittee. Lesser figures of 2 and 3 have been suggested.

11. Some Parish Councils have objected to the requirement for (i) a material planning reason and (ii) having support of a resident for a matter to be referred to members. Objections have also been made to the suggestion that if that is not the case, then they would need to come to the meeting to represent their views directly to members. They have also asked how they would know when it was going to Committee.

12. Some parishes have seen it as a diminution of their input when they know the area better than District members. It is also suggested that it downplays their statutory role in planning consultations.

13. It has also been suggested that local councillors wouldn't be able to attend the meetings or in some cases they are representing the views of a resident who is too nervous to object.

14. Comments have also been made as to what would constitute 'material planning reasons' in A (3). The determination of this is routinely carried out by officers for every application. It is suggested that A (3)(b) could be consistent with the wording in (a) and (c).

15. In planning response terms, there will be no difference placed on the arguments put forward by local councils on applications. A material planning issue raised by a local council would be considered by officers as part of their consideration of each application.

16. What would be different is that if the local council makes an objection in the absence of support of other residents then they should be prepared to come to the relevant meeting and make their case at the point the determination is made. If they choose not to do this then the matter could be determined under delegation.

17. Local Councils are not statutory consultees on planning applications; there is no suggestion that the Council would stop advising local councils on new applications as part of the consultation arrangements. Other statutory consultees are not afforded an automatic referral to subcommittee in any event.

18. Some parishes however are supportive of the changes proposed and some have not chosen to object to this element of the proposals.

Outline Applications

19. It has been suggested that we either decline to accept outline applications or that all outline applications should come before members. The former is not possible.

Enforcement Action

20. It has been suggested by Councillor Heap (and a similar proposal from Councillor Neville) that:

(1) The Subcommittees should have the stated ability to request officers to consider enforcement action on a site where members have refused a retrospective planning application; and

(2) That the area subcommittee have the power to require a report to them from officers in those cases where no further action is subsequently proposed, such a report to give option to take enforcement action (i.e. the power for the subcommittee to authorise action); and

(3) That any such report be made within 2 months after the elapsing of the timescale within which a retrospective application can be appealed and that the committee is informed if an appeal has been launched after the 6 week deadline.

21. Occasions where retrospective applications are subsequently not subject to enforcement are few in number. Such an addition would require changes to Article 10 as well the delegation schedules.

Meeting of the Development Chairman and Vice Chairman

22. At the request of the Chairmen and Vice Chairmen of the development management committees, an informal meeting of that group was held with officers on 31 May 2018. They received a briefing on the background to the drivers of the current proposals. They have asked to make the point that it is their view that member applications should come before DDMC rather than Subcommittees as envisaged as DDMC is more remote and there would be better public perception on transparency of dealing with such applications.

23. Members of the Working Group are asked to consider the further comments and whether any changes are necessary at this point. There is the opportunity to make recommendations to the full Council in July 2018 on these proposals.

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Replacement Planning Delegations

CLD2 Replacement

Service Director – Planning

A. To determine:

- (a) All Full Planning Applications
- (b) All Householder Planning Applications
- (c) All Outline Applications and Reserved Matters Applications
- (d) All applications for Advertisement Consent,
- (e) All Applications for Listed Building Consent
- (f) All applications for Demolition in Conservation Areas
- (g) All Applications for Hazardous Substance Consent
- (h) Tree Preservation Order Consent applications where felling is proposed.
- (i) All Applications for Variation or Removal of Conditions

except the following which shall be determined by the committee or subcommittee indicated in Article 10 to the constitution:

1. Applications for residential developments consisting of 10 or more dwellings (unless approval of reserved matters only) which are recommended for approval;
2. Applications made by the Council on land and / or property in its ownership which are for disposal, in accordance with the size of application set out in Article 10 of the Constitution.
3. Applications recommended for approval where at least one of the following have been received:
 - a. At least 5 expressions of objections material to the planning merits of the proposal are received; or
 - b. An objection is received from a local council, supported by at least one non-councillor resident, with material planning reasons; or
 - c. An objection from a Local Council, material to the planning merits of the proposal is received and confirming in writing their intention to attend and speak at the meeting where the proposal will be considered.
4. Applications which a member has requested be referred to committee for consideration subject to that member:
 - a. Providing a planning reason for the request; and
 - b. The request is made in writing within 4 weeks of that application's notification in the weekly list.

5. Any application by an elected member or Senior Officer (Head of Service and above) of the Council or a relevant person (see code of conduct for definition) recommended for approval;
6. Any other application which the Head of Planning considers appropriate to be determined by members.

B. To determine;

all matters, set out below, unless the **Service Director, Planning** considers it appropriate to be determined by members.

1. Planning Related Applications

- (a) Tree Preservation Order consent applications other than where felling is proposed
- (b) All notification applications
- (c) All prior approval applications.
- (d) All certificates of lawful use and development.
- (e) All applications for non-material amendments to applications.
- (f) All applications for approval of details reserved by condition.
- (g) All applications for Permission in Principle for Minor Housing Led Development and for Technical Details Consent

2. Planning and Related Procedures

- (a) Finalising the conditions or reasons for refusal, which appear on decision notices.
- (b) The preparation of legal agreements, in consultation with the Head of Service, Governance and Strategy/Assistant Director Legal Services, within the terms of any relevant Committee resolution.
- (c) Determining the need for information required to make a decision on a planning application including the need for, and scoping of, an Environmental Assessment.
- (d) Deciding the charge to be made for the provision of information where the normal scale of charges is inappropriate (e.g. information requiring research and/or to be used for commercial purposes.)
- (e) Deciding what should be within the Councils Local Validation Checklist.

3. Enforcement

- (a) To determine whether any enforcement should be taken and what such action should entail.
- (b) Issuing Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Notices under Section 215-219 of the Town

and Country Planning Act 1990 (as amended), for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy.

- (c) Prosecution of the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised.
- (d) Take appropriate enforcement action, including serving an injunction where the Head of Planning or their nominee, having regard to the evidence, considers the circumstances to require urgent action.
- (e) Investigation and prosecution of breaches of temporary market requirements
- (f) Variation of the requirements for compliance with any enforcement related notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices.
- (g) To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice subject to budget provision being available and to local District Councillors being notified

4. Entry onto Land

- (a) To Authorise officers and agents engaged by the Council to use the relevant powers of entry as necessary and make application to the magistrates court for a warrant authorising entry where applicable in relation to any matter set out in this Annex.

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Responses received for the Constitution Working Group on 16 April 2018 are detailed below.

Responses from Local Councils:
Epping Upland Parish Council

Dear Simon

Thank you for the email and opportunity to comment.
Please see below comments from Epping Upland Parish Council -
It is recognised that changes may need to be made to EFDC's planning decision process.

A. To determine (e) and (f)

Concern that in order to maintain the integrity of Listed Buildings and Conservation Areas there should be stringent criteria for making decisions on Listed Building Consent and Demolition in Conservation Areas.

A. To determine exception 3

How would the Local Council be notified that they would be required to attend a committee or not?

It would be not be reasonable to put the onus on the Local Council to establish this and the information may either not be known or not be available when the application is debated by the Local Council. (Most Local Councils encourage resident participation and seek to inform them about Planning through their own publications.)

It appears that Neighbour comments are not put online.

How is it intended to inform residents of the changes?

The current consultation letter is not clear as to the current impact on residents and the number of properties consulted on for an application has been markedly reduced sometimes less than 5.

General

The period given for responding to the Consultation was very short (less than 2 weeks) and did not allow proper time for the full council of the Local Council to consider the proposed changes which could have a significant impact on residents and the way that Local Councils operate.

Any new process related to Planning Officer Delegations is reviewed desirably within 6 months of commencement and no later than 1 year with direct input from Local Councils. As there is clearly pressure on EFDC to process applications quickly and there are already developments taking place without planning permission being obtained would suggest that there should be rigorous penalties for planning breaches rather than just, for example, the presumed application in retrospect which is invariably granted.

If we can assist further please do not hesitate to contact me.

Best regards

Val Evans

Mrs Val Evans – Parish Clerk – Epping Upland Parish Council

Loughton Town Council

Dear Simon

Further to your email regarding the above, please find below the comments of the Town Council, as requested:

Planning Process Review 2017/18 – Delegation: Objections and Committee Systems

The Committee AGREED the following response for this consultation:

Loughton Town Council strongly objects to any proposal to withdraw the area planning sub-committees – the input of local ward members was invaluable – this was localism at its finest.

Whilst noting the planning time constraints set by government, the process should not be unduly rushed by removing this stage.

Regarding the specific CLD2 Replacement Planning Delegations:

1. The Town Council objects to the proposal to increase the minimum size of residential developments referred to sub-committees from 5 to 10 or more dwellings. This was because of the potential adverse impact on the neighbourhood of any development of 5 or more properties.
2. All applications for District Council-owned land should continue to be considered by the area planning sub-committees before referral to the District Development Management Committee to ensure local input.
3. The Town Council supports the exceptions as listed in 3. a, b, and c.

Kind regards

Debra Paris
Planning and Licensing Committee Clerk
Loughton Town Council

Waltham Abbey Town Council (1)

Dear Simon,

Thank you for your e-mail dated 29th March, opened on the 3rd April.

It was requested at the Local Councils Liaison Committee, and our subsequent letter to Cllr Philip that a consultation be held with the local councils before firm proposals were formed. Unfortunately, as per your e-mail, proposals have now been put forward for this vital consultation. The period of time given for such a consultation is far too brief. In light of the Easter break, you have given us less than two weeks to formulate our response.

We are disappointed in the lack of consideration for the way Councils work, and we are concerned that because of the short time available to comment, you will not receive the responses you should do to these proposals.

In light of this, we request that you extend the time available for comments on this very important subject.

Kathryn

Mrs K Richmond BA(Hons) FSLCC CMC
Town Clerk
Waltham Abbey Town Council

Waltham Abbey Town Council (2)

Dear Simon

Thank you for your e-mail pertaining to the proposals for changes to the planning protocol in light of the potential increase in applications with the emergence of the new Local Plan.

We would reiterate that less than two weeks for a consultation with parish and town councils is not really sufficient time, especially with a bank holiday making up part of that time to have meaningful and agreed responses. It was also understood from the Local Councils Liaison meeting that consideration would be given to talking to the local councils before any firm proposals were made. It is a shame that this opportunity was not taken, to bring the local councils on-board to face these new problems together.

