

13 November 2020

Response to consultation on proposed revised scheme of delegation

Thank you for the opportunity to respond to the proposed revised scheme of delegation. Better Braintree – Together is a group with 470 members with an interest in matters relating to planning in the district.

We understand the pressures on the planning committee, and we understand that Braintree delegates fewer decisions than several other councils. That said, we have three areas of concern about what the proposals mean for democracy and transparency around planning decisions in Braintree District which we set out below.

Recommendations:

- Ensure that Key Performance Indicators are set before this scheme goes ahead;
- If the changes are adopted, this should be on an interim basis, and a cross-party peer review group should be created to review the scheme every six months;
- Make arrangements for unparished wards;
- Cross-check the proposals against Statement of Community Involvement;
- Consider a means whereby an application with high levels of support or opposition by the public can still be called in;
- Allow ward members to call in an application with planning grounds without need for Chairperson's consent;
- All Planning Forums to be available on YouTube.

Concerns:

- **Public excluded.**

Members of the public will be removed from the referral process. There is no longer the ability for call in to be required if more than six residents disagree with an officer recommendation. This goes against the wording of the council's Statement of Community Involvement which states, "*7.2 Consultation and local community involvement can identify many potential issues early, particularly for applications of significant or sensitive development*". We question to what extent this proposed scheme of delegation has been cross-checked against the SCI.

The consultation website notes that '*Planning is a public process and we are keen to hear your views*' yet it must be noted that the revised scheme is being proposed at a time when the public has little trust.

- **Too much discretion in hands of Planning Chairperson**

Ward members and parish councils will also be removed from the process and will no longer be able to call in an application direct to Planning Committee. They will instead have to call in an application to the new 'Chair's briefing' the power to decide whether or not to allow an application to be put to Planning Committee.

- **Planning Forums – a multitude of problems.**

Although we understand that there are benefits to early discussions between all parties at an early stage, we have a number of concerns:

- that the proposed Forums will be held behind closed doors. We note the intention to ensure the meetings are minuted but we have reservations about the transparency of such meetings and this could risk accusations of predetermination and bias. We also note that members of the public are excluded from these forums. If they are to go ahead, then the meetings should be screened on YouTube;
- Members and possibly parish town councillors are to be invited but a large proportion of residents live in unparished wards, so they are disadvantaged.
- For those that live in wards where the member is also on the planning committee, there is an obvious conflict between representing the views of their residents and avoiding accusations of bias by agents and applicants or by the public if they feel their views have not been considered.

Better Braintree – Together will be happy to be involved in any further discussions.

Submitted by Rosie Pearson, on behalf of Better Braintree - Together

Carolyn Mann:

I am in favour of the proposed changes.

I have no issues with the general aim of streamlining the process of determination of Planning Applications and removing some of the stress on the Planning Committee and Officers. At the same time we must always be conscious of the concept of planning being a public process.

And I have no particular objections to these proposals for an overhaul of the delegation process while at the same time wishing to make a few points:

1. Turning usual practice on its head, what about having a second Planning Committee, perhaps dividing the two into 1) rural and 2) urban, or 1) Braintree Town and 2) other, or some other valid distinction. I appreciate that this does not help Officers but I thought I'd put it out there as a way to increase oversight capacity.

2. I've never understood how the figure of a called-in Application costing £1,500 is arrived at, and what the implications are. Surely there is a budget set for the Planning Department at the beginning of the Financial Year and everyone works within that, with only exceptional situations requiring additional staff costs. And I don't think this applies here - at the very most a called-in application takes away time and resources that could be used on something else. Just wanted to get that off my chest - as a Member who has had this mentioned a few times, I could not help but feel that it was a kind of gentle brush-off and a request to not call in Applications.

3. Regarding the call-in procedure more generally, it has always puzzled me that Members are required to give a "planning reason" for calling in an Application when Members generally have little knowledge of Planning regulations. And in any event if the Officers are doing their jobs properly they will have refused any called-in Application on correct grounds as they are the experts! I will in any event be concerned at any weakening of the ability of Parish or Town Councils, or Ward Members, to have a final say where warranted.

Thank you for your consideration of my views.

Sincerely
Cllr Richard van Dulken
BDC Ward Member -Yeldham



The countryside charity
Essex

President:
*Lord Lieutenant
of Essex*

Chairman:
David Knight

Vice Chairman:
Patricia Moxey

RCCE House, Threshelfords Park, Inworth Road, Feering, Colchester CO5 9SE

Tel: 01376 572023 Email: office@cpre-essex.org.uk www.cpre-essex.org.uk

Planning Department, Braintree District Council

13 November 2020

Dear Sir/Madam

Consultation on Proposed Revised Scheme of Delegation

I am writing to respond to this Consultation on behalf of Campaign to Protect Rural Essex, which is a charity established to promote and encourage, for the benefit of the public, the improvement and protection of the Essex countryside and its towns and villages, and the better development of the rural environment.

Whilst we agree with the objectives which have prompted the review of the existing Delegation, we believe that the proposed changes go too far.

We are concerned at any erosion of local democracy. Whilst the planning process needs to be efficient it also needs to be rigorous and transparent, and should allow local influence over planning decisions. This is not just a matter of enabling participation: local knowledge can make a valuable contribution to planning decisions and should not be ignored. The process also needs to ensure that the views of expert organisations like the ECC Historic Buildings department and local preservation or conservation societies are considered.

We therefore propose the following changes to the proposed Delegation:

- In Part A a major planning application should be defined as one for 6 or more proposed houses rather than 10 or more houses. Schemes of 3-9 houses can be highly controversial and it is essential that Town and Parish Council members, and the public can comment and put forward views to members before a decision is



The countryside charity
Essex

President:
*Lord Lieutenant
of Essex*

Chairman:
David Knight

Vice Chairman:
Patricia Moxey

RCCE House, Threshelfords Park, Inworth Road, Feering, Colchester CO5 9SE

Tel: 01376 572023 Email: office@cpre-essex.org.uk www.cpre-essex.org.uk

taken. To do otherwise would reduce transparency and separate the electors and stakeholders from the democratic decision-making process.

