

# Belchamp St Paul and Belchamp Otten Parish Council

Planning Development Manager  
BDC  
Causeway House  
Bocking End  
Braintree  
Essex  
CM7 9HB

**Mrs D M B SMITH**  
**Clerk to the Council**

The Bays, Gages Road,  
Belchamp St Paul,  
Sudbury, Suffolk  
CO10 7BX

Home: 01787 279288  
Mobile: 07773 393513  
Email: [belchamps.pc@gmail.com](mailto:belchamps.pc@gmail.com)

2 December 2020

Dear Sirs

RE: COMMENTS ON BDC REVISED SCHEME FOR DELEGATION OF PLANNING  
APPLICATION DECISIONS

The Parish Council have studied the proposed BDC Revised Scheme of Delegation for planning applications and would like to respond to the consultation as follows:

1. The right to respond to planning applications is a very important one to both Parish Council's and to the residents that they represent.
2. The proposed revisions maintain the right for Parish Council's to comment on all planning applications. However they will remove the right for a Parish Council to request that certain applications be considered by the full Planning Committee rather than by an individual planning officer. This currently occurs where the local Parish Council views differ from those of the Planning Officer dealing with the application.
3. The removal of the right to request that an application be considered by the Planning Committee applies to the construction of 1-2 dwellings, to Listed Building and Conservation Area applications and applications for extensions and smaller works. In small rural communities most planning applications will fall into this category and to remove this important facility, except where the planning development manager deems the proposals 'significant,' is not acceptable. In a small community even comparatively small developments and changes can have a significant impact much more so than in larger residential areas.

The Parish Council fully appreciate the expanding workload of the BDC Planning Committee but to erode existing Parish Council rights in this way is not acceptable and is not a suitable way to address the problem. The proposal goes against all the principles of localism and the Parish Council accordingly wish to register their strong objection to the proposed revisions.

Yours sincerely



Diane Smith  
Clerk to Belchamp St Paul and Belchamp Otten Parish Council

The Parish Council thanks BDC for the opportunity to comment on these proposals as follows:

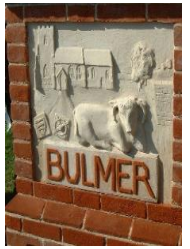
- The Scheme of delegation allows for “an opportunity to extend invitations to attend the Members Forum to Local Ward Members and Parish/Town Councils”.
- The PC feels that the wording could be strengthened to recognise the Parish/Town Council’s statutory right to be consulted on all relevant planning applications.
- The Chair/Secretary of the Members’ Forum should have a mandate to invite relevant Parish/Town Councils to attend the Members’ Forum whenever a planning application within that parish or town is under consideration.
- To prevent the process becoming less transparent and far less democratic, the input and views of local parish and town councillors must be carefully considered in all applications as they have the knowledge of their local area to inform any decisions being made.

**Christine Marshall**  
**Parish Clerk & Responsible Financial Officer**  
**BRADWELL with PATTISWICK PARISH COUNCIL**  
**Mill Cottage, Church Road, Bradwell, Braintree, Essex, CM77 8EP**



# Bulmer Parish Council

---



Claire Waters, Parish Clerk & Responsible Financial Officer  
25 Bayley Street, Castle Hedingham, Essex CO9 3DG  
07845 056597  
[bulmerparishclerk@gmail.com](mailto:bulmerparishclerk@gmail.com)

To:  
Braintree Planning  
Causeway House  
Braintree  
Essex  
CM7 9HB

13th November 2020

Dear Sirs

## **Consultation on proposed revised scheme of delegation**

Bulmer Parish Council would like to make the following comments in response to the proposals for the revised scheme of delegation:

1. The introduction of 'Forums' is welcomed if it will enable more input from Parish Councils to the decision process before a decision is made.
2. The Parish Council welcomes changes which will speed up the process and simplify the process of delegation.
3. Bulmer Parish Council feels it is important that the public are informed and encouraged to express their views at the earliest stages of the planning process. The Parish Council would not like to see discontinuation of Public notices posted locally near the site of a planning application.
4. It is requested that Parish Councils are given more autonomy on deciding what can be included in the Open Spaces Action Plan and therefore greater influence on S106 agreements.

Yours sincerely

*Claire Waters*

Claire Waters  
Parish Clerk  
Bulmer Parish Council



## Castle Hedingham Parish Council and Burial Board

Mrs Claire Waters  
Clerk to the Parish Council  
Telephone 07845 056597  
E.Mail: [castlehedinghamparishclerk@gmail.com](mailto:castlehedinghamparishclerk@gmail.com)

25 Bayley Street  
Castle Hedingham  
Essex  
CO9 3DG

---

To:  
Braintree Planning  
Causeway House  
Braintree  
Essex  
CM7 9HB

13<sup>th</sup> November 2020

Dear Sirs

### Consultation on proposed revised scheme of delegation

Castle Hedingham Parish Council would like to make the following comments in response to the proposals for the revised scheme of delegation:

1. All efforts must be maintained to keep the public informed and encourage them to express their views at the earliest possible stage of the planning process. Public notices posted near the site of the planning application are helpful in this and the Parish Council would not like to see these discontinued.
2. The Parish Council welcomes the opportunity to be involved in a "Members Forum" and requests that the Parish Clerks be included in the invitation to attend.
3. The views of the Parish Council should be taken into serious consideration by Planning Officers both when they are in support of a planning application and when they express an objection. In all cases, Planning Officers should take into account the fact that a Parish Council has a greater understanding of local need and opinion. Regular and detailed feedback to Parish Councils would also be welcomed
4. Castle Hedingham Parish Council requests a greater say in the process for S106 Agreements. This means more Parish Council autonomy on deciding what can be included in the Open Spaces Action Plan and therefore the S106.

Yours sincerely

*Claire Waters*

Claire Waters  
Parish Clerk



# **EARLS COLNE PARISH COUNCIL**

**Clerk – Mrs. Angela Emerson**

Council Office, Village Hall, York Road, Earls Colne, Colchester, Essex CO6 2RN  
Tel: 01787 224370 E-mail: clerk@earlscolne.org

14<sup>th</sup> November 2020

FAO Planning.Comments@braintree.gov.uk

## Feedback on Scheme of Delegation

The Parish Council wish to make the following comments:-

- For Parishes, the distinction between Minor and Major Developments should be set at a level that is relevant to each parish. Earls Colne Parish Council would not consider any application for 3-9 new dwellings to be minor.
- This proposal will require significant additional involvement from our District Councillor. The Parish Council has concerns over under-representation at the Members Forum due to potential conflicts of interest with Cllr. Spray's position on the Planning Committee.
- Where the Parish Council view is contrary to the Officer view, the Parish Council would like to receive feedback on the grounds for disagreement before the Officer finalises his recommendation.
- Where the Parish Council view is contrary to the Highways view, we wish to have the opportunity to discuss the reasons in full, directly with Highways, before the Officer makes his recommendation. The Parish Council believe this to be an unacceptable shortcoming in the existing planning process. Highways should consider and respond to local views on roads/transport connections.
- The Parish Council would like provision to be made for their involvement in all S106 negotiations relating to applications in the village. Currently these are approved with minimal Parish Council involvement which has resulted in instances where funds have been allocated to projects that do not address our village priorities or where decisions have been made without our consent on land the Parish Council will take responsibility for.
- We do not believe that Parish Council attendance at the Planning Committee meetings adds any value to the process given that representations have already been made in writing.