After consultation with senior members, the Town Council has serious concerns, therefore would like to make the following comments regarding the proposals:

Waltham Abbey Town Council appreciates that there will be an increase in applications over the next few years, and that there are quite tight timescales introduced by Government for the decision-making process. This does not mean, however, that local democracy should be pushed to the side-lines in the decision-making process. Democracy takes time and effort, but it is essential in today's society.

Because of these pressures, it is even more important that there is local input to these decisions. A desk-top exercise conducted by officers, who perhaps do not know the locale at all, may not come up with the right conclusion. It also means that junior officers, without any prior knowledge of the area, are making decisions that may well adversely affect the local residents. This may well lead to situations where consistency in decision-making could be an issue.

Waltham Abbey Town Council would request that consideration is given to delaying any decisions until a full consultation can be arranged. Local democracy should not be compromised for administrative convenience.

Please would you confirm that our response will be put before the Working Group for their attention.

Thank you

Kathryn

Mrs K Richmond BA(Hons) FSLCC CMC
Town Clerk
Waltham Abbey Town Council

Willingale Parish Council

Dear Simon,

Your E Mail dated 29th March addressed to our Clerk has been passed to me for comment as Chair of Willingale Parish Council.

Firstly let me say that at a time when there is increasing pressure from Central Government to deliver new housing, I can fully understand the desire to streamline and simplify some aspects of the Planning Application decision process. However, I do have serious reservations about some of the content in the "Replacement Planning Delegations" document.

Specifically I am very concerned with Section A3 which states ("Assistant Director Development Management to Determine all.....except the following.....") :

3. Applications recommended for approval where either of the following have been received:
 - a. At least 5 expressions of objections material to the planning merits of the proposal are received; or
 - b. An objection is received from a local council, **supported by at least one non-councillor resident**, with material planning reasons; or
 - c. An objection from a Local Council, material to the planning merits of the proposal is received and **confirming in writing their intention to attend and speak at the meeting** where the proposal will be considered.

This amendment seems to significantly "downplay" the input of Parish Councils, as a Statutory Consultees in the decision process, and seems to undermine the partnership working that should be the essence of Parish/District Council relationships. Parish Councillors are volunteers as you know, often with busy day jobs, and point C will add a layer of unnecessary paperwork, and time commitment which will only discourage PCs to fulfil their local duties.

Point B seems to go against the fundamental principle of having the Parish Council as representing local opinion, and having the intimate local knowledge that would be impossible for District based officers to maintain. The need to supplement the PC objection with written non-Councillor residential involvement seems destined to present further obstacles in the PC being able to fulfil its Statutory role.

Speaking for Willingale PC, we take our responsibilities very seriously and would always have fundamental reasons for raising an objection (as our track record will show) and it then rightly adds a proper level of further scrutiny for such applications to then be heard in Committee.

So rather than change this aspect of the delegations to make it easier for the LPA to dilute the PC's views, perhaps an alternative approach would be to invest in some training of Parish Councillors, perhaps targeting those Councils who might be judged to raise spurious or frivolous objections to planning applications.

Many thanks for providing the opportunity to give feedback.

Kind regards

David Stokes

Chair of Willingale Parish Council

Buckhurst Hill Parish Council

165 Queens Road,
Buckhurst Hill,
Essex, IG9 5AZ

Tel: 020 8498 9933

Email: office@buckhursthillpc.gov.uk

www.essexinfo.net/buckhurst-hill-parish-council



Simon Hill
Monitoring Officer, AD Governance
Epping Forest District Council
Civic Offices,
323 High Street,
Epping,
Essex CM16 4BZ

April 11th, 2018

Dear Simon,

We thank you for your email of March 29th regarding proposed changes to the Planning Protocols and affording us the opportunity of commenting on them.

We also appreciate the task at hand and the hard work of the District Council Constitution Working Group. However, in common with most local Parish and Town Councils, we do have some significant concerns and I have been asked to provide below the comments that Buckhurst Hill Parish Council would hope the Working Group will take cognisance of.

Para. 9(d) – Our view is that any “local plan sites” should be treated as any other development, whatever the size and especially those sites owned by EFDC.

Para. 9(e) – Our view is that EFDC should refer its own applications in the interests of openness and transparency.

Para. 9(f) – Our view is that there is scope for the threshold for the number of objections to be increased (householder and “other” applications aside) but the right to be referred to the relevant Area Plans Sub-Committee (APSC) should categorically be retained.

Para. 9(h) – Our view is that the Ward restriction should continue.

Para. 11 to 15 incl., - Our view is that “Householder” applications have a real effect on residents lives and consequently they must be given the opportunity of voicing their objections and receiving the proper scrutiny by Councillors.

Para. 17 to 22 incl., - We have no general comment on the number or composition of APSCs. Speaking for BHPC and other Parish and Town Councils alike, we endeavour only to put forward sensible objections to applications. Consequently, our view would be that if the workload is considered to be too great then the number of APSCs and timing of meetings needs to be amended as appropriate.

Para. 23 – Our view is that if the District Development Management Committee (DDMC) meetings suffer from lack of business, then it would be better to refer some types of application automatically to them for decision e.g. all schemes on Council land and larger development schemes. Further, in

the interests of openness and transparency, all District Councillor applications (and/or those of their spouse/partner) automatically be referred to DDMC. In a similar way, all applications from Parish or Town Councillors (and/or those of their spouse/partner) should automatically be referred to the relevant APSC.

Under the current Delegations (appendix 1), there appears to be no reference to any objection by a Town or Parish Council being referred automatically to the relevant APSC, although the Replacement Planning Delegations (3b) state "an objection is received from a local council, supported by at least one non-Councillor resident, ...". This would change our automatic "call-in" when recommending refusal of a planning application and, in our view, will be a retrograde step; adversely impacting on local views, representation and democracy.

We sincerely hope that you will take due consideration of our comments as well as those of other Parish and Town Councils and look forward to hearing from you in the near future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kevin O'Brien', written in a cursive style.

Kevin O'Brien, BSc(Econ)Hons
Clerk to the Parish Council

Cc: Cllr M McEwan

Responses from District Members:

Councillor H Brady

Dear Simon,

I wish to register my disapproval of plans to wholesale change the local planning system by vesting far greater power in officers than at present.

As I see the situation the new Local Plan will introduce vast amounts of new building into the District which makes it paramount to give each application as much time and thought as we do at present. To weaken Members' input could lead to poor planning decisions arrived at by officers who perhaps do not have such vested interests in the local environment. It is my experience in planning meetings that a large number of applications which are recommended for approval by Officers get refused by Members. If the applicants go to Appeal the Inspector often upholds the refusal. Likewise, applications recommended for refusal by Officers often are approved.

If this necessitates the employment of more planning officers then it will be "money well spent".

I accept that minor planning issues such as crossovers, shop facias and tree pruning etc. could and should be dealt with under Officer Powers.

The question of the size of the committees and the number of applications that each one deals with should be addressed. I think I agree with 24 b), c), and definitely d). ie, the district dev. committee could handle many more including all the large applications.

FINALLY AND MOST IMPORTANTLY I THINK THESE PROPOSED CHANGES TO THE LOCAL PLANNING SYSTEM SHOULD BE SENT OUT IN HARD COPY TO EACH COUNCILLOR FOR PROPER COGITATION AND PLENTY OF TIME GIVEN FOR DISCUSSION. I THINK DEMOCRATIC SERVICES SHOULD ARRANGE SOME MEETINGS TO THRASH THESE IDEAS OUT PROPERLY IN ORDER TO REFINE THE PLANNING PROCESS. PERHAPS PARISH AND TOWN COUNCILS COULD ALSO BE INVITED .
cLLR hEATHER bRADY(PASSINGFORD)

Councillor G Chambers

Dear Mr Hill,

I certainly agree that there needs to be some Changes to how we decide upon planning applications.

However I feel there have been no Chairman and Vice Chairman meeting and also the two weeks consultation period over Easter is not acceptable for us to make a decision at the next full Council meeting.

Something so important needs a more robust scrutiny .

Regards

Cllr Gavin Chambers
(Buckhurst hill west and current Chairman of Plan South)

Replacement Planning Delegations

My response to the proposals are as follows:

1. The time scale included in Simon Hill's email of the 29th March is unacceptable. The email arrived the day before the Easter holiday, 2 week school holiday and the District elections.
2. When this matter was raised at Plans east on 4th April it was clear that most members were unaware of the proposals. There was no time to discuss them and there will not be another planning meeting before 16th April.
3. It is completely unreasonable to expect councillors to vote on these proposals at full Council on the 24th.

Detailed objections and unresolved queries;

A search of the EFDC website under 'Planning Delegations CLD2' produced 9800 results!

Our residents value their right to be heard at planning meetings which are in public. The more decisions that are decided by unelected officers in private undermines the democratic rights of our residents. I am aware that most uncontroversial applications are decided by officers.

A (a) & (b)

1. Removal of the committees right to hear applications for 1 – 9 houses for unallocated sites and 1 – 24 houses on allocated sites recommended for approval by officers would not be acceptable.

3a,b,c

Who decides what is 'material to the planning merits' of an application?

Who decides what is 'material planning reasons' of an application?

If only 1 or 2 objections are received that have an substantial impact on adjoining properties this could unfairly mitigate against householders in rural areas of our district.

Page 2

It is the case that some objections take longer to be submitted than we would wish but to remove all flexibility in this matter is unreasonable.

Town & Parish councils arrange for their councillors to speak at planning meetings but there are times when this is not possible. If no councillor turns up at a planning meeting is it proposed that the committee cannot hear the application?

[Representations have already been made by Waltham Abbey and Ongar Town Councils regarding the loss of their statutory consultation rights if the unreasonably short consultation period is adhered to]

A (a) & (b) 4a

Who is to decide what constitutes a 'planning reason'? If officers then what response can elected councillors give to their residents if their 'call in' is rejected, again in private and by unelected officers?

B 3 (a)

At Plans East the committee has on a limited number of occasions asked for officers to take enforcement action. Does this mean that the planning committees would have no such rights?

Paul Keska

Vice chairman, Plans east

Councillor E Webster

I wish to respond to the above.

Firstly, the time scale given to respond is unacceptable we have had less than two weeks to reply. Under the circumstances a detailed response is impossible.