- In Part B minor planning application should then be defined as those for less than 6 houses rather than 3-9 and there should also be referral to the Chair's briefing if a body such as ECC Historic Buildings objects to the proposal.
- In Part B the words following " then" need to change (i.e. what happens if a parish or town council or expert organization objects) so that referral to the full committee is automatic rather than a decision being taken by the chair and vice chair as to whether there should be such a referral. The proposed Chair's briefing is neither a transparent nor a democratic process.
- In Part C the automatic delegation of S106a decisions should be removed. The S 106 agreement is an important factor in any decision to grant planning permission to a substantial development and any variation needs to be approved by the Planning Committee. It would be wholly inappropriate for the Development Manger to authorise major changes to the s106 agreement

Yours faithfully

Petra Ward

On behalf of the Braintree Group of CPR Essex

Duncan Perry

The current scheme requires 6 comments, contrary to officers recommendations, for an application to be determined by elected members.

No reason has been given in the report or during the presentation, as to why this has not been retained in the revised scheme.

This is of particular concern for unparished wards within the district, as it would appear that the only way a "minor" application would be considered for determination by the committee is via a members call-in. As parished wards have retained the ability to have an application considered if their view is contrary to officers recommendation, a two tier system has been created which would be open to challenge.

Public participation at planning committee meetings should be encouraged not deterred by placing additional and unfair barriers in the way.

The scheme also proposes greater oversight by officers of the reasons given by Parish Councillors and elected members. Is there a danger of issues raised, which require planning judgement, not being put forward to the Chairs briefing for an independent consideration?

It is also not uncommon that public participation at committee meetings, raise concerns that lead to additional planning conditions being applied, with the new scheme this oversight could be lost on most applications decided behind closed doors.

The other point of concern is the proposed members forum. It is proposed that parish and ward councillors should be encouraged to attend such meetings. Firstly, a large proportion of residents live in unparished wards, so they are disadvantaged.

For those that live in wards where the member is also on the planning committee, there is an obvious perceived conflict between representing the views of their residents and avoiding accusations of bias by agents and applicants or by the public if they feel their views have not been considered. Although difficult to prove pre-determination in court, such accusations would be damaging to a members reputation within the community and reduce trust in the planning authority.

Current trust in this planning authority is most probably at an all time low, not just in rural communities but throughout the district, a members forum that excludes the community of an oversight would I feel be the last straw. I can see no legitimate reason why these forums should not be conducted in public, given the opportunity for concerns to be raised directly by residents in the normal public speaking slot and recorded on your YouTube channel.

It is acknowledge that developers are either required by law or encourage to participate in public consultation prior to presenting an application.

However this is just a tick box exercise, with no checks to see if concerns have been addressed, prior to an application being submitted.

Some limited public involvement in these forums would enable these concerns to be acknowledged and be addressed rather than in the form of objections during the consultation period. Seems self defeating of the stated aims of this review.

The overall concern is one of public perception, of being disenfranchised from the planning process and bias being shown towards developers by officers and members.

A guiding principle of any planning authority is that they should be seen to act fairly, this has nothing to do with the legality of their actions but perception.

The Grosvenor consultation accompanying the Government White paper – Planning for the future shows trust in planning authorities and developers to be pitifully low.

They suggest to restore some trust, that planning authorities should; "Give the public meaningful input on development decisions, involving them early with limited barriers to entry and actual influence on decisions that matter."

Why do BDC feel the opposite is true?

Although I have taken the time and trouble to respond, I know it will have little affect, as the decision has already been made. The new scheme has already been discussed at the DDG and the Corporate Governance Group without consultation comments being taken into account.

I will watch with interest the full Council meeting in December.

Good afternoon,

I have had a quick look at this and as far as I can see, the changes appear to be very sensible to me.

I do hope that you achieve the desired result.

Kindest regards,

Ernie Spencer FRICS C Build E FCABE
Chartered Surveyor and Building Engineer
Architectural Consultant

Morning.

My main view is that there is no need for major applications to automatically go to committee. There should be a request in every case - typically a call in Cllr or Parish.

We recently obtained a delegated approval for a 50MW solar farm in Test Valley at delegated level. 80 hectare site. Ref 19/03043/FULLN.

This was initially objected to by the Parish Council and some local people. The ward member requested it be called in which was understandable.

We then engaged with the Parish and locals, altered the scheme, and they withdrew their objection.

The ward member was reconsulted by the planning officer and the Cllr confirmed she was happy if the Parish were happy and the app could be approved at delegated level.

This freed up a lot of resources for the LPA, and saved us (the applicant) the delay of a committee cycle.

I thought this was eminently sensible.

Kind regards,

James Jamieson MRTPI
Planning & Development Manager

Intelligent Alternatives Limited

Dear Sir

I wish to provide the following comments:

Whilst I understand the need for and basically support the concept of a revised scheme of delegation, I do have serious reservations:-

1. Too much dependence has been placed on the comparative statistics. It is noted that in 2019 92% of planning applications were determined under delegated powers. However, this is an improvement on 2013/4 & 2014/15. That surely, is the important message of the statistics, not our position in a league table of local authorities !;

2. The retention of Chair's Briefings is to be applauded. However, I am concerned that its refocus on considering whether applications where representations have been made by Town & Parish Councils (and local councillors) could be subject to political bias if the views of those local councils should go against the views or policies of the ruling body in BDC. There is the potential for this process to undermine the fundamental principles of local democracy, after all these local councillors are the representatives on the spot. If you insist on going ahead with this change then I strongly recommend that the process is closely monitored and statistics published on a quarterly basis of which cases have been allowed to proceed to the full planning committee and which have been refused that access and the reasons for such a decision. This is in the true spirit of local democracy and accountability and if properly managed should give a measure of confidence in the process both by the public and local councillors;

3. I am deeply concerned about the proposal to allow officers to determine applications concerning major alterations to, or demolition of Listed Buildings. These historic buildings are listed for good reasons and I consider any such proposals should be the subject of determination by Members of the Planning Committee. Applications for minor alterations could be delegated to officers;

4. Likewise, I consider the installation of overhead power lines should not be a matter for delegated authority where they are close to or above dwellings. It is a long held concept that such powerlines can pose a potential hazard to people through their electro magnetic fields. The super grid cables also annoyingly hum loudly in damp weather! In any event, BDC should be discouraging the installation of new overhead cables which are a blot on the landscape and should instead be buried underground ! Hopefully, there are few such applications so they would add little to the caseload of the Planning Committee.

I trust you will give serious consideration to these comments and amend the Scheme accordingly, before it is considered by the full Council meeting in December.