Yours faithfully,

Parish Clerk



## FEERING PARISH COUNCIL

Feering Community Centre, Coggeshall Road, Feering, Colchester, Essex. CO5 9QB

Telephone: 01376 572882

Mobile: 07401 208582

Email: [clerk@feeringparishcouncil.gov.uk](mailto:clerk@feeringparishcouncil.gov.uk)

### **Braintree District Council - Review of Scheme of Delegation & Proposals for Member Engagement**

On behalf of Feering Parish Council's Planning Committee, we would like to thank BDC for consulting with us and providing an opportunity to review and feedback on these proposals, which we have set out below:

#### **BDC - Objective 3.**

To introduce a mechanism to allow for meaningful engagement with Members of the Council's Planning Committee at the pre-application & application stage, prior to the determination of the application

#### **Proposed Members Forum**

Applicants & agents would have the ability to present their proposals to Members of the (BDC) Planning Committee at pre-application, pre-submission, and application stage of the process. There would also be an opportunity to extend invitations to attend the Members Forum to Local Ward Members and Parish/Town Councils.

It should be noted that this forum would be a way for members to enhance their understanding of the proposals they have before them. It is not a decision making forum.

#### **Feering Parish Council's Planning Committee response**

- 1) The concept is positive; however, we would request that the Parish / Town Councils (along with Ward members) **must be included as of right** – and not just for applications in their Parish but also for larger applications (say 20+ homes) in neighbouring Parishes. There could, for example, be increased pressure on services (e.g. schooling, health) and increased traffic that affects neighbouring councils.
- 2) As you will appreciate, Parish Councillors are volunteers and often have daytime / work commitments and as such we would request clarity as to whether the meetings are to be held in the daytime or in the evening? If these meetings are to be held during the daytime, then the ability to participate remotely must be offered.
- 3) We note that the proposed members forum would NOT be a decision-making forum, however we are concerned that this could lead to a situation where applicants / developers do not seek to engage proactively. As a Parish council, we maintain that applicants and, in particular, Developers could and should be engaging and holding meetings with Parish / Town councils & local communities. This early engagement can often be a positive; however, our experience is that engagement is often minimal.
- 4) How does this proposal sit with the non-pre-determination requirements?
- 5) At present, there is a process in place that allows pre-application engagement with officers. The results / officer advice are not currently available to Parish / Town councils. To enhance this proposal, we consider that this would be a positive and useful change to the current process.
- 6) Many larger applications are now coming forward as Outline applications with most matters being reserved. The final built form of these applications is often significantly different from any illustrative master plan included at the Outline application stage. Hence we are concerned that, for this forum to work, it is imperative that applicants recognise that any significant departure to the original master plan schemes would need to be resubmitted and the process recommenced from the beginning.



- 7) Needless to say, it is imperative that this forum doesn't predetermine an outcome and that the committee members keep an open mind throughout the application process.
- 8) We recognise the transparency that the forum provides having all parties present - as is often the case the agent / applicant is likely to have already opened dialogue with the planning officer – could this forum not be for BDC Planning Committee and Town / Parish Councillors to put forward any concerns / comments they may have.
- 9) How much notice will Town / Parish Council's be given of the forum given the number of documents that may need to be read.

### **7) Current Process:**

By the time Outline applications have reach the reserved matters stage, which is the next stage at which Parish Councils and the public have the right to be consulted, many of the details may / have already been determined by the discharge of conditions (DAC) applications.

Parish Councils and the public are not advised of these DAC applications and have no right to be heard as they are classified as technical matters for officer decisions i.e., they are already delegated.

If matters like street lighting, types of streets, boundary features, SUDS, site wide strategy, etc. have already been decided by the discharge of conditions - then we have been informed that these matters cannot be changed in any subsequent reserved matters (REM) consultation.

As a consequence of proposing further delegated powers, we are concerned that the views and lack of voice for both the Parish council and local people are eroded with no right to be heard / discuss / oppose potential matters; hence by formalising this, the lack of voice of the Parish Councils and local people by more delegation of powers with no right to be heard is opposed.

### **Delegated Powers & Appendix**

#### **APPENDIX - A: REFERRAL TO PLANNING COMMITTEE**

The wording is taken to mean that for all these types of application where the Parish Council's view is contrary to the Officer Recommendation, then the application will always be referred to the Planning Committee. In this event, the process would benefit from being enhanced to ensure that the planning officer & Parish Council have a discussion in the first instance, before formal referral to the planning committee.

#### **Appendix -B+C. APPLICATIONS THAT MAY BE /CAN BE DEALT WITH UNDER DELEGATED POWERS**

If an application is to be dealt with under delegated powers then the application MUST comply with planning policies - NPPF, the Essex Design Guide, ECC & BDC Policies and Neighbourhood Plan policies. These policies MUST be adhered to consistently. They must not be treated as guidance.

If an applicant wants to deviate from any of the agreed policies, then the deviation must be flagged and the application must go out for public consultation, as is the situation now where a Parish Council objection requires the application to be heard by the Planning Committee.

#### **Appendix -B. APPLICATIONS THAT MAY BE DEALT WITH BY DELEGATED POWERS**

A Parish / Town Council (and Ward Councillor) should have the right to informally meet with the Chair & Vice-Chair and the Planning Officer, where the Parish Council's view is contrary to the Officer Recommendation.



If following this meeting / discussion the Parish / Town Council maintain their position and it is based on valid planning considerations, then the application should be referred to the planning committee for consideration.

### **Appendix - C. APPLICATIONS TO BE DEALT WITH BY DELEGATED POWERS**

- a) Many of the application types listed within the proposal are already delegated as they are officer decisions e.g. permitted development, COUPA, NMA, prior approval decisions. Parish Councils are not advised of these applications, there is no requirement to take Parish Council's responses into consideration if a Council become aware of the application. There is no site notice.
- b) Parish Councils are required to respond to planning applications within 28 days. As such Parish Councils are not a time constraint in the process and therefore, we consider that there is no reason to delegate decisions and remove the right for Parish Councils to be advised and consulted.
- c) If an application is to be dealt with under delegated powers, then BDC validation requirements **MUST be met in full** e.g. direction of North, scale bar, dimensions & distances, immediately adjacent buildings (e.g. semi-detached property), trees (on site & immediately adjacent), ALL PROWs crossing the site, all access roads and roads & footpaths on land adjoining the site.

### **Applications that must not be delegated**

- c) Listed Buildings and trees are extremely important to Parish Councils and local people. Whilst it is appreciated that these matters can be technical, these applications should **not** be delegated decisions.
- d) EIA scoping and screening opinions are again quite technical matters, but they are often the first indication that Parish Councils and local people have that a major development is being proposed – hence these should **not** be delegated decisions.
- e) Infilling, back land development, annexes, householder applications, commercial applications, etc. inside village envelopes / Local Plan boundaries matter to local people and so should **not** be delegated decisions.