I appreciate that there will be an increase in planning applications over the next few years, and the time is right to review the current arrangements for delegated powers to the Officers, however, because of the importance of this step I feel strongly that the matter requires an in depth scrutiny, so we make the right decisions.

After reading the current proposals set out in the Constitution Panel agenda, I consider that there are still further points to be discussed and decided upon.

Bearing my comments in mind I feel it would be premature to take this to next full Council on the 24th April.

Cllr Liz Webster.

Vice Chairman Plans West.



LAMBOURNE PARISH COUNCIL

www.lambourneparishcouncil.org

Serving the Communities of Abridge & Lambourne End

12th April 2018

Simon Hill
Monitoring Officer,
AD Governance
Epping Forest District Council
Civic Offices
323 High Street
Epping, Essex, CM16 4BZ

Dear Mr Hill

I am writing to you with reference to your email on 29th March regards the changes to the Planning Protocol. A Meeting was held to discuss this matter last night, 11th April.

Councillors read through the document that had been sent to them, along with referring to the attached comments made by Buckhurst Hill Parish Council.

1. Councillors AGREED on all points raised by Buckhurst Hill Parish Council. They would like to ask that these comments be considered as also Comments from Lambourne Parish Council.
2. Councils feel very strongly that if a local Council objects to a planning application this should be sent through to full committee irrespective of any other objections. If this is taken away from local Councils it will damage local democracy and the role of the local Council.

A hard copy of this letter has been sent to you as of 12th April 2018.

Yours sincerely

Tony Carter, Clerk
Lambourne Parish Council

Moreton, Bobbingworth & the Lavers Parish Council

Clerk : Mrs Adriana Jones, Ware Farm, The Street, High Roding, Essex CM6 1NT
Tel: 077 377 36365 email: mbldparishcouncil@gmail.com

15th April 2018

Mr S Hill
Monitoring Officer, AD Governance
Epping Forest District Council
Civic Offices
323 High Street
Epping, Essex
CM16 4BZ

Dear Simon

Work of the EFDC Constitution Panel - Officer delegations within planning Opportunity to comment

I am writing with reference to the above stated opportunity to comment on proposed changes to how planning is dealt with at the District Council.

It is important to note that Moreton, Bobbingworth and the Lavers Parish Council recognises the significant pressure in terms of resources at the District Council, and that due to changes in the planning system this pressure is necessitating changes in how planning is dealt with by the LPA. However, it is important to ensure that any changes that are made do not undermine, nor ignore, the important role Parish and Town Councils can bring to the decision-making process by way of local knowledge and information that may be relevant.

The points the Parish Council wishes to raise are as follows:

1. The Parish Council agrees that any responses to planning applications should be based on material planning matters, which should be clearly set out within their submitted comments.
2. In a bid to assist Parish and Town Councils with doing so, it would be helpful if the District Council could offer further training or guidance to this effect.
3. With regard to planning applications, where they are recommended for approval by the planning officer, only going to Committee for consideration if one of the following occurs, the Parish Council makes the following comments:
 - *At least 5 expressions of objections material to the planning merits of the proposal are received – In rural areas, it is often the case that perhaps only one or two neighbours are sited next to, or in the vicinity of, a particular planning application. This ruling setting a minimum number of 5 objections would effectively exclude what could be valid planning objections in these cases. The Parish Council believes that no minimum number should be set in these cases, but that a decision as to how to progress is made on the planning merits of the responses received.*

- *An objection is received from a local council, supported by at least one non-councillor resident, with material planning reasons – Agree.*
 - *An objection from a Local Council, material to the planning merits of the proposal is received and confirming in writing their intention to attend and speak at the meeting where the proposal will be considered - Agree*
4. With regard to the Assistant Director Development Management / Head of Service Planning having the power to determine the matters set out below, unless he/she considers it appropriate to be determined by members, the Parish Council makes the following comments:
- Tree Preservation Order consent other than where felling is proposed - **agree**
 - All notification applications - **agree**
 - All prior approval applications - **agree**
 - All certificates of lawful use and development- **There are times when the Parish Council or local residents are able to provide additional evidence to applications purporting to prove a continued use of over 4 or 10 years. The Parish Council believes that all 'existing use' CLD applications should come to the Parish Council for comment.**
 - All applications for non-material amendments to applications – **The Parish Council feels that some non-material amendments can in fact be very material and make a significant difference to an application. These applications should also come to the Parish Council for comment.**
 - All applications for approval of details reserved by condition - **agree**
 - All applications for Permission in Principle for Minor Housing Led Development and for Technical Details Consent. **The Parish Council feels that simply because these sites are on a brownfield site, development in the green belt still needs a level of scrutiny more than applications for sites within urban or semi-urban areas. As such, Permission in Principle and Technical Details Consent should come to the Parish Council for comment.**
5. With regard to all the applications included in bullet point 4, it is unclear from the documentation submitted as to whether or not Parish and Town Councils will be notified of these applications, albeit possibly being unable to comment on some of them. Failure to do so can result in a greater workload for EFDC Enforcement with queries being raised by local residents or the Parish Council and subsequently needing to be investigated. It is suggested Parish and Town Councils continue to be notified of all applications regardless of whether or not they can comment, in accordance with the relevant legislation that supports this.
6. It is proposed that whatever changes are agreed, it is for a temporary period of 12 months, after which time it should be reviewed again to:
- a. Establish if the changes have in fact done what they were intended to do, i.e. reduce officer and District Councillor time;
 - b. Establish if, as a result of these changes, the democratic system is being undermined; and
 - c. Allow Parish and Town Councils to provide comments or evidence as part of this review, all of which should be given due consideration as part of the review itself.

If you have questions, please don't hesitate to contact me.

Yours sincerely



Adriana Jones
Clerk

cc. Moreton, Bobbingworth and the Lavers Parish Councillors
Cllr Ian Hadley



**Unit 6, Harold's Park Farm
Bumbles Green
Nazeing
Essex EN9 2SF**

Telephone: 01992 893012

Email address: nazeingpc@btconnect.com

13 April 2013

Simon Hill
Monitoring Officer, AD Governance
Epping Forest District Council
Civic Offices
323 High Street
Epping
Essex CM16 4BZ

Sent via email shill@eppingforestdc.gov.uk

Dear Simon,

Re: Work of the EFDC Constitution Panel - Officer delegations within planning - opportunity to comment

Following consideration of your request at a Parish Council meeting, that Council have asked that I advise you that insufficient time has been allowed to review the proposals. Accordingly, the Council is not able to comment on the proposals at the present time.

The Council requests that an extension to the deadline is agreed.

The Council also requests that the Councillors are offered a training session in relation to the proposals.

Yours sincerely,

Lorraine Ellis
Mrs Lorraine Ellis
Clerk to Nazeing Parish Council



NORTH WEALD BASSETT

PARISH COUNCIL

Jim Davis Room, Parish Office, North Weald Library, 138 High Road, North Weald, CM16

Tel: 01992 523825

Fax: 01992 524756

Email: clerk@northweald-

pc.gov.uk

www.northweald-pc.gov.uk

12th April 2018

Clerk to the Council
Susan De Luca

Simon Hill
Monitoring Officer - AD Governance
Epping Forest District Council
Civic Offices
High Street
Epping
Essex
BY EMAIL

Dear Simon

Thank you for giving the Parish Council the opportunity to comment on this consultation.

These are the views of the North Weald Bassett Parish Council Planning Committee

- That Area Planning Committees should be retained
- PARAGRAPH 5. Members of this Council believe that the Objective is to have a Robust Local Democracy. The statement seems to show a 'Power Grab'
- PARAGRAPH 10 A further definitive breakdown of the figures that have been given as examples in the statistics are necessary, especially as this shows that 14 out of 109 approved equates to 13%. We would like to see this broken down further, such as what percentage a those recommended for approval to Area Plans are overturned by Councillors then overturned on Appeal by an Inspector.
- Members of the Planning Committee feel that Application Forms should be used, together with photos, and the drones that District Council purchased a little while ago as the first step in ensuring that the submitted applications are correct at the first stage in the application process.
- Concern at how District Council are going to determine who they contact and how they determine who the relevant neighbours are in the Neighbour Notification System. Sometimes the present system of just two or three close Neighbours is insufficient. Who will determine this?
- Local Information and Local Knowledge is the 'Key' in Planning. We should not by – pass residents or local elected Parish councillors who have this vital information.
- Is District Council concerned that the Parish Council may give contradictory information and voice their concerns to those people who pay for pre planning advice from the District Council and which could cause embarrassment. Especially if Parish Councils have knowledgeable staff well voiced in Planning Matters.

- Area Plans Meetings at District Councils, have always been part of the Constitution, it has been where the voice of the Community can be heard and as part of the Planning Process they should remain.
- North Weald Bassett Parish Council have embraced electronic Plans as real progress and discuss Plans at considerable length. We fully understand and appreciate District Council Officers concerns regarding the length of time it takes to write up Reports for the Area Plans Committee, however please do not underestimate the time it takes with the Electronic Planning System for Parish Councils, where each Householder plan can take, between 30 minutes and 2 hours for its presentation to be drawn up for Members and its presentation to a Planning Committee, dependent on its size, content and complexity.
- We have always advised that we wish to be notified of all planning applications in our parish and will continue to do so. Which statute in law states what comments from the parish Council, District Council will consider.

We ask that you present these comments to your committee, and that you also consider the observations put forward by the other Town and Parish Councils, in the short time that was made available to them for comments,

Yours sincerely

Susan De Luca PSLCC

Clerk to North Weald Bassett Parish Council

ONPCG

Ongar Neighbourhood Plan Community Group

Cllr Lawrence Mendoza
Chairman of PEPROS Committee of OTC
By email only

Cc Cllr Derek Birch

15th April 2018

Dear Lawrence

Thank you for asking for our comments relating to EFDC's proposed Replacement Planning Delegation. Please find our comments below as we consider they could relate to Neighbourhood Planning and the Localism Act. We also note that:

- Planning policies have been somewhat relaxed over the last few years, including with increased 'Permitted Development' opportunities
- Planning procedures tend to favour the Applicant. Therefore, it is important for Democracy to have a robust system enabling Objectors to raise genuine Material Planning Concerns. It is also useful for the LPA to be aware when local opinion is against a development and why (even if it is not a material planning concern) [Unfortunately, many applicants or developers will fudge over issues of concern or are economical with the truth. Hard-pressed Planning Officers do not have time to check that all supporting 'evidence' is accurate in an Applicants submission.]
- We are as yet unclear about how EFDC is going to ensure that the different Neighbourhood Development Plans and their different policies are properly applied to applications, especially if there is more 'Delegated Power' to EFDC Planners and less involvement of the Local Councils in normal planning matters.
- What are the safeguards to ensure that Neighbourhood Development Plan Policies will be applied and enforced? The Local Councils need to have that input as Consultee and have the opportunity to state their viewpoint to District Planning Committee when their views differ with the Planning Officers, particularly as so many planning policies can be subjective.