Regards

John Camp

8 Sedgfield Way
Braintree
CM7 1XB

John Parish:

It may improve the way all this is scheme of delegation is presented and is agreed on, but yet again the public opinion regarding planning applications is still totally ignored. If your local councillor is not interested in local objections then the public will not be represented. A member of the public may get a three minute slot whilst everybody else gets their say with presentations etc , Public opinion will be totally ignored as nothing in these proposals gives the public any say about applications. Surely the public representation should have been at the forefront of any proposals.

Good Morning,

I have been an agent for BDC and other LA's for many years, and while I do not feel qualified to comment on Policy matters, I do have some comments to make on these proposals, and in general.

My work will always fall into Cat. C of App 1, and as such can be delegated.

Firstly, I have always felt that there is a very mixed attitude from officers to dialogue with an agent, with some clearly avoiding it, and others prepared to "talk" via email usually, in the event of a contentious issue that could be resolved easily.

Speaking frankly, life was always easier and more pleasant on this front with Babergh, and West Suffolk than BDC, although I must say in recent months I have had some very good experiences with BDC officers.

So on this subject, will *"the creation of a 'Members Forum' where applicants and agents would have the ability to present their proposals to Members of the Planning Committee at pre-application, pre-submission and application stage of the process."* have any relevance for me? For example if there are objections sending an application to committee?

Or is this just for major applications?

The majority of my work is extensions to dwellings, with the odd new build. I have always felt that far too much energy is expended on what is sometimes a very minor issue, often about what constitutes "good design".

Good design is totally subjective – someone obviously thought that the flats around the ancient oak in Gt. Yeldham were "good design" but it is generally accepted they are a total eye-sore. I personally do not like the new houses in High Garret, but clearly others do.

The point is that these arguments can add many hours to the planning process and waste agents time. My feeling is that if a particular design makes the client/occupant happy, is not detrimental to anyone else and does not infringe policy, an officer should not try to impose their own personal and subjective tastes into the process.

Officers opinions at Pre-App clearly is a totally different matter however, and are very relevant and welcome at this stage as multiple input to any design process is always good.

Hope this is of some use.

Best Regards,

John Rainer

Thank you for the opportunity to comment on the Planning Review of Scheme of Delegation.

I fully support the proposals to make the planning process simpler for all applicants, agents and the general public. I also support the proposal to concentrate the planning committee's focus on the more significant and complex applications and to enhance member engagement earlier in the planning process.

The inclusion of Parish and Town Council's and Local Ward Members in this process via the Members Forum is welcome however, it does not appear clear whether or not this will replace the formal consultation on applications in their area? If it does then the outcome is likely to be that individual members attending the forum will express personal views and not the democratic and broadly considered views of whole Parish or Town Council.

I note that on only 6 occasions of 22 that Town and Parish Councils have attended Planning Committee when they have disagreed with officers recommendations and it appears the Members Forum is a way to avoid this situation. I would however, suggest as an alternative that if a Town or Parish Council disagree with officers recommendations that it be compulsory for them to provide representation at Planning Committee. If they fail to attend then their concerns are rejected. This option would retain the right of Parish and Town Councils to democratically consider and comment on applications in their area.

I believe all areas of Braintree District are represented by Parish and Town Councils, except for Braintree Town. Under the current scheme if a local council supports an application which has been recommended for refusal then the application has to go to the Planning Committee. Applicants within Braintree Town do not have this option and need to engage with a local member to support their case and have the application called in, if there are valid reasons. Sadly my experience with two applications seeking local member engagement has resulted in not one of the members even having the courtesy of responding. The point is, seeking engagement with some local members can be very frustrating so perhaps they should be compelled to engage with applications in their area?.

The members forum is a good idea to encourage engagement but where will this forum meet? I would suggest it should meet across Braintree District to make it easier for Parish and Town Council members to engage.

I note that the Member Forum will be a formal minuted meeting but will it be open for the public to attend?

My final comment in relation to the Member Forum is that it should include all members, or at least a majority, of the Planning Committee not just a few higher profile, interested members. If the later was the case, then only a limited number of members would be aware of the detail.

Regards John Wood
Sport and Leisure Consultant
07958 676258

Kate Fox:

Appears to have been simplified and looks straightforward. Need to ensure that Parish and Town Council are not impacted negatively by any changes and their input is required at every level from minor to major applications. Also emphasis still on applicant and Officer involvement being expanded but little opportunity for consultees to ask questions or liaise with officers prior to submitting comments. This would help and even circumvent unnecessary negative responses. This would be particularly welcome with no Local Plan in place and speculative development applications more common.

Dear Sir/Madam ,

Scheme of Delegation -----Consultation 26/10--13/11/20

A/ Major Applications :

These are referred to The Planning Committee for determination.

Currently the Public can speak before the Meeting, will that continue ?

B/ Delegated Powers :

As a Society with interests focused on Heritage, we question whether Conservation Areas and Heritage Assets would be given sufficient consideration relating to their historic importance. So we suggest that the following Application Types should be dealt with by A/ above. COUPA DAC LBC PLD and TPOCON

With regard to "Members Forum "they should have a Published Agenda along with Published Minutes. If the Agenda warrants it , then "specialised " local groups may be invited. We assume the Public would have the right to speak, as in A/ above.

Please acknowledge receipt of this Submission and let us know the outcome of these Consultations.

Thank you

Mr T. Pailthorpe

Kelvedon and Feering Heritage Society

Mark Champion:

Thank you for the opportunity to respond to the proposed revised scheme of delegation. Better Braintree – Together is a group with 470 members with an interest in matters relating to planning in the district. We understand the pressures on the planning committee, and we understand that Braintree delegates fewer decisions than several other councils. That said, we have four areas of concern about what the proposals mean for democracy and transparency around planning decisions in Braintree District:

1. Public excluded. Members of the public will be removed from the referral process. There is no longer the ability for call in to be required if more than six residents disagree with an officer recommendation. This goes against the wording of the council's Statement of Community Involvement which states, "7.2 Consultation and local community involvement can identify many potential issues early, particularly for applications of significant or sensitive development". We question to what extent this proposed scheme of delegation has been cross-checked against the SCI, and this needs to be done before any decision is taken.
2. Ward members powers removed. Ward members and parish councils will also be removed from the process and will no longer be able to call in an application to Planning Committee. They will instead have to call in an application to the new 'Chair's briefing' and the Chair person will have the power to decide whether or not to allow an application to be put to Planning Committee.
3. Planning Forums - a multitude of problems Although we understand that there are benefits to early discussions between all parties at an early stage, we have a number of concerns:
 - a. that the proposed Forums will be held behind closed doors. We note the intention to ensure the meetings are minuted but we have reservations about the transparency of such meetings and this could risk accusations of predetermination and bias. We also note that members of the public are excluded from these forums. If they are to go ahead, then the meetings should be screened on YouTube;
 - b. Members are to be invited but a large proportion of residents live in unparished wards, so they are disadvantaged.
 - c. For those that live in wards where the member is also on the planning committee, there is an obvious conflict between representing the views of their residents and avoiding accusations of bias by agents and applicants or by the public if they feel their views have not been considered.
4. Backdrop – lack of trust in the council The consultation website notes that 'Planning is a public process and we are keen to hear your views' yet it must be noted that the revised scheme is being proposed at a time when the public has little trust that democracy will prevail in the district. We have seen a series of examples in recent years of attempts by the Leader, the Conservative group and even officers to ignore residents or suppress open debate. These include:
 - Ignoring consultation responses over several years pointing out problems with the so-called 'garden communities' local plan (and ignoring 8,500 signatories to a petition saying no to West Tey;
 - The removal of signatories from a petition this summer, even when they were long-standing residents of the district, registered voters, council tax payers and parish councillors;
 - Ignoring the concerns of residents about conflicts of interest;
 - Recently, the removal of opposition groups from committee positions – including, ironically, the 'Developing Democracy Group'Against this backdrop, it is fair to say that trust in the council on planning matters is at an all-time low. Therefore, we believe that attempts, via the delegated scheme proposals, to remove one remaining element of planning democracy, must not be allowed to happen."

Maureen Hicks

There is an air of ignorance at BDC on conducting consultations, they don't appear to have an agreed policy that heeds the government Code on Consultation (2008) which sets out 7 criteria to be mentioned in every consultation, the first of which is a minimum period of 12 weeks, and which goes on to stating the expected costs and benefits, with an impact statement including on race and equalities, amongst others. It doesn't apply to local authorities but clearly if ignored does imply an obligation to say why. There is a selective use of data in that, for instance, the agenda paper at para 6.3, does not support the argument that there is a problem to solve, because in that case there is no added time, a report being needed for every application. The Members' Forum proposal that parishes would not find the time to attend if they are not able to contribute in person as full members, given the existing legal requirements over pre-submission consultation by applicants. It needs to be recognised that there are over 60 parish councils in the Braintree District, mostly small and rural and meeting often only monthly, which makes administering representation a significant additional burden on parish clerks and members. Alleged poor attendance by town and parish councils at Planning Committee meetings reflects both this and the lack of response from officers and committee members when verbal representations are made. Town and Parish Council's record on committee attendance is in fact good, in spite of verbal contributions being severely restricted to three minutes even on major applications and often even then receiving no response. They quoted need for training for parish councillors is not backed up with evidence. The root of the problems in determining planning applications lies with a lack of detailed appropriate technical knowledge by Planning Committee Members (evidence: lack of debate at committee meetings, irrelevant or incorrect statements by committee members, citing Cllr Spray's comment at the 19th March 2019 meeting regarding Gimsons that "Earls Colne has had to put up with unwanted development and so should Witham" and again on Gimsons on 13th October 2020 when proposing approval that "there was already an outline consent and they were dealing with reserved matters" when in fact there was a full consent and the question was on additional conditions necessitated by mistakes in the application and the original handling by the planning department ..." leaving it unclear exactly why it was put forward. I am unhappy with the list of application types that it is proposed to decide under delegation which contains several of significance that need local knowledge and input, specifically categories COU, PLD, TPO, TPOCON, DAC, ADV, HH, HHPA, and Section 73 amendments. The absence of clear and transparent criteria to be applied in deciding at the "Chair's Briefing" whether or not applications go to the Planning Committee hands excessive power to a small group accountable to nobody, and will curtail scrutiny of their decisions. The "Chair's Briefing" sessions should be clearly minuted and decisions published and reported to the Planning Committee with reasons based on material planning considerations. There is also a clear risk of challenge on legal grounds. This consultation fails short of best practice as to clarity of audience and lack of time for response, data doesn't always support conclusions (92% of delegations are not inappropriately low in a large rural area; preparing committee reports doesn't delay decision-making) A Member's Forum is unlikely to attract parish councils with limited resources and infrequent meetings the categories proposed for delegation contain many where local knowledge and detail are often material considerations. Power for Chair's Briefing" to decide decision-making process is dangerous when scrutiny and explicit criteria are absent Planning

Committee members need improved technical and legal knowledge to avoid making irrelevant comments that prejudice decisions.

Dear Sir / Madam

I have some comments on the above.

1. I didn't see anything distinguishing what happens if a planning application is made in respect of a conservation area. This should be specified as it not appropriate to fall within section C?

2. I would respectfully suggest that any residential housing applications ie the building of one residential property upwards should fall within sections A or B. The building of any residential property is a serious matter whether it is 1 property, 2 properties or more. It should therefore be given proper attention and consideration under at least section B.

3. In section C it talks about "Minor Planning Applications for replacement dwellings.". This is not clear. Does it cover an application to replace 3 dwellings, for example? If it relates to replacing ANY dwellings then it should fall within section B.

Michelle Chasmer
(24 The Paddocks, Witham, Essex CM8 2DR)

Michelle Saunders:

I am unaware of the current legislation that covers planning so I do not know if the changes listed are an improvement or a disadvantage. It would have been more helpful to also list the current rules to compare, or list what the changes are

Thank you for your correspondence, I support the scheme of delegation as it would make more sense for the planning committee to concentrate on larger more complex planning applications.

Thanks regards Mrs S Mott

HomelyDogCare Limited

No Name Given:

Agree with the principle of streamlining. Disagree with possible delegation of LBC.

No Name Given:

In principle I have no objection to the proposed changes subject .

Good Evening

My name is Phil King and I have been a member of the Great Yeldham Parish Council since May 2019 and thought it best to send in my thoughts regarding the above before the deadline for comment, which I believe to be 13th November 2020.

Please find enclosed my comments relating to the above following my read through of the above proposal.

In my opinion the time for review is overdue since we have been constrained by the current arrangements since 2015.

It appears to be the case that the delegation rate for Braintree was one of the lowest in the County and as such should be reviewed, which I agree with as this would without doubt allow minor and other unopposed levels of planning decisions to be made under delegated powers as this would automatically free up more time for the Planning Committee to be able to concentrate on the Larger/Major planning applications.