The look and scale of replacement dwellings also matter to local people and so should **not** be delegated decisions. If a Parish Council view is contrary to an officer view, these applications must NOT be decided under delegated powers (please refer to B above)

- f) Development outside village envelopes / Local Plan boundaries must **not** be delegated decisions. Buffer zones and spaces between housing are extremely important matters to local people and in particular the importance of outside / green space has only been heightened by the COVID 19 pandemic.
- g) Section 106 modifications must NOT be delegated.

**Submitted by Feering Parish Council's Planning Committee  
For and on behalf of Feering Parish Council**

**Lisa Collins  
Clerk to Feering Parish Council**





# GESTINGTHORPE PARISH COUNCIL

Parish Clerk / RFO: Kevin B. Money  
7 Roach Vale, Colchester, Essex. CO4 3YN  
Tel: 07810781509 – Email: [gestingthorpepc@gmail.com](mailto:gestingthorpepc@gmail.com)

Christopher Paggi  
Planning Development Manager  
Braintree District Council  
Causeway House,  
Bocking End,  
Braintree,  
CM7 9HB

16<sup>th</sup>. November 2020

Dear Mr. Paggi

We understand that the current Scheme of Delegation was introduced following a review undertaken in 2015 and following consultation with Senior Officers within the Planning Team, a further review is now being proposed.

Referring to the 'Executive Summary', the reasons being given for the proposed changes are that the current scheme has not enabled the Planning Committee to solely focus on the most significant planning applications in the District, it is considered to be unduly complex and is contributing to delays in decision making.

Unfortunately, no evidence has been put forward in the 'Executive Summary' to substantiate this claim.

Whilst the current scheme might not be perfect, the proposals, if adopted, would greatly water down Public, Parish Council and Ward Members involvement in the Planning Application process. In addition, it puts the Chairperson in an invidious position in deciding which applications should go to Committee. Clearly, a potential conflict of interest.

From a Parish Councils perspective it is also extremely disappointing that we were not consulted as part of the review process and were only given a three-week window of opportunity to respond. This only adds weight to our thoughts that you are looking to further water down Parish Councils involvement in the Planning system. Please, let's not forget that Parish Councils have the best interests of their Parish and Parishioners at heart, and with their local knowledge, which is probably considerably more than your Planning Officers have, their views must not be discounted.

The delays within the Planning system are unacceptable and may we suggest that rather than trying to put the blame on your current scheme of delegation, you encourage your Planning Officers to actively engage with applicants, Agents and Parish Councils. Active engagement would lead to better and informed decision making, avoid expensive planning appeals and restore faith in the planning system.



# GESTINGTHORPE PARISH COUNCIL

Parish Clerk / RFO: Kevin B. Money  
7 Roach Vale, Colchester, Essex. CO4 3YN  
Tel: 07810781509 – Email: [gestingthorpepc@gmail.com](mailto:gestingthorpepc@gmail.com)

Bearing in mind the above, we are not able to support your proposed Review and do respectfully hope that when Members consider the proposal, they are made fully aware of all views and opinions.

Yours sincerely

*KB Money*

Kevin B. Money  
Parish Clerk

## **RESPONSE FROM GREAT BARDFIELD PARISH COUNCIL**

Review of Scheme of Delegation – Planning, Braintree District Council

We do not object to measures to reduce the bureaucracy, delay and expense of undertaking the planning application process, enabling decisions to be made in a more timely, and effective way. However we have some questions and points we wish to raise in this regard:

### **Proposals:**

**Discard ‘Part A’ and ‘Part B’ of the Planning Committee Agenda. All applications would be presented by Officers and debated by Members (no applications would be considered ‘en-bloc’).**

We agree. We see no value in presenting applications to the Planning Committee just to be voted for en-bloc without individual consideration. If an application is important/contentious enough to be brought to the Committee it should be considered properly.

We would like to have information on the proportion of applications where Members do NOT follow Planning Officers’ recommendations. We expect it to be low. Hence Officers’ recommendations or decisions may not be required to go as far as the planning committee.

However, we value the democracy and scrutiny of a proportion of applications being considered by the planning committee where considered to be contentious or have repercussions for future plans, for example.

**All ‘Major’ applications would be reported to Planning Committee for determination with ‘Minor’ Schemes being determined under Delegated Powers**

This seems sensible in theory but what may be a ‘Minor’ scheme (i.e. less than 10 houses) in some situations would be a ‘Major’ scheme for a Parish such as ours. We note that applications for ‘Minor schemes’ where the PC opinion is contrary to that of Officers’ recommendation will be referred to the Chairs’ briefing, for a decision as to whether it be referred to the Planning Committee, but have some concern about how such applications will be determined and how much weight a PC’s objection may be given. Members of the Planning Committee have an important role in the scrutiny of planning applications and how they are determined, however, for Members, politics may also play a part in their decision-making, which we would prefer to see diminished.

Currently there is no Local Plan in place, which makes our historic village vulnerable to speculative and inappropriate development. We would wish to be assured that Officers consider all supplementary planning guidance including Neighbourhood Plans, Village Design Statements Local Design Codes and Conservation Area Appraisals etc. Much time and effort has, and continues to be, put into these documents, by volunteer community groups, and we consider them vital to the protection and conservation of our village, its heritage, landscape and environment.

We would prefer, therefore, for applications within the Conservation area or requiring Listed Building Consent **and** where the Parish Council does not concur with Officers’ recommendations be referred to the Planning Committee.

## **Member Engagement in the Planning Process**

We have felt for some time that we would prefer to be involved in the planning process at an earlier stage and to have more contact with the planning department and officers, in advance of an application being determined under delegated powers or by going to Committee. If the Parish Council objects to an application the Officers would recommend, it would be less costly and time-consuming for discussion and negotiation to take place prior to determination, than a subsequent application be required, following refusal. We would hope to see more engagement by the Planning Dept. with consultees which at present is available to the applicant or agent. This could be undertaken in an informal way, by phone or email. Enabling more access to Officers for PCs would make the process more equal and fair.

Where developers have engaged early with the community, we have tended to find that it is more likely for some agreement to be reached as to what is/is not acceptable. Developers which have been pro-active in engaging with this community, and adjusting their plans in line with community feedback have faced less opposition to their plans. We would also expect Officers to pro-actively engage with a Parish Council at an early stage in the process. This could avoid a conflict between Officers' recommendation and PC's objections, particularly where the objection is not based on solid planning grounds. This could be done simply by email communication with the Parish Clerk. From our experience we do not see the Officers' recommendation or arguments until too late in the process (ie once minutes are published for a Planning Committee meeting). PC members do not necessarily have the technical expertise and knowledge of policy and may benefit from more guidance from Officers early in the process. Access to Planning Officers is currently discouraged/difficult, whereas their guidance is available to applicants and developers (conflict of interest?).