For the above reasons, we would hope that the document is amended as follows:

- 3a. The number of objections should remain at 2 because:
 - Frequently, especially in rural areas, the numbers of letters sent out to neighbours does not even total 5!
 - Site notices are not always in appropriate places

ONPCG working with Ongar Town Council to produce a Neighbourhood Plan for Ongar

Ongar Neighbourhood Plan Community Group
The Coach House, Church Lane, Greensted, CM5 9LD
Email: Ongarfutureplans@gmail.com

3b. Agreed, the Objection must contain 'material' planning reasons if the application is to go to EFDC Planning Subcommittee, including relating to relevant Neighbourhood Development Plans and emerging Neighbourhood development Plans. But, there should be no need for additional residents to write in because:

- A Local Council is acting as a Representative of the local Community.
 - The Local Council itself consists of a number of local residents.
 - A Local Council Objection is in effect a joint Objection voted on by at least the Quorum of the Committee/Council.
 - Local residents are likely to have made their concerns known to Councillors/Local Council, but should not need to put in an individual Objection as well.
- The Local Council's speciality is its locality. This will become more relevant in areas where there are Neighbourhood Development Plans and Policies or emerging Neighbourhood Plans.
 - Although Neighbourhood Policies are locality specific, planning approval is still by the LPA i.e. EFDC
 - The Local Councils will inevitably be monitoring applications to ensure that the Neighbourhood Policies are also applied and need an effective voice where they are not, or if there is doubt.
 - What other means will there be to raise material planning concerns relating to a Neighbourhood Plan policies?

3b Although it may be considered desirable for the Local Council to speak at District relating to an Objection, this should not be a condition. Other Statutory Consultees are not being asked to do so! [In fact NO other Statutory Consultees are mentioned in this document, such as Historic England, Environment Agency, Natural England, Sport England so presumably their conditions will be unaffected]

5. This should be extended to include Refusal at Appeal, since the delay in going to appeal and getting the Inspector' decision could exceed the 12 months

We trust that you will find this useful in compiling your response to Cllr Philip at EFDC and also when briefing District Councillors Keska and Bedford in support of Ongar Town Council's position.

Kind regards

Mary

Mary Dadd

Chairman of Ongar Neighbourhood Plan Community Group

Tel No. 01277365044 or 07717313515

Email : maryedadd@gmail.com or ongarfutureplans@gmail.com

ONPCG working with Ongar Town Council to produce a
Neighbourhood Plan for Ongar

Ongar Neighbourhood Plan Community Group
The Coach House, Church Lane, Greensted, CM5 9LD
Email: Ongarfutureplans@gmail.com

ROYDON PARISH COUNCIL

P O Box 10752
Bishops Stortford
Herts, CM23 9GN

15th April 2018

Mr S Hill
Monitoring Officer, AD Governance
Epping Forest District Council
Civic Offices
High Street
Epping
Essex
CM16 4BZ

Dear Mr Hill

Proposed Planning Protocol Changes

Thank you for your letter of 29th March.

The Parish Council acknowledges that EFDC's planning department will have an increased workload as a result of the new Local Plan proposals and is looking at how the current system can be improved but it is important that the planning process remains a democratic and transparent one.

Replacement Planning Delegations

A1 - The suggestion that only developments of 10 or more dwellings on unallocated sites (or 25 on allocated sites) should be referred to a planning committee is concerning particularly in rural areas. In village/hamlet areas these would be considered as major developments and Roydon PC would like to see this threshold set at a much lower level. At the very least a Parish Council objection, on its own, should be sufficient to take such an application to committee.

A3 b. This proposal seems to be aimed at reducing the number of objections made by Parish Councils which seems a retrograde and undemocratic step and the Parish Council strongly objects to this. Parish Councils should have genuine reasons for objecting to a planning application and if this is not happening then there should be more dialogue between District and Parish to ensure that this is the case. Roydon PC is also keenly aware of planning applications (as should district) which members of the public may not have been willing to object to so, in these incidences, the Parish Council has effectively

acted as a community voice. There are also occasions where residents have not seen, for various reasons, planning notices so in these cases residents' objections are less likely. Additionally whilst a parish council should be prepared to attend planning committee meetings for any 'sole' objections it makes, this should not be mandatory, as this would increase its own workload.

Commenting on any possible amendments to the EFDC Committee system, Roydon PC would want to ensure that the local ward councillors continue to be members of their area's committee and that the committees themselves are local and relevant to the areas they cover.

The Report to Constitution Working Group report dated 25/01/18 also gives examples of issues relating to Local Plan implementation (although this is not mentioned in the protocol changes now under discussion). Over 2,000 homes are likely to be built in Roydon Parish adjacent to Harlow as part of the Local Plan. Roydon PC would like to be consulted on planning for these areas far earlier in the process than would usually be the case. Local Plan policy states 'community and stakeholder engagement that will be embedded in the design and delivery' (of these areas). Roydon PC would like to be kept updated as plans move forward and for engagement to take place as soon as is practically possible.

We look forward to your further comments.

Yours sincerely

Janet Ballard
Clerk to Roydon Parish Council

Tel - 01279 730475
Email – roydon.council@btinternet.com

STANFORD RIVERS

PARISH COUNCIL

Ware Farm, The Street, High Roding, Essex, CM6 1NT

Tel: 077 377 36365

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Clerk to the Council
Adriana Jones

Mr S Hill
Monitoring Officer, AD Governance
Epping Forest District Council
Civic Offices
323 High Street
Epping, Essex
CM16 4BZ

16th April 2018

Dear Simon

Work of the EFDC Constitution Panel - Officer delegations within planning Opportunity to comment

I am writing with reference to the above stated opportunity to comment on proposed changes to how planning is dealt with at the District Council.

The points the Parish Council wishes to raise are as follows:

1. The Parish Council agrees that any responses to planning applications should be based on material planning matters, which should be clearly set out within their submitted comments.
 2. In a bid to assist Parish and Town Councils with doing so, it would be helpful if the District Council could offer further training or guidance to this effect.
 3. With regard to planning applications, where they are recommended for approval by the planning officer, only going to Committee for consideration if one of the following occurs, the Parish Council makes the following comments:
 - *At least 5 expressions of objections material to the planning merits of the proposal are received – In rural areas, it is often the case that perhaps only one or two neighbours are sited next to, or in the vicinity of, a particular planning application. This ruling setting a minimum number of 5 objections would effectively exclude what could be valid planning objections in these cases. The Parish Council believes that no minimum number should be set in these cases, but that a decision as to how to progress is made on the planning merits of the responses received.*
 - *An objection is received from a local council, supported by at least one non-councillor resident, with material planning reasons – Agree.*
 - *An objection from a Local Council, material to the planning merits of the proposal is received and confirming in writing their intention to attend and speak at the meeting where the proposal will be considered - Agree*
 4. With regard to the Assistant Director Development Management / Head of Service Planning having the power to determine the matters set out below, unless he/she considers it appropriate to be determined by members, the Parish Council makes the following comments:
 - Tree Preservation Order consent other than where felling is proposed - **agree**
 - All notification applications - **agree**
 - All prior approval applications - **agree**
 - All certificates of lawful use and development- **There are times when the Parish Council or local residents are able to provide additional evidence to applications purporting to prove a continued use of over 4 or 10 years. The Parish Council believes that all 'existing use' CLD applications should come to the Parish Council for comment.**
-

- All applications for non-material amendments to applications – **The Parish Council feels that some non-material amendments can in fact be very material and make a significant difference to an application. These applications should also come to the Parish Council for comment.**
 - All applications for approval of details reserved by condition - **agree**
 - All applications for Permission in Principle for Minor Housing Led Development and for Technical Details Consent. **The Parish Council feels that simply because these sites are on a brownfield site, development in the green belt still needs a level of scrutiny more than applications for sites within urban or semi-urban areas. As such, Permission in Principle and Technical Details Consent should come to the Parish Council for comment.**
5. With regard to all the applications included in bullet point 4, it is unclear from the documentation submitted as to whether or not Parish and Town Councils will be notified of these applications, albeit possibly being unable to comment on some of them. Failure to do so can result in a greater workload for EFDC Enforcement with queries being raised by local residents or the Parish Council and subsequently needing to be investigated. It is suggested Parish and Town Councils continue to be notified of all applications regardless of whether or not they can comment, in accordance with the relevant legislation that supports this.
6. It is proposed that whatever changes are agreed, it is for a temporary period of 12 months, after which time it should be reviewed again to:
- a. Establish if the changes have in fact done what they were intended to do, i.e. reduce officer and District Councillor time;
 - b. Establish if, as a result of these changes, the democratic system is being undermined; and
 - c. Allow Parish and Town Councils to provide comments or evidence as part of this review, all of which should be given due consideration as part of the review itself.

If you have questions, please don't hesitate to contact me.

Yours sincerely



Adriana Jones
Clerk



Theydon Bois Parish Council

To: Simon Hill, Monitoring Officer, Assistant Director, Governance, Epping Forest District Council

From: The Planning Committee, Theydon Bois Parish Council

Date: 12th April 2018

Dear Mr Hill,

Thank you for your email of 29th March 2018, inviting our Parish Council to respond to the brief consultation on EFDC's Planning Process Review – Delegation: Objections and Committee Systems, and the revisions to the proposed wording of the Constitution.

Whilst we appreciate that it is likely that EFDC will require further resources, and the employment of additional personnel, to handle the many aspects of development envisaged over the next 15 year period, we do not share the view that the effectiveness of the planning process will be directly related to an increase in the determination of more applications under delegated powers.