During the relatively short time I have spent as a member of the GYPC it is evident that the system is receiving a larger volume of planning applications and this in turn is having a detrimental effect when planning has been approved and subsequent breaches of original planning are taking longer to be investigated, which in itself is doing little to promote the good work that the planning department has completed.

My second area of concern relates to some of the smaller Parish Councils that do not have as regular meetings (Monthly) to debate/consider planning applications and as such we may find some applications going through without due debate/diligent discussion.

I feel privileged to serve on the GYPC as we have regular (Monthly) meetings to discuss the pros and cons of local planning applications, but not all Parish Councils are afforded this luxury so I wanted to raise this point for consideration.

Kind Regards,

Phil King.

Philip Heady:

Two points Towards the end of the revised document it says 'Consultation Responses which can be determined under Delegated Powers, following referral to the Cabinet Member for Planning' and it then lists two cases that fall under this category. Sadly this fails your transparency test....does this mean that the point of decision is the Cabinet member (an elected politician) or a paid officer (the Planning development Manager under delegated powers). Mindful of possible development schemes on our borders, ought there not be a clearer indication as to who exactly takes the final responsibility ... is it the politician (and thus a fair cop should it become contentious) or the officer who has taken a view in the light of the cabinet member's guidance (and, in theory, a view to which he/she does not agree) yet has to take the responsibility in accountability terms. Second point There is a reference to applications which are referred to the committee because of the parish or Town council's response triggers this. This makes both non-parished areas and those parishes that border non-parished areas at a disadvantage as they do not have that level of representation and protection.

Dear Planning Team, Braintree District Council,

Many thanks for the invitation to comment on the proposed review scheme of delegation.

I have read the proposal in detail, and viewed the presentation and discussion that took place at the Planning Committee meeting on the 13th of October 2020.

A degree of delegation is desirable and probably essential for any approval process to run efficiently, and based on my experience is used extensively within commercial organisations. In addition, the concept of a 'Members Forum' would appear sound to me, provided that objectors, as well as proposers, are able to make representation to the committee at these meetings.

However, I am uncomfortable with a proposal that could allow up to 9 new houses, or commercial premises up to 1,000m², receiving planning approval without the final decision being made by democratically elected members of the Council. The impact on residents of such development would be major, irrespective of how central government categorise building projects of this size. Therefore, such decisions must remain with councillors who are accountable to the electorate.

I therefore suggest that changes are made to the proposal to reflect these concerns, and would welcome your feedback accordingly.

Best regards,

Ray Walter

Your feedback

Give us your feedback on the proposed revised scheme of delegation [?](#)

I am concerned that the process for deciding which planning applications are placed in which of the new categories is unexplained. Who decides? What local input is available when deciding?

Contact details

Can we contact you about your feedback? [?](#)

Yes

Your name [?](#)

Richard Chaplin

Stephen Hicks:

As a member of the general public I do not support Braintree District Council's proposed alterations to the scheme of delegation and I wish to provide the following comments: Principally, criticism of the form and shape of this consultation must be placed on record as only a 21-day consultation window has been provided to Town and Parish Councils to respond, and no wider public consultation on a matter of democratic accountability and significant public interest has been considered by Braintree District Council in executing this exercise. This opaque, pre-determined and limited approach to a matter of such importance should not be endorsed by Town or Parish Councils of which some small Parish's only meet once in a month. This consultation has been given no extra weight or time than that of a standard planning application consultation, yet is evidently of great importance to the local decision making process. I would therefore urge Braintree District Council to reconsider a wider, extended public consultation on the implications of Scheme of Delegation changes in recognition that matters of democratic participation must surely be treated with the utmost extensive consideration, and certainly beyond the ridiculous cursory period of just 21 days. By setting out its 'Executive Summary' of the review, the broad statement that "it is considered that the current scheme is contributing to delays in decision-making and impacting upon service delivery" is relied upon heavily as the justification criteria for such sweeping changes to the scheme of delegation. This statement however is not supported by any evidence, and therefore cannot be considered a justified or fair statement as the theme that is prevalent across the entire consultation process. I am concerned in the desired objectives of the proposed changes to move the system towards a focus on "the most significant and complex applications". Again, there is no clear definition or evidence as to what applications can, or should, be considered as "the most significant" when taken in the abstract. Indeed, it is not clear to Town or Parish Councils how the LPA can objectively perform their role as the LPA if it is minded to selectively pick the applications that are of most interest to it. All development is significant to somebody, and something considered insignificant by the LPA may not be perceived the same way at the local level. Although the LPA is responsible for determining a planning decision, the LPA does not possess the monopoly on concern, scrutiny and local oversight of planning matters by virtue of statutory consultation. I sympathise with the LPA's significant external pressure with respect to national housing targets and development demands however notes that the consultation has failed to provide evidence, nor financial examples of development management's functions that clearly demonstrate that the Scheme of Delegation is the primary contributor to inefficiency. Similarly, the Scheme of Delegation cannot be used to explain the LPA's overt and continued systematic inefficiencies across its other functions including continued delays to the issue of pre-application advice and inability to implement a new Local Plan. The consultation does not attempt to objectively examine the resource pressures associated with the protracted local plan process and Planning Inspectorate representations, and fails to contextualise use of the Scheme of Delegation and routine planning applications against the wider statutory functions of the LPA. No evidence has been provided in the consultation as to what other steps and efficiencies have been taken by the LPA to improve the period for decision-making. Therefore, it is impossible to accept that any credible evidence has been provided to either Town or Parish Councils or electors as to how the Scheme of Delegation has been identified as the principal source of inefficiency