Members' Forums are proposed to enable interaction between applicants, developers, agents, BDC Members, PCs, and presumably, Planning Officers. This may well allow for discussion and negotiation at an early stage with all stakeholders. Such Forums may be less daunting to attend than a Planning Committee meeting which can be a hostile and confrontational environment with the developer having the power, legal representation and resources, against the individual objector or a member of a Parish Council.

However, we are concerned whether such Forums would work in practice. Yet another meeting for all parties, especially onerous for voluntary PC members. Timing is difficult as some cannot attend meetings during the day and others do not want to be meeting in the evenings.



**Clerk: Suzanne Walker**  
**Tel: 01376 331251**  
**E-mail: [greatnotleyclerk@gmail.com](mailto:greatnotleyclerk@gmail.com)**



9<sup>th</sup> November 2020

Dear Sirs,

**Re: Planning Scheme of Delegation consultation**

Great Notley Parish Council has considered the discussed the proposed amendments to the Braintree District Council planning scheme of delegation and would like to make the following representations and would be grateful if they could be taken into account within the consultation process –

1. It is noted that in relation to some smaller applications it is proposed that in the event that a Parish Council objects to an application and that objection is contrary to the planning officer's recommendation, it is stated that rather than automatically being permitted to be considered by the Planning committee it shall first be referred to the Chairman and Vice Chairman of the planning committee who shall decide if it may be considered by the committee.

It is noted that in the paperwork provided within the consultation there is no explanation of the criteria that the Chairman or Vice Chairman will use to make such a determination. The Parish Council would wish there to be clear grounds set out as to how such a decision will be made as it is important for the sake of transparency and clarity for Parish Councils to understand how to put forward the views of its community in accordance with its democratic right as statutory consultees. Even smaller applications can have an impact upon communities so it remains relevant for such applications to be scrutinised by the committee.

2. It is noted that there is a proposal for a members' forum which will allow applicants to present their applications to planning committee members from a pre-application stage onwards. It is further noted that the forum would be open to Parish Councils as well.

Whereas the Parish Council can see the benefits of such a forum, it wishes to express concern that such a remedy will not increase the possibility of impropriety and to make sure that there is probity and transparency in the process with clear terms of reference.

Yours Faithfully,  
Suzanne Walker  
Clerk to Great Notley Parish Council

# Greenstead Green and Halstead Rural Parish Council

Braintree District Council  
Development Management  
Causeway House,  
Braintree.  
CM7 9HB  
12<sup>th</sup> November 2020

Dear Sir or Madam,

## **Greenstead Green and Halstead Rural Parish Council**

The Parish Council, at their meeting on Wednesday 11<sup>th</sup> November 2020, looked at the Review of Scheme of Delegation & Proposals for Member Engagement.

Greenstead Green and Halstead Rural Parish Council made the following comments: "Overall they welcome the proposals contained in this review particularly the Members Forum and the invitation for Parish Councils to attend.'

Yours Faithfully,

Amanda Degnan (Mrs)  
Parish Clerk  
Greenstead Green and Halstead Rural Parish Council  
Tel: 01787 274992  
Email: [greensteadgreenclerk@outlook.com](mailto:greensteadgreenclerk@outlook.com)

Please find Kelvedon Parish Council's response to the above review, below:

The Parish Council accepts that there is a need for a change to the current system, which is clearly overburdened. There is a feeling, however, that the lack of an up to date Local Plan and the associated applications being put through in locations which would otherwise be contrary to policy, has had an impact on this. It is also felt that one of the reasons why Parish Councils fail to attend the Planning Committee when needed, is a result of the format of those Committees. Kelvedon Parish Council has attended Committee where they have put forward a contrary view, have given the three minute address to Members and have then taken no further part in the meeting. The three minute address is usually only a summary of the representation which the Committee already has in front of them, and as no further questions tend to be asked of the Councillor who has turned up, it is difficult to understand why they need to be there in person to make the system work. This has led to Councils not seeing the point of turning up, hence the very low rate of attendance.

With regard to the proposed changes to the Scheme of Delegation, the Parish Council are very concerned that the vast majority of planning applications affecting the village will not have any recourse to the Planning Committee at all. It has always been the case that the major applications will be taken to Committee due to their nature, and it seems that this is not going to change. However, although the Parish Council understands the need for some change, there are times when the Parish Council's views are going to differ from the case officer's. This can very often be for reasons which are down to the very local knowledge that the Council has with regard to issues around either the property in question, or localised problems with parking, traffic etc, which may not be apparent to the case officer, or indeed to ECC Highways when they make their responses. We accept that there are instances where Parish Councils will put in a contrary view to the officer, which are not based on a material or planning considerations and we understand the frustration that this causes BDC when the application then has to be taken to Committee. However, there is also frustration on the part of the Parish Council when it is felt that their views are not taken into account. This may very well be down to the fact that the objection cited by the Parish Council is well meaning and well founded on a local level, but may just lack some fundamental planning knowledge.

Parish Councillors are volunteers, and, on the whole, do not have any working knowledge of the planning system. They are, however, elected representatives of their parish and its residents, and as statutory consultees they have a right and a duty to respond on planning applications.

If, as the Committee Report suggests, the biggest problem with cases being taken to Committee is rooted in contrary views being put in by Parish Councils, citing either objection or support on issues which are either not planning or material considerations, or are contrary to policy, then this it is evident that Parish Councils are in need of basic and ongoing training from BDC. Other Local Authorities undertake both briefings and training for their parish councils two or three times every year. Some of these take the form of briefings on areas of planning which have, or are, changing (e.g. when the new NPPF came into force, changes to permitted development), and a run through of the issues at each stage of the Local Plan process. The rest take the form of training and can be on any aspect of planning. For example, the issues that tend to crop up which may not be fully understood from a planning point of view are things like, 'overdevelopment of the plot', 'loss of light', 'overbearing', and common highway issues. These could be run through from the planner's point of view – what you look for, what constitutes 'overdevelopment' etc. A basic run through of current policies and how to apply them to applications would also be of help. This would then form the basis of a more professional 'eye' when parish councillors are looking at applications. It is appreciated that BDC does have a large number of parishes, however, as we are mostly all able to participate in online meetings, this can now be accommodated fairly easily.

In tandem with this, where a Parish Council has made a representation which is not technically accurate, or a planning consideration, and it can be demonstrated/explained why this is the case, the Officer could contact the Parish Council to explain the situation and then possibly the comment could be withdrawn or altered.

For the applications of between 3 and 9 dwellings, where they will be referred to the Chair's briefing, although the Parish Council respects the professionalism of the Chair and Vice-Chair of the BDC Planning Committee, it has caused concern that this puts the decision firmly with those Members only, rather than being subject to a criteria. In a village or small parish, an application for 3 or more dwellings will in fact have a higher impact on that community than it would in a large parish or town. There will be concerns which may not be apparent to the case officer when determining their recommendation for approval/refusal, which the Parish Council feels should be heard by the Planning Committee, but will have no say in whether it is allowed to go forward. There are examples of applications where such applications have been refused both at BDC and appeal levels, but keep being submitted in different forms. These applications can be very contentious at a local level and again, although the Parish Council respects the professionalism of both officers and Members, sometimes these really do need to be heard and determined by the full Committee. However, as the new proposals stand, this may be prevented.