The successful delivery of new housing, and community facilities, in our view, will rely on more active community engagement, and public confidence in the process itself. The level of scrutiny afforded by the District Sub-Committees, whose meetings are held in the public domain, and the opportunity for interested parties, and applicants, to have their case heard before locally-elected councillors is an essential part of the democratic process, the value of which cannot be underestimated. The 'localism' agenda, so popular at election time, is still held in high regard by many a resident long after a manifesto has been forgotten !

That said, we understand the intention to manage the workload of the respective Sub-Committees, by considering whether more applications could be determined under 'delegated powers', and also to consider whether the Planning Sub-Committees could be reduced to just one or two committees.

However, we would like to express significant concern at some of the proposed changes presently put forward, and so welcome the opportunity to comment further on these, when the issue is discussed by the 'Constitution Working Group' on Monday 16th April. We would not wish to see any changes that could undermine our role, or the public perception of transparency in the decision-making process.

As locally-elected representatives, our Parish Council Planning Committee generally meets to view planning applications every two weeks. It is a responsibility that our Councillors undertake with the knowledge that, on some occasions, there may be a reasonably full schedule. But it is a task that many of us fully appreciate, in terms of its importance to both the individuals who could be most directly affected, and to the character of the settlement as a whole.

The grounds given for any objection (if applicable) are always subject to discussion and democratic vote, and are based on considerations deemed to be material to the proposal and accordant with policy, both with respect to the Local Plan policies and those, more broadly, set out within the NPPF.

If further explanation is required, we will always send a Councillor to speak at the District Committee meeting. The only occasions on which this may not occur are when either (a) further amendments have been made to the proposal after the consultation period but which are not re-consulted upon (and if these represent a material improvement), or (b) when the Officer's Report includes further Conditions which may help to address the concerns raised.

At the time when a Return is submitted, we are not able to predict whether 'an objection' will result in a recommendation to approve, rather than a refusal. In many cases, we perceive that a 'way forward', by way of further revision, may be available to bring forth a more positive development.

We, therefore, believe that the attendance of a local council at the Planning Sub-Committee meeting is not always necessary but, should District Councillors be concerned by the lack of attendance from some local councils, then this issue may perhaps best be advanced by other more positive means of communication and discussion, rather than by an amendment to the Constitution.

However, we are also fully supportive of the District Committee process and are mindful that, on quite a number of occasions, in Theydon Bois, a refusal by a Sub-Committee has later been ratified by a dismissal of appeal. Such applications, if allowed under delegated powers, could have had a significantly detrimental impact on both the character of the village, and/or on the amenity of adjacent neighbours. Separately, interpretation of Green Belt policy has not always been consistent at officer level, and sometimes at variance with that followed by Planning Inspectors, leading to the view that further guidance on these aspects should be included either within the new Local Plan, or within Supplementary Planning Documents.

We would clearly like to see a greater number of applications approved without the need for objection, and would welcome initiatives that seek greater involvement with the local councils, and their communities, at an earlier stage in the design process (and not solely on 'allocated sites' and those attracting masterplans). It is not, however, the process of 'delegation' that is fundamental to this, but the promotion of good community relations and an understanding of what each settlement holds most dear. We never plan to object !

Finally, whilst the Planning Committee structure has yet to be formulated, we would not wish to see the amalgamation of the Sub-Committees and, if anything, the original discussions of 1999 (that proposed four Sub-Committees) could be considered further, so ensuring that each Ward Councillor is permitted to sit on a Planning Committee, irrespective of any political affiliation (or, indeed, none). Residents wish to see decisions 'made locally', and not by those they perceive may know little of the character of the locality within which development is proposed.

We hope you will take our views on the proposed changes to the Constitution into account during the deliberations. Where we feel we cannot, currently, concur with the suggested wording, we have endeavoured to explain our reasoning, which we hope is helpful.

Thank you for your time and consideration, which is much appreciated.

Caroline Carroll

Clerk to the Council, Theydon Bois Parish Council

Replacement Planning Delegations – CLD2 Replacement

A. To determine:

... except the following which shall be determined by the Committee or Sub-Committee indicated in Article 10 to the Constitution:

1. *Applications for residential developments consisting of 10 or more dwellings on unallocated sites, or 25 or more dwellings on allocated sites (unless approval of reserved matters only) which are recommended for approval;*

Objection: TBPC is of the view that the number of residential developments should not vary depending on whether, or not, a site is 'allocated' in the New Local Plan. Not all sites will be subject to 'masterplans' and some of the smaller sites (ie. 10 plus) are proposed within sensitive localities, where an increase of 24 new dwellings could have a significant impact on local character. Additional sites may come forward within the 15 year period, or be required to meet further Government housing targets, which may not fall within the current definition of an 'allocated site'. A consistent approach should be taken with respect to all new developments: a figure of '10 or more dwellings' would seem appropriate.

2. *Applications made by the Council on land and/or property in its ownership which are for disposal, in accordance with the size or application set out in Article 10 of the Constitution.*

3. *Applications recommended for approval where either of the following have been received:*

- a) *At least 5 expressions of objections material to the planning merits of the proposal are received; or*

Objection: TBPC is of the view that, whilst it may aid consistency to agree one number for all applications, the proposed figure is too high. Many 'householder' applications are not made known to local residents, except to those in properties immediately adjacent to the site, and, in more rural Green Belt locations, there may be considerably fewer nearby residents. However, extensions to existing properties can be substantial, as can proposed outbuildings and, either individually, or accumulatively, can have a significant effect on the character of the dwelling, its immediate neighbours, or the locality. We, therefore, believe the number of 'expressions of objections' should be '3'.

The potential for the participation by interested parties is fundamental to public confidence in the planning process and in the Local Authority. Irrespective of the views of the Local Council (Town/Parish), who may not always object to a proposal, residents should feel confident that they may be afforded the opportunity to speak at Committee level, where material considerations can be put before their locally-elected District Councillors for deliberation.

- b) *An objection is received from a Local Council, supported by at least one non-councillor resident, with material planning reasons; or*

Objection: TBPC is of the view that this provision should be deleted, as there will be some occasions when no 'interested party' may respond to the consultation on an application. This can occur where a developer owns the adjacent property/properties or

where residents are elderly, in ill health, working abroad, are tenants, or have concerns over future 'neighbour relations' if an objection is raised. The Town/Parish Council will take an objective view on all applications and, if material considerations result in an objection to a proposal, the decision to do so will be made by majority vote of the Planning Committee who are, themselves, locally-elected representatives. Acting in this capacity, there should be no further requirement for other 'interested parties' to have to raise objection.

- c) *An objection from a Local Council, material to the planning merits of the proposal is received and confirming in writing their intention to attend and speak at the meeting where the proposal will be considered.*

Objection: TBPC is of the view that the remit of the Constitution is to set out the process with respect to the material considerations that will be taken into account by the Sub Committee of the District Council, not to restrict that process by virtue of whether, or not, further representation is required, in person, when that Committee convenes. Since this requirement would also need to be made with respect to both interested parties and applicants/agents, we believe this is likely to prove impracticable.

Where concerns have been raised by Members with respect to the lack of participation at Sub-Committee by local councils, this would be better addressed by others means, and not via the Constitution. We recommend removing the words "*and confirming in writing their intention to attend and speak at the meeting where the proposal will be considered*".

4. *Applications which a member has requested be referred to Committee for consideration subject to that member:*

- a) *Providing a planning reason for the request; and*
b) *The request is made in writing within 4 weeks of that application's notification in the Weekly List.*

TBPC is of the view that the previous provisions should apply. Call-ins should be by the Ward Member, or by another acting with their consent, who also sits on the same Sub-Committee.

5. *Applications made, within 12 months of refusal of a similar development, where a recommendation for approval contradicts a previous decision of the Committee.*

Objection: TBPC is of the view that the timescale should be **24 months**, to avoid the possibility of a similar development being re-submitted within a short time-frame. Should a District Committee refuse an application, it is reasonable that either a 'way forward' should be followed, a revised proposal be submitted, or an appeal lodged. The authority of the District Committee would be diminished if its decisions were not respected, and expected to endure within a reasonable time-scale, particularly where other approaches may provide a remedy.

District Councillors

Councillor A Grigg

Simon

Thank you for emailing me with the information in order that I can comment. I recollect that it is some time since we have had a review and therefore accept that this should be undertaken but I have found the timescale extremely tight as other members have also advised you.

Committees should be able to hear applications for 1 - 9 houses for unallocated sites and 1 - 24 on allocated sites

3a My view is that At least Receipt of 3 expressions of objections etc. not 5

b An Objection from a Local Council (this should be sufficient - residents often go to Parish Council Meetings regarding their objections as they do not want to publicly write and object and be subjected to possible intimidation.

c This may well increase the length of meetings if every Parish Council who objected attended the meetings and spoke for 3 minutes. Parish Councils often consider their views are adequately conveyed in their letter of objection.

4. b I consider this timescale is too tight. Neighbours are not always aware of the proposals within 4 weeks of the notification in the weekly list.