and delay in the planning department. Further to this, it is evident from the LPA's visibly high staff turnover that recruitment and staff retention issues are ongoing, yet no link to the inevitable impact on discharge of functions that human capital flight is afforded in the consultation papers. In order to demonstrate why it is critical that the Scheme of Delegation should be altered, I would suggest further analysis be performed and evidence presented which demonstrates that no other options are open to the LPA, leaving only the alteration of the Scheme of Delegation as the option of last resort. The Consultation fails to elaborate whether other modest investment or resource reallocation has been considered by Braintree District Council. The LPA will further recall that Witham Town Council strongly disapproved of District Councils systematic failure to take into account several representations raised across 2017 and 2018 which led to planning permission being granted where officer reports erroneously stated that Witham Town Council had provided no response, such basic unacceptable failures of statutory duties such as these cannot be explained away by the Scheme of Delegation. Then Head of Development, Tessa Lambert, defended the Scheme of Delegation as a robust system as without it Witham Town Council would not have identified this breach of statutory duty performed by the LPA in omitting our consultation responses. The basis of the consultation appears to be constructed entirely upon a foundation of supposition and selective statistics, and the omission of much detail originally considered by the District Council when first approving the consultation exercise. Great weight was afforded in the agenda papers in comparing the LPA's delegation rate with other LPA's in the county. This detail has not been included in the final consultation papers. Clearly during the decision making process to issue this consultation, this data was of particular importance for validating the argument presented for the review to commence. Page 165 of the District Council agenda papers, Table 1, presents a comparison of LPA delegation rates across the county, and paragraph 6.3 unambiguously states "The low delegation rate of decisions is a consequence of the current scheme of delegation which is contributing to delays in decision-making and impacting upon service delivery." with absolutely no correlation as to how this conclusion has been reached based on the data presented in the table. Braintree District Council is ranked as 3rd lowest for delegation in this dataset as opposed to the top three performing performing LPA's, all of which are dense urban areas with minimally parished areas. It is not at all surprising that such authorities should experience a higher delegation rate due to the nature of the local government structure in these areas. Braintree District Council cannot realistically expect itself to achieve a delegation rate comparable to urban authorities, as it rightly must consider the wider, diverse range of concerns, landscapes and unique affairs that are associated with parished areas. As a highly parished area, the District Council cannot hold itself to unreasonably high standards by comparing itself to fundamentally different authorities. In considering this data, take a look at Maldon District Council as a neighbouring authority in that it is far more comparable in local government affairs and arrangements with respect to parished areas. When considered together, Braintree District Council's delegation rate compared to Maldon District Council's is highly commendable and surely must not be ignored. In a letter dated 5th August 2019, addressed to the newly appointed Housing Minister, The Rt. Hon. Robert Jenrick, MP - penned, and subsequently circulated to all parish councils in the district and unambiguously stated by the Leader of the Council that "Braintree District Council has continued to grant permissions for suitable developments over and above the proposals in the emerging local plan". Coupled with the obvious strain

on Local Government resources through the challenges of the covid- 19 pandemic, it is difficult to understand how the Scheme of Delegation has been determined as the principle source of inefficiency in the planning department without taking into consideration these highly relevant and pertinent points. It is stated that the revised Scheme of Delegation desired outcomes include an “unambiguous and transparent Scheme of Delegation that is easy to understand for all users of the planning system”. The Scheme of Delegation currently in operation has never been considered by Town or Parish Councils as anything other than transparent and fit for purpose, despite other elements of the planning system being less effective. Considering the argument presented to the Council that led to the approval of this consultation exercise, paragraph 5.7 on page 164 of the agenda paper states that “concern was also raised by Officers and Members at the number of applications which have been reported to Planning Committee due to the fact the Parish and Town Council view is contrary to the officer recommendation”. In addition, the statement continues : “These concerns are further compounded by the fact that a large number of Parish and Town Council’s still fail to attend Planning Committee to substantiate their concerns to Members.”. Excluding the palpably preposterous nature of this report, there is no statute nor precedent that compels Town and Parish Councillors to attend a planning committee and “substantiate” their replies. Town and Parish Councils have previously rejected the scurrilous and patently false allegations that they do not attend planning committees of the District to further argue against case’s as they have done so on countless, minuted occasions. Town and Parish Council’s again and again reject these tedious continued campaign’s of disinformation against Town and Parish Council attendees. Indeed, since Town and Parish Councillors are afforded no additional courtesies at the planning committee nor any additional speaking time than any other attendee, it is difficult to understand why the District Council is so insistent on the attendance of Parish Councillors - particularly when no debate of the representation is conducted. It is not at all clear what actual, material value the District Council Planning Committee places in this totally archaic practice of its own design. Article 22 of The Town and Country Planning (Development Management Procedure) (England) Order, states “Where the council of a parish are given information in relation to an application pursuant to paragraph 8(1) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions) they must, as soon as practicable, notify the local planning authority who are determining the application whether they propose to make any representations about the manner in which the application should be determined, and must make any representations to that authority within 21 days of the notification to them of the application.” Article 25 of the same order places Parish Councils under a duty to provide to the LPA a “substantive reply”, the definition of which includes a representation where the Parish Councils provides “advice to the consultor” ... The legislation set out by the Government is clear in the duties and expectations of Town & Parish Councils in the local planning system, and specifically affords a mechanism for Parish Councils to contest the “manner in which the application should be determined”. The most obvious way in which to satisfy this criterion is retention of the mechanism that allows a Parish Council to demand additional democratic oversight, by committee, by objecting to the recommendation of a planning officer, where it feels it is appropriate. It is fundamentally critical that Town and Parish Council local planning committee’s retain the democratic prerogative to refer applications of the highest concern to the District Council planning committee. Town and Parish Councils do not hold decision-making powers but must be respected as a prescribed

consultee in the Town & Country Planning Act 1990. The suggestion therefore that a representation which is considered in legislation as a substantive reply from a statutory consultee, which is also contrary to the opinion of a planning officer can, and should, be overruled through a planning officer in consultation with a single District Council member is nonsensical.. Indeed, it is not entirely clear if this suggestion is lawful and it is therefore evident that further due diligence is required by the LPA.. Again omitted from the consultation is critical information included in Paragraph 7.1, page 166 of the relevant agenda papers, in which one of the guiding principles of a new scheme of delegation was based around the belief that “Greater oversight is required to assess the arguments advanced by Parish/Town Councils on applications where their view is contrary to the Officer recommendation, to decide whether the application is reported to the Planning Committee for determination in considering the “Member Engagement in the Planning Process” section of the consultation, significant evidence was presented as part of the agenda report which highlighted a distinct lack of engagement from District Council planning committee Members who themselves are “not involved in any part of the process” as opposed to Town & Parish Councils that undertake a multitude of local research options, consulting with neighbours and explaining applications to concerned citizens who rely on their Town & Parish Councillors as their 1st port of call for local democratic concerns. In addition to this, every Town and Parish Councillor are presented plans at committee, which have been examined by a Town or Parish Council officer against local and national policies and any objection to a planning application is only performed through a lawful resolution clearly and systematically evidenced by the countless agenda papers available on many Town and Parish Council website’s. Town and Parish Councils can surely only describe the basis of this consultation as being mired in irrational absurdity. There is no reasonable basis that can be applied where Town & Parish Councils have been identified as requiring additional oversight in their substantive replies, and their presence be demanded at the District Council planning committee when the LPA criticises its own planning committee Member’s lack of engagement as a “significant risk for both officers applicants and agents”. I am in support of the introduction of a Members Forum as a constructive mechanism in Member development to improve the quality of decision-making being performed by the District Council Planning Committee, however suggests there is little value in extending this mechanism to Town & Parish Councils. This perhaps demonstrates the District Council’s lack of awareness at what engagement is performed at the most local level. Town and Parish Councils have extensive records of meetings with all major developers within theyre administrative regions to assess plans during the pre-application stage and provide constructive feedback to ensure the proposals will be sustainable and broadly favourable. This fact is well known by the LPA already, but again, is systematically excluded from its scant evidence base on which the consultation relies. The suggestion that extending an invitation to “local (District) ward Members” and “a (singular) representative of the Town or Parish Council” further demonstrates the District Council’s systematic lack of understanding of the lengths that Parish & Town Councils go to in order to understand planning applications and provide constructive feedback. The removal of Town Council’s and Parish Councils ability to refer planning applications to the District Planning Committee by way of a resolution cannot be replaced by a non-decision making forum open to a single member. I wholly condemn the proposal to improve District Councillor involvement in the local decision making process at the expense of Town and Parish Council’s prerogative of principal local representation. Further to this, the