The same can be said for applications of up to 2 dwellings, which, under the new Scheme will never have recourse to the Committee, but could have a big impact on the village in which it is being proposed.

With regard to the proposals for a Members' Forum, the Parish Council does not object to this entirely, however, there are some concerns about this process and, without further detail, we can only submit the following comments.

It seems that the Forum would take the same sort of format as the Planning Committee, with the Ward Members being present for applications in their area, and possibly representation from the Parish Council. Presuming that more than one application will be on the agenda for each Forum, this does not really give Members or the Parish Council the chance to go over any questions or issues in any great depth, given that presumably there will be time constraints on each item, before moving to the next proposal.

Further concerns on this process are as follows:

- How many Parish Councillors will be able to attend?
- Will attendees see the proposals before the Forum?
- Will this process enable applicants to tick the 'consulted with the community' box and therefore remove the need for them to actively engage with the Parish Council/community, as happens now?

To elaborate, Parish Councils work collectively, therefore, they will need to see the proposals before the Forum takes place, so that they can agree what questions need to be asked and what issues need to be raised. This is especially important if only one, or two Councillors are able to attend the Forum. It would not be very fair to expect one Councillor to react with questions on behalf of the whole Council, if this is the first time the proposals are seen.

Currently, applicants in our parish are quite forthcoming about proposals at the pre-application stage, and the Parish Council have had many meetings with major applicants, along the same lines that the Forum is being proposed. These have proved valuable and have at times resulted in positive changes being made to proposals before they are submitted to BDC. However, these meetings take at least an hour for them to be of any real use, and if the format of the Forum is to be as presumed above, this is not going to have the same effect. There is also a concern that if applicants take a proposal to the Forum, this will



negate the need for them to meet with the Parish Council, or engage with the community separately and this line of communication could cease.

In conclusion, the Parish Council do have concerns and reservations as above, but also feel that there is not enough detail on aspects such as the Members' Forum proposal, to enable them to give more of an informed view at this stage. If the detail can be worked up, preferably in conjunction with Parish Councils, and consulted on again, this will provide more informed feedback.

Kind regards

*Philippa Potter*

Clerk to Kelvedon Parish Council

01376 570285 | The Old Bank, 63 High Street, Kelvedon, CO5 9AE | [www.kelvedon.org.uk](http://www.kelvedon.org.uk)

**LITTLE YELDHAM, TILBURY JUXTA CLARE AND OVINGTON PARISH COUNCIL**

Adrian Corder-Birch, D.L., F.S.A.,  
Clerk to the Parish Council

Tel: 01787-472945

Email: [clerk.ly.tjc.o.pc@gmail.com](mailto:clerk.ly.tjc.o.pc@gmail.com)

Rustlings,  
Howe Drive,  
HALSTEAD,  
Essex. CO9 2QL

For the attention of Mr. Christopher Paggi,  
Planning Development Manager,  
Braintree District Council,  
Causeway House,  
Braintree,  
Essex.  
CM7 9HB

12<sup>th</sup> November 2020.

Dear Sir,

**Review of Scheme of Delegation and proposals for Member Engagement**

Thank you for your email of 22<sup>nd</sup> October, with attachment, which was carefully considered at a Parish Council Zoom meeting, held on 10<sup>th</sup> November, when the following response was unanimously agreed.

The Parish Council thanks Braintree District Council (BDC) for inviting the Parish Council to consult on the Revised Scheme of Delegation.

The Parish Council understands your reasoning and your objectives for reviewing this Scheme, but has some concerns, which it desires to share with you.

The rule designed for applications for 1-2 houses is subjective and in certain situations the Parish Council can see why this is important to BDC as applications for 1-2 houses in built up areas, such as Braintree, Witham, etc., is a minor consideration and is unlikely to be too contentious.

However, in the Countryside, an application for 1-2 houses is a major consideration and far more contentious. This is borne out by the volume of Parish Council and resident's representations to past applications of this nature.

The Parish Council therefore asks whether this rule can be amended to treat applications for 1-2 houses in the Countryside in the same way as those for 3-9 houses, i.e. that if the Parish Council view is contrary to the Planning Officer or the application has been 'called in' by a BDC Councillor, they are referred to the Planning Committee Chairman or Vice Chairman to consider whether the application should be determined by the Planning Committee.

The Parish Council welcomes the idea of the Member's Forum and being invited to contribute at an early stage of the Planning process. The Parish Council has always tried to positively contribute and has always attended Planning Committee meetings to represent our residents when necessary.

The Member's Forum however appears to be designed for larger applications, which are unlikely in the Countryside, so Parish Councillors cannot envisage being able to contribute in the way that they would like to.

Will you please take the above points into consideration when reviewing the scheme?  
Thank you.

Yours faithfully,

Adrian Corder-Birch,  
Clerk to the Parish Council



# RAYNE PARISH COUNCIL

Clerk to the Council: Mrs Sarah Cocks  
10 Station Road, Rayne, Braintree, Essex CM77 6RX  
Tel: (01376) 552489  
[rpc@rayne-essex.gov.uk](mailto:rpc@rayne-essex.gov.uk)  
[www.rayne-essex.gov.uk](http://www.rayne-essex.gov.uk)

13<sup>th</sup> November 2020

Christopher Paggi  
Planning Development Manager  
Braintree District Council  
Causeway House  
Bocking End  
Braintree  
CM7 9HB

Dear Christopher

## **Review of Scheme of Delegation & Proposals for Member Engagement**

Thank you for your email dated 23<sup>rd</sup> October 2020 and attached summary document, allowing the parish council to comment on the proposed revised scheme.

Rayne Parish Council reviewed the report at the meeting held on Monday 2<sup>nd</sup> November 2020 and provides the following response:

- Objective 1 states: *So the Committee can focus on the most significant and complex applications – those that affect the way in which the District will grow and have a higher level of interest.*  
Councillors are concerned that smaller applications do not have any less significance for the applicant or their neighbours and should benefit from the same scrutiny as the more complex and significant cases, if there are serious planning issues to be considered.
- The suggestion that parish councils are to be involved in discussions with applicants at the pre app stage was welcomed with caution, being mindful of pre-determination. However your clarification at the Supporting Communities meeting on 2<sup>nd</sup> November that such meetings would be minuted and councillors encouraged not to make verbal indications of their opinions did go some way to reassure me on this point.
- Parish councillors understand and support the ethos behind a revised Scheme of Delegation in order to stop unnecessary appeals on the grounds of non-determination.
- Rayne Parish Council is proud of its record of attending Planning Committees (whether virtual or in person) in order to underline objections to applications, particularly when these are against officer recommendation.
- Turning to the Appendix – new scheme of delegation - concern was raised that should the parish council object it would appear to be the decision of the Planning Committee Chair as to whether the application is heard at the Committee or not. Councillors felt this would undermine the views of the parish council.
- Finally, with regard to meaningful engagement, councillors were concerned there was no mention of members of the public being involved.