My view is that this matter requires further consideration and should not be taken to full Council on 24th April.

regards

Cllr Anne Grigg

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Appendix 3

Delegation Item	Respondee and comments
<p>Officer decision part A.</p> <p>Item A(1)</p> <p>Item A(2)</p> <p>Item A(3)(a)</p> <p>Item A(3)(b)</p> <p>Item A(3)(b)</p> <p>Items A(4) – (6)</p> <p>Items B (d)</p> <p>Item B (g)</p>	<p>Councillor Brady:</p> <p>Taking power away from Parish Council's – Not evolutionary.</p> <p>Agrees that [not agreeing] the proposals will necessitate more meeting and more time spent in meetings but this is what members are elected for. Planning most concern to residents, duty to deal with planning, prepared to give more time to it.</p> <p>Devolving power to officers could result in countryside and villages being eroded with inappropriate developments.</p> <p>Full planning applications, householder applications, outline applications and variation of condition applications (A (a), (b), (c) and (i)) should come before members, they are member decisions.</p> <p>Advert consents, listed building consents, conservation area demolitions, hazardous substance, TPO consents – Happy for officers to authorise.</p> <p><u>All</u> new house applications should come before members as they know their areas.</p> <p>Agrees with proposals</p> <p>Agrees with proposals</p> <p>Parish Council should still be the proper body to object or support a planning application as long as it is with a material planning reason. That is why Parish Council's exist. Support from a resident won't work in rural areas since no-one else is aware of the planning applications as they come in.</p> <p>Parish Council good people but won't come to speak at the meetings, too old, cannot drive, too shy – you should not remove their democratic rights.</p> <p>Agrees with proposals</p> <p>Believes that members should determine certificates of lawful use and development</p> <p>Believes that members should determine applications for permission in principle</p>
<p>Training.</p>	<p>Councillor Stalker:</p> <p>I believe that the bar needs to be raised in terms of the quality and relevance of objections from Parish/Town councils and I have a few thoughts on how we could do it.</p> <p>I believe that in order for an objection to be considered, at least one of the members concerned, or the Clerk should have received appropriate planning training. I would prefer the Clerk because they are the ones most likely to be at every meeting and when trained, would be in a position to advise the Parish/ Town Council on what is/ isn't a relevant objection. I'm thinking of it in the way that the Clerk of a criminal court advises lay magistrates upon points of law.</p>

	<p>Councillor Webster:</p> <p>I have two main concerns;</p> <p>The first is that I feel that there should be more clarification on material planning merits and material planning reasons, in particular who decides them, and how this is achieved. It would appear that the Head of Planning will be responsible for this. Under these circumstances I consider that all members at EFDC plus the Town and Parish Councils should be given a comprehensive list of the planning merit/material planning reasons. This would assist everybody involved to better understand the new arrangements.</p> <p>Secondly, I would like to think that this would enable Officers to carry out their responsibilities in consistent manner. (Not an easy task to complete, but I feel it would give further clarity for future applications) At the present time I am unsure how many members are aware of these guide lines, albeit they are tucked away in the Constitution.</p> <p>Turning to paragraph 3</p> <p>After attending the recent meeting this week I have a better understanding of the proposals.</p> <p>I can only speak as a member of WATC. That said, I have assurances that they take their statutory duty very seriously, and would refer you to Kathryn Richmond's letter where she covers this particular point in detail (para 5). I would add that it may be difficult for members to attend a plans west meeting.</p> <p>Finally, when would the Town Council be notified about your decision to either delegate the decision or otherwise? I mention this because applications come up at different meetings and arrangements would have to be put in place for a member to attend.</p>
Enforcement	<p>Councillor Heap:</p> <p>1) The Subcommittees should have the stated ability to request officers to consider enforcement action on a site where members have refused a retrospective planning application; and</p> <p>(2) That the area subcommittee have the power to require a report to them from officers in those cases where no further action is subsequently proposed, such a report to give option to take enforcement action (i.e. the power for the subcommittee to authorise action); and</p> <p>(3) That any such report be made within 2 months after the elapsing of the timescale within which a retrospective application can be appealed <i>and that the committee is informed if an appeal has been launched after the 6 week deadline.</i></p>

<p>Enforcement of Refused Retrospective Applications</p>	<p>Councillor S Neville:</p> <p>In relation to retrospective applications.</p> <p>If the subcommittee rejects an application, the officers must take note and report back to the committee after the 6 week period allowed for appeals. This is to inform the committee if there has been an appeal.</p> <p>If no appeal, then outline the compliance approach.</p> <p>If compliance has been achieved - report that to the committee</p> <p>If compliance has not been achieved after an agreed period - max 8 weeks the officers must report back to the committee again, with a proper statement about the whys and wherefores and ask what the committee desires to happen.</p> <p>If the committee decides enforcement should happen then this should be accepted as the final decision by the council.</p>
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Buckhurst Hill Parish Council

165 Queens Road,
Buckhurst Hill,
Essex, IG9 5AZ

Tel: 020 8498 9933

Email: office@buckhursthillpc.gov.uk

www.essexinfo.net/buckhurst-hill-parish-council



Simon Hill
Monitoring Officer, AD Governance
Epping Forest District Council
Civic Offices
323 High Street
Epping
Essex CM16 4BZ

May 31st, 2018

Dear Simon,

Thank you for your email of May 2nd and the further opportunity to provide comments on the New Replacement Planning Delegations proposals.

The Buckhurst Hill Parish Council has reviewed the proposals again, taking into consideration the changes that have already been made. As a consequence and in addition to the comments already forwarded to you, we have the following comments:-

Under "Replacement Planning Delegations":-

Para. 1 – Happy to see "on unallocated sites or 25 or more dwellings on allocated sites" deleted.

Para. 2 – Delete the words "which are for disposal" i.e. all EFDC owned sites should be excluded from delegated decisions.

Para 5. – Would prefer to have inserted "or elected Town or Parish Councillors (and/or their spouse/partners).

We sincerely hope that you will take due consideration of our comments, as well as those of other Parish and Town Councils and look forward to hearing from you in the near future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kevin O'Brien', written over a white rectangular area.

Kevin O'Brien, BSc(Econ)Hons
Clerk to the Parish Council.

From: Beverley Rumsey <brumsey@eppingtowncouncil.gov.uk>
Sent: 06 June 2018 09:12
To: Vivienne Messenger

Subject: Re: 2nd new Replacement Planning Delegations - Constitution Working Group

Epping Town Council have no additional comments to make at this stage.
We made comments after the first consultation.

Kind regards

Beverley

Beverley Rumsey
Town Clerk
Epping Town Council

From: Epping Upland Parish Council [mailto:eupc@bruindell.co.uk]
Sent: 11 June 2018 17:00
To: Simon Hill
Cc: Vivienne Messenger
Subject: Re: 2nd new Replacement Planning Delegations - Constitution Working Group

Dear Simon

Sincere apologies for the delay in responding. EUPC Councillors had no additional comments to those made previously but would be grateful for a response to the concerns and issues they raised.

Best regards

Val Evans

Mrs Val Evans – Parish Clerk – Epping Upland Parish Council

(Generally available Mondays 2-4pm, at other times a message can be left as below)

01992 570870 eupc@bruindell.co.uk www.essexinfo.net/epping-upland-parish-council

From: Derek Farr
Sent: 01 June 2018 11:21
To: Simon Hill
Subject: Re: EFDC Planning Delegations - Consultations feedback

Dear Simon,

Thank you for the copy of the revised proposals on the operation of delegated powers.

My members were able to consider the revised document at their recent meeting earlier in May.

We appreciate that a number of Councils have and perhaps will raise a number of issues and concerns with the proposals. However, I can advise you that members at Fyfield Parish Council have no comments or queries with the revised document.

Thank you for the opportunity to comment.

Regards

Derek Farr
Clerk to Fyfield Parish Council

Dear Simon

With regards to the above.

Lambourne Parish Council has read through and NOTED the changes made after the initial feedback.

The Council feels that it should still have the option to send a planning application to the committee as they can now without having to rely on other people objecting, or members having to take up a 3-minute slot at committee.

Could the above please be passed on as comments from Lambourne Parish Council.

Thank you

Tony

Tony Carter
Parish Clerk
Lambourne Parish Council
www.lambourneparishcouncil.org
07973 863820

Dear Simon

Thank you for the opportunity to respond to the second consultation of the above process. Regarding the Replacement Planning Delegations CLD2 Replacement A1: Loughton Town Council maintains its original objection and considers that applications for residential developments consisting of 5 or more dwellings (unless approval of reserved matters only) are considered by committee or sub-committee and not delegated to an officer.

Kind regards

Debra Paris
Planning and Licensing Committee Clerk
Loughton Town Council
Loughton Library & Town Hall, Traps Hill, Loughton, Essex IG10 1HD
Tel: 020 8508 4200 (Extn: 1002)
Fax: 020 8508 4400
E-mail contact@loughton-tc.gov.uk
Web: www.loughton-tc.gov.uk

Hi Vivienne

I hope you are well.

Further to your email below of 4th May, I write to advise that at our Parish Council meeting last night, Councillors agreed that the comments within their original letter responding to this consultation remain relevant, and ask that these matters are addressed by the constitution working group at their next meeting.

I have attached a copy of the letter.

Kind regards
Adriana

Adriana Jones
Parish Clerk
Moreton, Bobbingworth and the Lavers Parish Council
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05 June 2018

Simon Hill
Monitoring Officer, AD Governance
Epping Forest District Council
Civic Offices
323 High Street
Epping
Essex CM16 4BZ

Sent via email shill@eppingforestdc.gov.uk

Dear Simon,

Re: Second Consultation – New Replacement Planning Delegations

Thank you for your letter dated 02 May 2018 inviting Councils to submit comments on the proposed new Replacement Planning Delegations.

Having reviewed the suggested amendments, Nazeing Parish Council support the proposed changes except for the following:

- 1) Point 1. Applications for residential developments consisting of 10 or more dwellings.....**

The Council believes this should be 5 or more dwellings. Any proposed development of multiple houses could have a massive impact on a small rural community like Nazeing.

- 2) Point 3. a. At least 5 expressions of objections material to the planning merits of the proposal are received.**

The Council believes this would prove unreasonable in rural and isolated areas within the Parish, where there are often a limited number of neighbours/residents consulted. It would also place more emphasis on Nazeing Parish Council objecting to planning applications to ensure they were brought before the Committee (as per 3. b. – Nazeing



Parish Council plus one non-councillor resident). This could be seen as undemocratic in the public eye.

3) Point 3. c. An objection from a Local Council, material to the planning merits of the proposal is received and confirming in writing their intention to attend and speak at the meeting where the proposal will be considered.

The Council believes this is acceptable although it wishes to note that as it is consulted at the beginning of the planning process, it does not have the advantage of seeing all supporting evidence that may be received further along in the process. It may, therefore, wish to retract its intention to attend and speak at a later date.

Nazeing Parish Council would welcome any additional training that could be provided prior to these proposals being implemented.

Yours sincerely,

Lorraine Ellis

Mrs Lorraine Ellis

Clerk to Nazeing Parish Council



NORTH WEALD BASSETT

PARISH COUNCIL

Jim Davis Room, Parish Office, North Weald Library, 138 High Road, North Weald, CM16 6BZ

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Email: clerk@northweald-

www.northweald-pc.gov.uk

29th May 2018

Clerk to the Council

Susan De Luca

Simon Hill
Monitoring Officer - AD Governance
Epping Forest District Council
Civic Offices
High Street
Epping
Essex
BY EMAIL

Dear Simon

Once again thank you for giving the Parish Council the opportunity to comment on this consultation. At the Parish Council Meeting in May 2018 Members decided that they did not wish to change their original response however they asked that I re-submit this to ensure that this is considered at your next meeting.