selective circumnavigation of Town and Parish Council planning committee's concerns through the Chair's briefing process cannot reasonably be considered a sound proposal by the LPA. The District Council really should not consider the Planning Department Scheme of Delegation as a standalone issue concerning efficiency and must take a far more considered and evidenced approach toward the democratic considerations that arise from altering the scheme. In the continued theme of omission and lack of evidence, no mention has been made either in the agenda reports nor the published consultation as to the common practice of planning officers contacting Town & Parish Council officers in a bid to reconsider comments on minor applications. I can think of many situations where planning officers have appealed for the Town and Parish Councils to reconsider their opinion in order to avoid an unnecessary referral to the Planning Committee. Officers have provided additional evidence to satisfy the Town or Parish Council's concerns, and objections have subsequently been dropped allowing for the grant of permission to be performed under planning officer's delegated powers. This reasonable system of elementary communication is commendable, critical and above all, seemingly undervalued in the consideration of this consultation. I suggest that an introspective exercise and evaluation of the cultural principles at play in conducting its affairs as the LPA would yield far greater efficiencies, such as a genuine commitment to building on the existing good level of communications exhibited at an officer-to-officer level between authorities. By re-familiarising itself with the art of respectful bilateral communication with Town & Parish Councils in the planning process, the LPA would stand to gain significant dividends in the overall discharge of its duties. In summary, I consider this consultation wholly un-evidenced and that the exercise has failed to satisfactorily contextualise the complexities of the planning system, nor the value, weight and sanctity of democratic principles vs macro-organisational efficiencies. Glaring omissions of every day practices and a patent misunderstanding of the value added by our Town & Parish Councils forms the basis of this exercise. An unacceptably short period has been afforded to this consultation, which in its final format is not concordant with the minimal evidence and scant rationale provided at the original decision making meeting that approved this exercise. What little of the consultation that can be considered as reasonable justification for alterations of the scheme appear to be directly contradictory to the position of its own Leader. My strength of feeling over this consultation is that I reject these proposals in their entirety and further challenge the basis of this consultation with a view that it should be halted immediately due to the highly unsound nature of its basis. In concluding this representation, I urge the District Council to consider and understand the absurdity of these proposals, resist autocratic temptations and place the preservation of democratic involvement at the heart of its decision-making.

Susan Kirby:

Cannot see how one person can be given the ultimate decision on whether a proposed development should go ahead ... ie ... chair of the committee, where's the democracy there especially when chair is part of main political party.

Response to the Scheme of Delegation Consultation November 2020

Given the pressure that BDC is under, both within the Planning Department and the Planning Committee, with an ever-increasing amount of complex applications coming forward, the wish to try and limit the number of applications going through the committee process is understandable.

This pressure is also greatly exacerbated by the continuing lack of a made Local Plan after eight years of work and many missteps, giving rise to further work that must continue on this.

Nevertheless, this should not be used as an excuse to remove a layer of democracy from the planning process.

Parish councils try to speak for the tax paying residents of the parish and represent their views at an important local level. The importance of this should not be diminished.

Tax paying residents who take the time to respond individually should also not be dismissed as an irrelevance by removing the rule of six or more comments which then require an application to go to committee.

Training

Most Parish councillors have little training in these matters. It would be useful if BDC could provide some training from within the planning department to help a greater understanding of the issues and work involved. Currently, BDC as the tone of this document shows, appears to view most as an annoyance rather than a useful layer of local knowledge. Support to mutual advantage rather than what currently comes across from BDC as a patronising attitude would be welcomed. Although time and financial constraints are ever worsening it is an effort worth making.

Pre engagement by Members' Forums

This would be a welcome change with some caveats. The involvement of parish councils, district and county councillors at an earlier stage of engagement with developers plans when they are in the pre application stage talks that can last for many months. This is particularly important for larger proposals, which in relation to most villages could be viewed as, and indeed some are, strategic

sites in relative size to the parishes. Earlier engagement would then give greater understanding of the issues to all.

Regarding point 8.7: Would all parties be able to approve the minutes as an accurate reflection of the content of the meeting? How would this stand with commercial confidentiality if the minutes need to be produced for public consumption?

The main problem that is evident with this is that some level of pre determination and cooperation may be perceived by residents which would then create a level of distrust.

If committee members and councillors cannot discuss these applications with residents due to the commercial confidentiality issues that currently surround them, I can foresee even greater distrust being engendered than that which already exists.

Parish representation at committee meetings

Point 5.7 of you document states:

- 5.7 Concern was also raised by Officers and Members at the number of applications which have to be reported to Planning Committee due to the fact that the Parish/Town Council view is contrary to the Officer recommendation. These concerns are further compounded by the fact that a large number of Parish/Town Council's still fail to attend Planning Committee to substantiate their concerns to Members. Analysis of the last 25 Planning Committee meetings shows that there was a total of 53 Part B Items on agendas, comprising: 14 where the applicant/agent were either BDC staff/BDC Members, or were related to BDC staff; 8 where BDC was the applicant; 4 where the application had been 'Called In' for determined by a Member; and 27 where the Town/Parish view was contrary to Officer recommendation. The relevant Parish/Town Council only attended the Planning Committee meeting on 6 of the 27 occasions (22%) where it was their referral that led to the application being determined at Planning Committee.