Yours sincerely

Mrs Sarah Cocks  
Clerk to the Council

## **RCCE Essex Best Kept Village 2014 Runner Up RCCE Essex Village of the Year 2016 Merit Award**

Parish Office:

Community Information Point, rear of Rayne Village Hall, Gore Road, Rayne  
Open: Monday 12.30 to 3.00pm & Thursday 9.30am to 12.00 noon

[www.rayne-essex.gov.uk](http://www.rayne-essex.gov.uk)

<https://www.facebook.com/rayneparishcouncil>



Dear Sir/Madam,

These are the comments re the above from Rivenhall Parish Council.

In general it would appear that far from simplifying the planning system, these proposals make it much more complex and raise far more questions than they solve, in the process leaving members of the public, that is those who have the most to lose or gain by any planning application, out on a limb when it comes to local scrutiny.

Relating to the objectives listed in the consultation documents,, comments are as follows:

1. Who is actually going to decide as to what constitutes an application that affects the way the District will grow and have a high level of public interest? Surely this cannot be to exclude representations made by democratically elected local parish councillors who have the local knowledge at hand and the overall well-being of the local residents in consideration.
2. The basis of the objectives cannot be simply to ensure that the District Council is functioning efficiently and cost-effectively, nor, for that matter, as to whether or not the District Council is able to meet Government performance targets. Planning has to be about making the correct decision for local residents, not pandering to local developers and landowners who only wish to profit at others' expense.
3. Does this not already exist? Would it not be an improvement to have discussions that include local Ward Members who understand the observations raised by their parish councils. The suggestion put forward in the consultation document would become meaningless group discussion, once again giving little or no consideration to parish council or public input.

Whatever happened to the highly acclaimed Government policy of 'Localism'? Dead in the water by all accounts.

Kind regards,

Keith Taylor - Clerk to Rivenhall PC

Good afternoon,

Please see below, comments relating to the consultation on behalf of Silver End Parish Council:

- There is no explanation as to how a 'Major' or 'Minor' application is determined nor does it mention that these proposals will lead to a correct decision being made.
- The perception of this proposal is that it will reduce the Parish Council's and residents' ability to object to planning applications; in other words having little or no say over developments once the plans are in place, effectively halving democratic input in the planning process. Local communities need to have more of a say over what happens in their area, not less. A loss of local control over developments will be of great concern.
- If Part 'A' and Part 'B' are being discarded on the Planning Committee Agenda, how will Parish Councillors and members of the public be given full information when discussing planning applications at Member's Forums? Are we correct in assuming that planning applications for within Conservation Areas are exempt from these new proposals?
- Huge concern felt that effectively the Chair & Vice Chair of the Planning Committee can decide ( even if a parish council objects to an application) whether or not a so called 'minor' issue can be put before the Planning Committee for discussion. SEPC's concern is that Silver End Conservation Area guidelines will be 'side lined' even more than at present. BDC has failed to address the problems at Silver End with many unsuitable alterations to properties in our CA being ignored. It is felt that a revised CA guide is not likely be discussed and acted upon for the foreseeable future. Reassurance is sought from BDC planning, that SEPC concerns over our CA will be seriously considered and not 'kicked into the long grass' as it has been for several years.

With kindest regards,

Mrs Bea Temple

Clerk to Silver End Parish Council

Good afternoon,

Stisted Parish Council would like to highlight the following points in relations to the review of the Scheme of Delegation

- It is important that local parishes still maintain both the visibility and opportunity to provide comments for all developments within their boundaries and we hope that this is continues if these amendments are implemented
- Whilst providing delegation of authority to the planning officer for properties <10 sites, can drive greater efficiencies, it is important to maintain all opportunities for robust scrutiny and appropriate means of appeal.

Kind regards,

**Mrs Melanie Whiteside**  
**Parish Clerk**  
**Stisted Parish Council**



## TERLING AND FAIRSTEAD PARISH COUNCIL

*Parish Clerk: Frankie Killby*

*3 Pilgrims Court, Cuckoo Hill, Bures, Essex CO8 5LF*

*Tel: 01787 227700 · Email: [clerk@terlingandfairsteadpc.co.uk](mailto:clerk@terlingandfairsteadpc.co.uk) · [www.terlingandfairstead.org.uk](http://www.terlingandfairstead.org.uk)*

---

13<sup>th</sup> November 2020

For the attention of Braintree District Council

### Review of Scheme Delegation and Proposals for Member Engagement

These comments refer to the paper attached to Braintree Council's (BDC) email of 23 October 2020 timed at 12.52

(authored by Christopher Paggi, Planning Development Manager)

We have taken the opportunity to review the BDC Planning Committee podcast of 13 October 2020 and we observe that members of this committee noted Officers request to advance this proposals review (unamended) to full BDC Council for approval to the change to BDC delegated powers for planning permission going forward.

Currently the Parish Council encourages parishioners to engage informally with the Parish Council prior to making any planning application so we may offer support, guidance and bring to their notice BDC policies, other consents and refusals within the wider parish. This has been found to be mutually helpful in the expedition of a successful formal planning consent delivered under the present BDC regime of delegated powers. In effect we already have established our Local Members Forum.

We note the status of the Parish Council as a statutory consultee is not intended to be impacted or discontinued by this review of delegated powers. The attendance at Members Forum and ability to make commentary is welcome, but the frequency of Parish Council meetings (ours is on a six week cycle) suggests our guaranteed attendance, in person, may not be possible in advance of an advised BDC Members Forum date. In addition, most Parish Councillors do not receive attendance allowance or expenses and we suggest





## TERLING AND FAIRSTEAD PARISH COUNCIL

Parish Clerk: Frankie Killby

3 Pilgrims Court, Cuckoo Hill, Bures, Essex CO8 5LF

Tel: 01787 227700 · Email: [clerk@terlingandfairsteadpc.co.uk](mailto:clerk@terlingandfairsteadpc.co.uk) · [www.terlingandfairstead.org.uk](http://www.terlingandfairstead.org.uk)

---

this pre-application forum, not being in the public realm, is unlikely to encourage physical attendance. Perhaps use of Zoom or Teams or other media online, would be a better way to facilitate such forums.

Presently Parish Councillors have the ability to make direct representations to BDC Planning Committee and may make appropriate challenges to officers' reports. We only get this representation when the Parish Council does not support BDC officers' recommendations to approve or refuse any application within the wider parish. We consider this to be a fundamental democratic purpose of the Parish Council as a statutory consultee and are resolute in its importance to continue.

It is often the case that the Parish Council has the local knowledge and is conversant with local opinion and BDC adopted policies, indeed the Parish Council has important representations to emerging local plans and insert maps within that plan. The Parish Council's knowledge of conservation areas, listed buildings, etc brings balance to the planning considerations in diverse applications.

### Objectives

We note none of the revised objectives seek to change the role of the Parish Councils in their present statutory consultee role.

We suggest local planning applications (some as amplified in Appendix 1) are capable of attracting a very high level of local public interest. This continuing interest needs to be addressed in any revised objectives.