These are the views of the North Weald Bassett Parish Council Planning Committee

- That Area Planning Committees should be retained
- PARAGRAPH 5. Members of this Council believe that the Objective is to have a Robust Local Democracy. The statement seems to show a 'Power Grab'
- PARAGRAPH 10 A further definitive breakdown of the figures that have been given as examples in the statistics are necessary, especially as this shows that 14 out of 109 approved equates to 13%. We would like to see this broken down further, such as what percentage a those recommended for approval to Area Plans are overturned by Councillors then overturned on Appeal by an Inspector.
- Members of the Planning Committee feel that Application Forms should be used, together with photos, and the drones that District Council purchased a little while ago as the first step in ensuring that the submitted applications are correct at the first stage in the application process.
- Concern at how District Council are going to determine who they contact and how they determine who the relevant neighbours are in the Neighbour Notification System. Sometimes the present system of just two or three close Neighbours is insufficient. Who will determine this?
- Local Information and Local Knowledge is the 'Key' in Planning. We should not by – pass residents or local elected Parish councillors who have this vital information.
- Is District Council concerned that the Parish Council may give contradictory information and voice their concerns to those people who pay for pre planning advice from the District Council and which could cause embarrassment. Especially if Parish Councils have knowledgeable staff well voiced in Planning Matters.

- Area Plans Meetings at District Councils, have always been part of the Constitution, it has been where the voice of the Community can be heard and as part of the Planning Process they should remain.
- North Weald Bassett Parish Council have embraced electronic Plans as real progress and discuss Plans at considerable length. We fully understand and appreciate District Council Officers concerns regarding the length of time it takes to write up Reports for the Area Plans Committee, however please do not underestimate the time it takes with the Electronic Planning System for Parish Councils, where each Householder plan can take, between 30 minutes and 2 hours for its presentation to be drawn up for Members and its presentation to a Planning Committee, dependent on its size, content and complexity.
- We have always advised that we wish to be notified of all planning applications in our parish and will continue to do so. Which statute in law states what comments from the parish Council, District Council will consider.

We ask that you present these comments to your committee, and that you also consider the observations put forward by the other Town and Parish Councils, in the short time that was made available to them for comments,

Yours sincerely

Susan De Luca PSLCC
Clerk to North Weald Bassett Parish Council



Theydon Bois Parish Council

To: Simon Hill, Monitoring Officer, Assistant Director, Governance, Epping Forest District Council

From: The Planning Committee, Theydon Bois Parish Council

Date: 23rd May 2018

Dear Mr Hill,

Thank you for your email of 4th May 2018, inviting our Parish Council to respond to the second consultation on EFDC's Planning Process Review – Delegation: Objections and Committee Systems, and the further revisions to the proposed wording of the Constitution (under CLD2).

Our updated response is comprised of two parts; the first being a covering memo focusing on our main concerns, whilst the second relates directly to the proposed wording of the 'CLD2 : Replacement Planning Delegations'. We would be grateful if you could make both parts available to District Council Members when compiling any supplementary sheets for the next meeting of the Constitution Working Group on 25th June 2018.

Introduction

Whilst we appreciate that it is likely that EFDC will require further resources, and the employment of additional personnel, to handle the many aspects of development envisaged over the next 15 year period, we do not share the view that the effectiveness of the planning process will be directly related to an increase in the determination of more applications under delegated powers.

We note that less than 20 of the 'allocated sites' presently put forward in the Submission Version of the Local Plan (LPSV) 2017 would be 'smaller' sites, said to accommodate less than 10 dwellings, and that the majority would be for larger residential developments. The anticipated figure of 11,400 new housing units would not, therefore, bring forth the equivalent number of planning applications. Whilst some sites would be subject to Concept, and Master, Plans, these would be likely to require a more dynamic approach to public consultation and involvement at an earlier stage in their evolution, which may assist in alleviating concerns and objections later in the process.

Therefore, the successful delivery of new housing, and community facilities, in our view, will rely on more active community engagement, and public confidence in the process itself. However, the level of scrutiny afforded by the District Sub-Committees, whose meetings are held in the public domain, and the opportunity for interested parties, and applicants, to have their case heard before locally-elected councillors is an essential part of the democratic process, the value of which cannot be underestimated.

We did not make the comment relating to a 'power-grab', which seems to have attracted some concern, but we did note it ! It is not how we, as a Parish Council, perceive these suggested changes, but how members of the public, who are unlikely to recognise any distinction between officers and Members, view the approach of their 'District Council' to issues that affect them and their communities. The 'localism' agenda, so popular at election time, is still remembered, and held in high regard, by many a resident long after a manifesto has been forgotten !

Accordingly, we also recognise the concerns raised by the Ongar Neighbourhood Plan Community Group with respect to the interpretation, and application, of Neighbourhood Plan policies, where the Town, or Parish, Councils who adopt these will clearly wish to see those provisions implemented at District level and to be afforded the right to make representation on any proposal deemed by themselves, or other interested parties, to be at variance with that Neighbourhood Plan.

Main Concerns

Clearly, of course, we fully understand the intention to manage the workload of the respective Sub-Committees, by considering whether more applications could be determined under 'delegated powers' - but we are of the view that it is not the fact that interested parties may raise objection that increases the potential workload, but rather the reasons why applications evoke objection in the first place.

In the past year, our Parish Council Planning Committee has viewed a number of proposals where the issues raised related, primarily, to the design of either: (a) new dwellings, which failed to respect their setting, or the adjacent streetscene, or (b) bulky extensions and loft conversions which did not complement the architectural design of the original building. Potentially, none of these may have needed to have been put before District Councillors if officers had considered a more proactive approach to seek greater compliance with the established pattern of development within the locality, and the design policies as set out under DBE1 - 10 of the Current Local Plan, or DM 9 and 10 of the LPSV. A new 'Design Guide' for the District, as mentioned at the Local Plan Workshops some two years ago, has not been forthcoming, even though a clear, concise and effective working document (adopted by many Local Authorities as a SPD) could provide much-needed guidance for all parties involved in the process.

However, with respect to the proposed changes to the Constitution, we would like to express significant concern at some of the proposals presently put forward, and so welcome the opportunity to comment further on these. We would not wish to see any changes that could undermine our role, or the public perception of transparency in the decision-making process: a view which, we note, has been echoed by many of the other local councils who have already responded to this Consultation.

As locally-elected representatives, our Parish Council Planning Committee generally meets to view planning applications every two weeks. It is a responsibility that our Councillors undertake with the knowledge that, on some occasions, there may be a reasonably full schedule. But it is a task that many of us fully appreciate, in terms of its importance to both the individuals who could be most directly affected, and to the character of the settlement as a whole.

The grounds given for any objection (if applicable) are always subject to discussion and democratic vote, and are based on considerations deemed to be material to the proposal and accordant with policy, both with respect to the Local Plan policies and those, more broadly, set out within the NPPF.

If further explanation is required, we will always send a Councillor to speak at the District Committee meeting. The only occasions on which this may not occur are when either (a) further amendments have been made to the proposal after the consultation period but which are not re-consulted upon (and if these represent a material improvement), or (b) when the Officer's Report includes further Conditions which may help to address the concerns raised.

At the time when a Return is submitted, we are not able to predict whether 'an objection' will result in a recommendation to approve, rather than a refusal. In many cases, we perceive that a 'way forward', by way of further revision, may be available to bring forth a more positive development,

and our objections often include sufficient detail to indicate where amendments could be considered.

In the light of this, we therefore believe that the attendance of a local council at the Planning Sub-Committee meeting is not always necessary but, should District Councillors be concerned by the lack of attendance from some local councils, then this issue may perhaps best be advanced by other more positive means of communication and discussion, rather than by an amendment to the Constitution. An Advisory Code of Practice could be a more appropriate vehicle to promote such an understanding: the determination of an application should not rely on whether the interested parties, statutory consultees, or applicants, accept the opportunity to attend in person.

That said, we are also fully supportive of the District Committee process and are mindful that, on quite a number of occasions, in Theydon Bois, a refusal by a Sub-Committee has later been ratified by a dismissal of appeal. Such applications, if allowed under delegated powers, could have had a significantly detrimental impact on both the character of the village, and/or on the amenity of adjacent neighbours. Separately, interpretation of Green Belt policy has not always been consistent at officer level, and sometimes at variance with that followed by Planning Inspectors, leading to the view that further guidance on these aspects should be included either within the new Local Plan, or within Supplementary Planning Documents.

We also have experience of development sites that have required the advancement of enforcement action by Members, in order to resolve long-standing issues, and would wish to see this provision retained within the remit of the Sub-Committees, or District Development Management Committee.

Overall, we would clearly like to see a greater number of applications approved without the need for objection, and so would welcome initiatives that seek greater involvement with the local councils, and their communities, at an earlier stage in the design process (and not solely on 'allocated sites' and those attracting masterplans). It is not, however, the process of 'delegation' that is fundamental to this, but the promotion of good community relations and an understanding of what each settlement holds most dear. We never plan to object !

Finally, whilst the Planning Committee structure has yet to be formulated, we would not wish to see the amalgamation of the Sub-Committees and, if anything, the original discussions of 1999 (that proposed four Sub-Committees) could be considered further, so ensuring that each Ward Councillor is permitted to sit on a Planning Committee, irrespective of any political affiliation (or, indeed, none). Residents wish to see decisions 'made locally', and not by those they perceive may know little of the character of the locality within which development is proposed.

We hope you will take our views on the proposed changes to the Constitution into account during the deliberations. Where we feel we cannot, currently, concur with the suggested wording, we have endeavoured to explain our reasoning, which we hope is helpful.

Thank you for your time and consideration, which is much appreciated.

Caroline Carroll

Clerk to the Council, Theydon Bois Parish Council



WALTHAM ABBEY TOWN COUNCIL

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YOUR REF:

OUR REF:

31st May 2018

Dear Mr Hill

Planning – Delegations Consultation

Thank you for the further (and longer) opportunity to comment on the proposed changes to the Planning Delegations within the Constitution, and we can see that some changes to the proposals have already been made.