Having attended and spoken at several committee meetings and taken the opportunity of watching the virtual presentations in the recent past. I am aware that many PC's do send representatives and responses.

It is interesting to hear the discussion within the planning committee and their responses to the officer's presentation. But I can fully understand and sympathise with why more PC's do not send a representative. They have only 3 minutes to make a statement, cannot ask or be asked questions or have any

further part in the proceedings. This can hardly be seen as an opportunity to 'substantiate their concerns to members'.

Most take the cynical approach that they will be ignored anyway and have said all they wish to say on the pre meeting responses. This is the real point that needs addressing in any revisions.

Officers sharing information with PC's

It would be welcome if officers' reports on planning applications could be shared with the Parish councils when objections have been made prior to it being shown as a report to a planning committee.

This is not always covered by documents being available on the BDC website on checking as often documents are late or not loaded. This is probably an area where an expansion in staffing is required.

There were two instances recently that I am aware of where the PC had put in objections to condition changes a developer wanted to make on a large development.

The subsequently amended documentation to the plans which had been agreed in response to the objections were not available to the PC prior to the meeting being scheduled. If this type of information was shared as a matter of course with PC's as soon as available, it is possible that some applications may not then need to go to committee.

More communication between planning officers and PC's in general could solve many of the issues which these proposed changes are attempting to address.

Recommendations for refusal

Point 5.9 – would agree totally with this view point.

Member call in

Point 5.10 – do not agree with its removal, but clarity of process could be put in place without watering down the ability for a member to do this.

Current pre engagement with PC's

On most planning applications, the only contact prior to a development – however large – is the rather cynical ‘tick box’ exercise from developers or land agents with the ‘Community Consultation’.

At this point pre application talks have long been ongoing and this is first indication that residents and PC’s have that development is planned.

Delegation rate for Braintree

Point 6.2

The comparisons charts show mostly areas of large towns with few rural parishes making the delegation rate comparison fairly meaningless. BDC in spite of this however are equal with Harlow and better than Maldon with far fewer applications to take into account.

Table 1: Performance for Year ending December 2019

LPA	Total Decisions*	Delegation Rate*
Chelmsford	1,709	99%
Brentwood	951	99%
Colchester	1,450	97%
Castle Point	575	97%
Tendring	1,091	96%
Basildon	1,026	96%
Rochford	718	96%
Uttlesford	1,646	95%
Epping Forest	1,484	94%
Braintree	1,380	92%
Harlow	318	92%
Maldon	809	86%

**Based on Year ending December 2019 MHCLG Returns (Table 134: District Planning Authorities)*

The figures for Braintree show that only 110 applications went to committee which, given the huge amount of large speculative development and strategic sites going through the planning process in 2019 and the nature of the district with 62 rural parishes and 52 parish councils, this does not seem excessive. This shows that **1,260** were already decided by delegated powers without making undemocratic changes to the process.

Revised scheme of delegation

8.7 B The step after 'THEN'

This appears to be removing a large element of the democratic process from the planning system and cedes too much power on important decisions into the hands of just one or two people. Frankly, it is also not a fair expectation to put onto them.

B. Applications which can be determined under Delegated Powers which may be subject to referral to Chair's Briefing:

- Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 3-9 proposed houses, including any linked application for Listed Building Consent, **Unless:**
 - Either the Town or Parish Council's view is contrary to the Officer Recommendation;
 - Or the application has been 'Called In' for determination by a BDC Councillor by the end of the specified consultation period and is accompanied by planning reasons for why the application should be referred to Planning Committee for determination.

Then:

The application shall be referred to Chair's Briefing, with the Chair and Vice Chair of the Planning Committee, who will consider whether the application should be referred to the Planning Committee for determination, except if a previous application for the same or substantially the same application site has been refused planning permission under Delegated Powers or by the Planning Committee where the proposal is deemed to be 'similar' to the previously determined application by the Planning Development Manager.

The suggestion to allow decisions involving the building of up to 10 dwellings where it is possible that that number could constitute a 10% increase or more of total housing in rural hamlets and villages cannot be right.

Removing the number and type of applications from committee as proposed, will create greater distrust of both the committee and the planning department. It will be seen as 'business being done behind closed doors' and promote greater suspicion of 'deals being done' however wrong this perception may be.

Summary

Most of the issues of dealing with applications in a timely manner through committee have been created by the lack of a Local Plan allowing decisions and policies that are not yet fully made to be challenged.

This has resulted in a deluge of large complex speculative applications for housing developments in the district that have not previously been assessed in any local plan documentation which in turn creates a huge volume of extra work for the planning department on many difficult issues.

This appears to be the main reason why the planning department is being stretched - not because of objections from PC's and residents.

Changing the Scheme of Delegation in line with these proposals would not be an efficient 'plaster' to solve any of the main problems but will serve to greatly diminish the little democracy left in the planning process.

The proposed changes without modification would seem to be an unsatisfactory move – both on how it is likely to be perceived and also in practice.

Susan Simpson

I am a parish councillor but this is a personal response.

Fielding House

CM77 8NX

I have read the proposed changes to delegated decisions with interest and would like to make the following comments on behalf of the Witham & Countryside Society.

While fully understanding the need to make the determination of planning applications as efficient and effective as possible, we are concerned about the loss of democratic influence and transparency in the new proposals. With regard to Witham, we feel the local knowledge and understanding of local issues and concerns and also of the town and its environment means such decisions cannot be made centrally without the participation of Witham ward members, and so we consider such ward members should be given the opportunity to be fully involved with the delegation process.

The proposal to delegate all applications for any development of 3 - 9 proposed houses in Part B can still be considered very controversial in a town like Witham. Even a single property in the wrong place, especially (say) on a garden in an established estate can cause concern with local residents. For this reason, we believe the new procedure should be more democratically transparent by way of (a) Witham ward members should be given the opportunity of attending; and (b) a representative of the Witham Town Council should attend the Chair's Briefing to explain the town council's view and report back to the town council.

With reference to Part C, I would refer to the above, even one house as a new development should be subject to the Chair's Briefing with at least one Witham ward member present. This should include any applications for types CLPLB, DAC (regarding listed buildings), and LBC. With regard to S106A, any S106 considerations should be referred to the full committee.

I suspect these comments may also apply to other town and parish councils within the Braintree District, but our concern is mainly for Witham.

John Palombi
Chairman, Witham & Countryside Society.