### Revised Scheme of Delegation

The Parish Council considers **any and all additional housing** should be referred to Committee where the Parish Council does not support officers' recommendations. The proposal to brief the Chair after the Members Forum permits an enlarged delegated process under the control of the executive and takes the planning process away from the local public realm.



## TERLING AND FAIRSTEAD PARISH COUNCIL

*Parish Clerk: Frankie Killby*

*3 Pilgrims Court, Cuckoo Hill, Bures, Essex CO8 5LF*

*Tel: 01787 227700 · Email: [clerk@terlingandfairsteadpc.co.uk](mailto:clerk@terlingandfairsteadpc.co.uk) · [www.terlingandfairstead.org.uk](http://www.terlingandfairstead.org.uk)*

---

It further places the onus on ward members to initiate a “call in” of an application for consideration by BDC Committee. At present does BDC advise all ward members of all applications within their wards?

The key outcomes may be achieved for BDC members and executive. We suggest the changes serve to limit the Parish Council’s ability to provide the input and commentary it presently enjoys before BDC committee in the public realm. How are Parish Councils to be informed of the regime of Members Forums. Will formal minutes be available and perhaps used as supporting statements in any application that may then come forward?

### Member engagement in the Planning Process

This Parish Council does not have an elected member on the BDC planning committee and thus the Members Forums suggested will not include our ability to input at this stage, unless our ward member pro-actively seeks a call in, to which we may invited to attend in person or remotely. We suggest the proposals seek to place the Parish Council very much at the rear of this process.

Presently BDC charge a pre-application fee; is it the intention such fees will be levied to applicants at these Members Forums?

Also, will views expressed (if any) by BDC members at these Members Forums serve to commit BDC to a formal future decision under delegated powers, and prior to observations from other statutory consultees. At present the Parish Council has understood that any pre-application discussion with BDC officers was an informal view. The suggested proposals appear to make the Members Forum the formal view that will be taken should an application come forward.

We appreciate BDC seeks to advance the delegated powers ability by pre-engagement, but planning is a democratic process and needs that transparency of approach, especially on a local level.



## TERLING AND FAIRSTEAD PARISH COUNCIL

Parish Clerk: Frankie Killby

3 Pilgrims Court, Cuckoo Hill, Bures, Essex CO8 5LF

Tel: 01787 227700 · Email: [clerk@terlingandfairsteadpc.co.uk](mailto:clerk@terlingandfairsteadpc.co.uk) · [www.terlingandfairstead.org.uk](http://www.terlingandfairstead.org.uk)

---

### Commentary on Appendix 1

- A. We have no comment other than perhaps an amplification of what BDC officers consider “significant”
- B. We absolutely consider where the Parish Council representations as statutory consultee do not support BDC officer’s recommendation at the proposed Members Forums, **all** such applications should, as of democratic right, be referred to the BDC Planning Committee. We especially request this to ensure consistency of BDC officers’ approach. It further permits the Parish Council to be seen by its parishioners to make public representation to BDC committee (whether in person or by Zoom etc).

### Conclusion and further observations

The Parish Council would suggest as a matter of continuing BDC policy all planning application renewals for expired permissions and those applications seeking retrospective consent come before BDC Planning Committee.

BDC members made comments that Parish Councils make representations and generally do not show and present at BDC Committee. Members need to be reminded that Parish Councillors do not receive attendance allowance or mileage expenses to attend such meetings and their own cycle of Parish meetings, at which their colleagues input may be collated and then presented, may not permit attendance before BDC planning committee after a written representation has been made.

Is it the intention of BDC to charge applicants for the attendance at Members Forums in addition to statutory application fees?

The proposals paper is silent as to any guidance on the possible increase of appeals to Sec of State resulting from the revision to delegated powers decisions.



## TERLING AND FAIRSTEAD PARISH COUNCIL

*Parish Clerk:* Frankie Killby

3 Pilgrims Court, Cuckoo Hill, Bures, Essex CO8 5LF

*Tel:* 01787 227700 · *Email:* [clerk@terlingandfairsteadpc.co.uk](mailto:clerk@terlingandfairsteadpc.co.uk) · [www.terlingandfairstead.org.uk](http://www.terlingandfairstead.org.uk)

---

The present number of delegated powers decisions, both approval and refusal, was provided to members, but not included in the papers sent to the Parish Council.

This analysis would have been helpful.

TERLING AND FAIRSTEAD PARISH COUNCIL

## **The Salings Parish Council**

Clerk to the Council: Mrs Cathryn Carlisle  
Herkstead Green Bungalow Cornish Hall End Braintree Essex CM7 4HH  
T : 01440 731964  
W : <https://salingspc.org/> E: [salings.pc@outlook.com](mailto:salings.pc@outlook.com)

The Salings Parish Council is responding to this consultation from a position of historically having made objections to few planning applications (only 1 so far in 2020), but at the same time being intrinsically focused on ensuring that the role of Parish Councils - with the critical local knowledge we have - is not significantly eroded.

We are sympathetic to some of the points made in Agenda Item 6 of the 13 Oct 2020 planning meeting, around delegation rates vs. other districts, the associated cost with taking more applications to committee, and also Parish Councils objecting to applications but then not attending committee meetings.

We are less persuaded by the point around the planning committee having more time for complex applications - fundamentally, if an application is reasonably simple but merits committee scrutiny because of a meaningful objection from elected parish councils, then it should not place a particularly significant extra time burden on the planning committee.

We are strongly against the removal of the requirement for planning committee scrutiny of an application where a parish council has made a different recommendation to Officers. We urge BDC to consider an approach which actually better addresses the points which it raises in the report - for example, it could require an upfront commitment from a parish council to attend a planning committee if it has objected to an application which Officers have recommended approval of. We do not believe that the proposed arrangements are an appropriate replacement for parish level democratic scrutiny.

We would be happy to discuss these points further with officers if helpful.

Dear Christopher Paggi

Re: Review of Scheme of Delegation & Proposals for Member Engagement

Sorry for the late response in your request for comments regarding the above.

If possible can you please note that Toppesfield Parish Council would like a no lessening of influencing of any planning applications from Parish Councils.

Could you please let me know following all the comments/observations you will have received regarding the proposals will there be any further consultation prior to this going to full council.

--

Kind regards

Kaaren Berry  
Clerk to Toppesfield Parish Council  
Tel: 07788955038  
Email: [kaaren.berry@kaaren.co.uk](mailto:kaaren.berry@kaaren.co.uk)

Good Evening,

Wethersfield Parish Council would like to make the following comment:

The Parish Council understands and accepts the aim of streamlining the planning decision-making process but considers that further safeguards should be incorporated to ensure that all relevant and material considerations are taken into account.

The Parish Council supports in principle the proposal for a Members Forum as a means of taking into account local views at an early stage in the planning process. However, neither the scale and type of proposals that would be referred to a forum nor whether it meets to consider a number of cases at individual meetings or whether it would be established on a case by case basis is clear from the consultation proposals. There should be provision to include schemes that may be of relatively minor significance at district wide level but are of substantial interest to small communities such as those within Wethersfield Parish. Additionally, it should also provide for parishes which are impacted by major proposals in neighbouring parishes to be included in a Member Forum process.