We appreciate the fact that there may be considerably greater numbers of planning applications to process in the future, but this should not mean that local democracy is diluted to the extent that it becomes meaningless. It is also understood that there is pressure from central government to increase the level of delegated decisions to 90%. This may well be achievable in many local planning authority areas, but here, with over 90% green belt land, it may prove more problematic.

In particular the points identified in CLD2 Replacement

Assistant Director Development Management/Head of Service – Planning

A To determine and its list from (a) to (i).

We would comment that it is essential that comments from town and parish councils are seriously considered when making decisions on these applications. It is the local representatives that fully understand the implications of decisions made on a potentially desk-top exercise. In particular, at (c) decisions made on all outline applications without resort to a committee of the district council may cause problems. Perhaps it would be an idea to limit the size of the outline application to be decided by delegated powers.

Cont./....

We would also comment on the exceptions in particular para 3. We would suggest that the initial line should read:

Applications recommended for approval where ONE of the following has been received. This means there is no confusion or misunderstanding that officers required all three to be present to put the application to a committee.

As mentioned in our previous correspondence, we object to the diminution of the input of town and parish councils. The Councillors know their area, perhaps better than the District Officers who may, or may not, visit the sites. This Council believes that local democracy should not be laid aside for administrative convenience. Many Town and Parish Councillors and officers undertake planning training, and know what material considerations are, and these are put forward as planning reasons for recommending refusal of planning applications. It certainly is not done lightly by this Council. In para 3(b) your recommendation is that an objection from the Town Council is worth exactly the same as an ordinary member of the public who has had no training and no discussion.

Para 6 states *Any other application which the Head of Planning considers appropriate to be determined by members.* We would like to know how the Head of Planning makes such a decision. What are the criteria for this? What is meant by "appropriate"? We would consider this to be far too loose wording for what may be an important decision.

Thank you again for the opportunity to comment, and we still believe this matter would have been better brought forward as a discussion item before they were put forward as proposals.

Yours sincerely



Mrs K R Richmond BA(Hons) FSLCC CMC
Town Clerk

Mr S Hill
Epping Forest District Council

Hi Simon,

Many thanks for your recent message. In terms of the response from Willingale Parish Council, we note that the main area of concern remains unchanged, and at our Parish Council meeting last week, the meeting resolved for the Council to re-iterate its earlier expressed objection, namely:

“We are very concerned with the Section which allows the “ADD Management/HoS – Planning” to determine.....except...:

3. Applications recommended for approval where either of the following have been received:

- a. At least 5 expressions of objections material to the planning merits of the proposal are received; or
- b. An objection is received from a local council, supported by at least one non-councillor resident, with material planning reasons; or
- c. An objection from a Local Council, material to the planning merits of the proposal is received and confirming in writing their intention to attend and speak at the meeting where the proposal will be considered.

This amendment seems to significantly “downplay” the input of Parish Councils, as a Statutory Consultees in the decision process, and seems to undermine the partnership working that should be the essence of Parish/District Council relationships. Parish Councillors are volunteers as you know, often with busy day jobs, and point C will add a layer of unnecessary paperwork, and time commitment which will only discourage PCs to fulfil their local duties.

Point B seems to go against the fundamental principle of having the Parish Council as representing local opinion, and having the intimate local knowledge that would be impossible for District based officers to maintain. The need to supplement the PC objection with written non-Councillor residential involvement seems destined to present further obstacles in the PC being able to fulfil its Statutory role.

Speaking for Willingale PC, we take our responsibilities very seriously and would always have fundamental reasons for raising an objection (as our track record will show) and it then rightly adds a proper level of further scrutiny for such applications to then be heard in Committee.

So rather than change this aspect of the delegations to make it easier for the LPA to dilute the PC’s views, perhaps an alternative approach would be to invest in some training of Parish Councillors, perhaps targeting those Councils who might be judged to raise spurious or frivolous objections to planning applications”.

ENDS

We appreciate the wide-ranging consultation that you are undertaking and welcome the opportunity to make our views known, and look forward to being updated as matters progress further.

Kind regards

David
Chair of Willingale Parish Council

Current delegations

From the Schedule:

CLD2	Council April 2016	ASSISTANT DIRECTOR DEVELOPMENT MANAGEMENT	DEVELOPMENT MANAGEMENT To determine matters relating to Development Management Matter set out in Annex E to this schedule
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Annex E

**DEVELOPMENT CONTROL FUNCTIONS – Delegation to the Assistant Director
Development Management**

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
Care of the Environment District Development Control Committee (Minute 30 – 7.12.10)	Town and Country Planning (Environmental Impact Assessments) (England and Wales) Regulations 1999 Planning (Hazardous Substances) Act 1990, Section 36, 36A and 36B Planning (Hazardous Substances) Regulations 1992	To determine the need for and scope of environmental impact assessments required under the Town and Country Planning Acts. To determine applications for hazardous substances consent except those where there are objections from interested parties, which shall be determined by the relevant Area Planning Sub-Committee. To use necessary powers of entry to the land in relation to the above and duly authorise officers and agents engaged by the Council to use the relevant powers of entry as necessary.	No
Development Control District Development Control Committee (Minute 30 – 7.2.10) Council Minute 29 – 28.6.11	Town and Country Planning Act 1990 - Section 70, 70(A), 191-3, 324, 325 Planning and Compensation Act 1991, Section 10 Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Part 1, Reg. 16-19 Town and Country Planning (Development Management	1. Subject to Appendix A below, which are matters to be determined by Committee, to determine or decline to determine any: (a) planning applications; (b) applications for approval of reserved matters; (c) applications arising from any condition imposed on any consent, permission order or notice; (d) advertisement consents; and (e) listed buildings.	Yes (See Appendix A to this Schedule)

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
	<p>Procedure) (England) Order 2010, Part 6, Article 35</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 3, Reg. 14-15</p> <p>Town and Country Planning General Permitted Development Order 1995, Part 6 and Part 31 of Schedule 2 As amended by SI2008 No. 2362 and 5</p> <p>Town and Country Planning (Development Management Procedure) (Amendment) (England) Order 2013</p>	<p>2. To agree the precise wording of additional/revised conditions to be attached to planning permissions, at members' request, and discharge of conditions.</p> <p>3. To determine whether a 28 day prior approval application of the method of any proposed demolition and any proposed site restoration is required and to give such approval where required.</p> <p>4. In relation to prior approval of telecommunications equipment, to determine, after prior consultation with ward Councillors in cases where a valid planning objection has been made, whether the prior approval of the Council should be required to the siting and appearance of notified development.</p> <p>5. In relation to agricultural development, to determine whether to require the formal submission of details.</p> <p>6. Subject to Appendix A(g), to determine applications in relation to certificates of lawful use and development.</p> <p>7. To use necessary powers of entry to the land in relation to the above and duly authorise officers and agents engaged by the Council to use the relevant powers of entry as necessary.</p> <p>8. To determine or decline to determine any non-material amendments.</p> <p>9. Subject to consultation with Ward Members in the cases where a valid objection has been made and are minded to grant, to determine applications for prior approval.</p> <p>Note: The categories of Prior Approval in operation at any particular time can be confirmed by the Assistant Director (Development Management).</p>	

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
Enforcement District Development Control Committee (Minute 30 – 7.12.10)	<p>Town and Country Planning Act 1990 (as amended), Part 7, section 171-190, 196 A, B, C, 198-200 214(A)-(D), 215-219, 220 or 221, 224, 225, 325 and 330</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 5, sections 27 and 30</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 4, sections 38, 88, 88A and 88B</p> <p>Local Government (Miscellaneous Provisions) Act 1982 (Section 37)</p>	<p>Authority for Director of Governance to:</p> <ol style="list-style-type: none"> 1. Issue Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Section 215-219 Notices for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy. 2. Prosecute the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised. 3. Take appropriate enforcement action, including serving an injunction where the Director of Governance or their nominee, having regard to the evidence considers the circumstances to require urgent action. 4. Investigate if a temporary market has been held in breach of Section 37 of the 1982 Act. 5. Vary the requirements for compliance with notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices. 6. Determine when action is not expedient in relation to breaches of control considered inconsequential or insignificant. 7. To use necessary powers of entry to the land in relation to the above and duly authorise officers and agents engaged by the Council to use the relevant powers of entry as necessary. 	
	<p>Town and Country Planning Act 1990 (Section 178) (Council Minute 126 – 23.4.13)</p>	<ol style="list-style-type: none"> 8. To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice under Section 178. 	<p>Subject to budget provision being available and to local District Councillors being notified</p>

APPENDIX A: MATTERS TO BE DETERMINED BY THE RELEVANT COMMITTEE

- (a) Applications contrary to the provisions of an approved draft Development Plan or Development Plan, and which are recommended for approval;
- (b) Applications contrary to other approved policies of the Council, and which are recommended for approval;
- (c) Applications for major commercial and other developments, (e.g. developments of significant scale and/or of wide concern) and which are recommended for approval;
- (d) Applications for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and which are recommended for approval;
- (e) The Council's own applications on its land or property which are for disposal;
- (f) Those applications recommended for approval where there are more than two expressions of objections received, material to the planning merits of the proposal to be approved, apart from approvals in respect of householder type developments, telecommunication masts, shop fronts and vehicular crossovers and "other" category developments (changes of use, advertisements, listed building consents), where more than four expressions of objections material to the planning merits of the proposal to be approved are received;
- (g) Applications including certificates of lawfulness in respect of existing use and development, recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal;
- (h) Applications referred by a District Councillor, whose own ward must be within the remit of the relevant Area Plans Sub-Committee and who has firstly notified the relevant Ward Councillors in advance, so long as the referral has been requested in writing to Officers within 4 weeks of that applications notification in the weekly list;
- (i) Applications where the recommendation conflicts with a previous resolution of a Committee;
- (j) Applications submitted by or on behalf of a Councillor of the Authority (and/or spouse/partner) or on behalf of a member of staff of Development Control Division of the Governance Directorate and the Forward Planning and Economic Development Division of the Neighbourhoods Directorate (and/or spouse/partner) and also in those cases where a councillor is an objector in a purely personal capacity;
- (k) Any other application which the Director of Governance considers it expedient or appropriate to present to committee for decision (e.g. those raising issues not covered by existing policies, or of significant public interest, or those with a significant impact on the environment);
- (l) An application which would otherwise be refused under delegated powers by the Director of Governance but where there is support from the relevant local council and no other overriding planning consideration necessitates refusal.