The Parish Council accepts the reasons for focussing cases that are automatically referred to Planning Committee on the more significant cases but would wish to be assured that local views are afforded appropriate weight in the decision making process. To that end, the threshold of ten dwellings and commercial floorspace over 1000 sq m should be extended to embrace all development above 1000 sq metres in floorspace whether commercial or not. Buildings of that scale can have a very substantial impact in the context of our historic villages and should be considered by Members, particularly where there is a difference of view between the planning officers and the parish council.

Virtually all other applications are open to decision under delegated powers. This is a very substantial shift from current arrangements and could mean that some very controversial proposals locally will be beyond Member scrutiny. Many decisions are finely balanced and the weight and judgement applied to relevant planning considerations can differ depending on the perspective of the decision maker. Additionally, local views can bring additional information and raise material planning considerations not apparent at district level. Overturned decisions can occur and appeals often made and allowed. Opportunities should be available within the process to enable any application to come in front of Members in given circumstances

The consultation proposals provide for the planning officer, as currently, to refer cases where he/she thinks the case is significant. The difference in context is that conflicts between a parish and the planning officer will not automatically be referred to Members. Because of that, some broad criteria on what constitutes 'significant' should be incorporated into the scheme of delegation eg where the officer is minded to grant permission, there is a significant departure from the Local Plan, where more than say six representations are made, where there is a material impact on heritage assets etc.

The consultation proposals provide for reference to the committee Chair where there is a parish council/ officer conflict of view or where a Member request is made with reasons but only in respect of proposals involving 3-9 dwellings. The Parish Council consider that this is too limited in scope and will mean many small but locally important development proposals not receiving the Member scrutiny that would be appropriate in some cases. In reality, it could mean virtually no scheme in a village/countryside context, where major schemes are rarely received, having the

possibility of being considered by Members. The threshold of 3-9 dwellings should at least be extended to cover all developments between 500-1000sq m and if the suggested criteria exemplified in the paragraph above are not accepted as automatic referrals then at least be included in the cases which are subject to the proposed Chairs briefing procedure. However, the Parish Council considers that any ward Member representing any part of the parish should request any application for reference to Committee and not just those applications of 3-9 dwellings. Such requests should be denied only where the Chair considers there to be inadequate planning reasons given by the Member.

Kind Regards,  
Michelle Baker  
Wethersfield Parish Council Clerk





Witham Town Council  
Town Hall  
61 Newland Street  
Witham  
Essex  
CM8 2FE

Braintree District Council  
Causeway House  
Bocking End  
Braintree  
CM7 5HB

11<sup>th</sup> November 2020

**REF:** Review of Scheme of Delegation & Proposals for Member Engagement

This letter sets out Witham Town Council's formal response to Braintree District Council's Review of the planning Scheme of Delegation and Proposals for Member Engagement. The Town Council does not support the District Council's proposed alterations to the scheme of delegation and wishes to provide the following comments:

- 1) 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 & 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 cannot be endorsed by Witham Town Council.

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. The Council 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 a cursory period of just 21 days. In issuing the consultation, no regard has been paid to the Government's adopted Code of Practice on Consultation, and whilst not a prescribed requirement, choosing to ignore the code in absence of another recognised metric for gauging public opinion casts serious doubt on the overall effectiveness of this exercise from the outset.

- 2) In 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 one of the key 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 by this Council, a theme that is prevalent across the entire consultation process.
- 3) The Council is concerned by 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 the Town Council how the LPA can objectively perform its 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.
- 4) The Council sympathises with the LPAs 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 LPAs 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 examine the resource pressures associated with the protracted local plan process and Planning Inspectorate representations, and fails to contextualise the application of the Scheme of Delegation and routine planning submissions 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 & 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 LPAs visibly high staff turnover in recent years that recruitment and retention issues are ongoing, yet no link to the inevitable impact on discharge of functions that human capital flight can cause is explored in the consultation papers.

In order to demonstrate why it is critical that the Scheme of Delegation should be altered, the Town Council suggests 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 the Town Council's strong disapproval of its 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 the Town Council had provided no response. Basic 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 we would not have identified this breach of statutory duty performed by the LPA in omitting our consultation responses.

- 5) The basis of the consultation appears to be constructed entirely upon a foundation of supposition, assertions 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 LPAs delegation rate with other LPAs in the county. This detail was not 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 3<sup>rd</sup> lowest for delegation in this dataset as opposed to the top three 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, the Town Council suggests that Maldon District Council as a neighbouring authority 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 5<sup>th</sup> 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 by Councillor Graham Butland, it was 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, again, it is difficult to understand how the Scheme of Delegation has been determined as the principal source of inefficiency in the planning department without taking into consideration these highly pertinent points.

- 6) 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 Witham Town Council as anything other than transparent and fit for purpose, despite other elements of the planning system being less effective.

- 7) Again in 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/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/Town Councils 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 & Parish Councillors to attend a planning committee and “substantiate” their replies. The Town Council has previously rejected the scurrilous and patently false allegations that it does not attend planning committees of the District to further argue its case as it has done so on countless, minuted occasions. The Town Council once again rejects this tedious continued campaign of disinformation against Town & Parish Council attendees.

Indeed, since Town & 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 archaic practice of its own design. The Town Council's record on committee attendance is in fact regular, in spite of verbal contributions being severely restricted to three minutes even on major applications and often even then receiving no response. It is again difficult to understand what material value is added to the decision making process from the limited information that can be conveyed within this 90 second window when a full, reasoned and substantive reply has already been provided by the Town Council's body corporate to the LPA as part of the statutory consultation process.

Braintree District Council must be reminded that there are over 60 parish councils in the locality, mostly small, rural, and meeting often only monthly, which makes administering representation a significant additional burden on parish clerks and members. If any alleged poor attendance by parish councils at Planning Committee meetings is to be found, it is surely reflected in both this and the lack of response from planning officers and committee members when verbal representations are made.

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 Council 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 in the opinion of Witham Town Council, that the Town Council's local planning committee retains the democratic prerogative to refer applications of the highest concern to the District Council planning committee. The Town Council does 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”*.

- 8) 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 Council as their first port of call for local democratic concerns. In addition to this, every Town Councillor is presented plans at committee, which have been examined by a Town Council officer against local and national policies and any objection to a planning application is only performed through a lawful resolution - as clearly and systematically evidenced by the countless agenda papers available on our website.

The Town Council can 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 Members’ lack of engagement as a “*significant risk for both officers applicants and agents*”.

This observation is supported by the Town Council. It has been noted by this authority that a common culture of proffering irrelevant or incorrect statements exists between District planning committee members during public meetings. In one such case, Cllr Spray's comment at the 19th March 2019 meeting regarding the proposed Gimsons development 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 of the case by the planning department

- 9) Witham Town Council supports 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. Witham Town Council has an extensive record of meeting with all major developers within its administrative region 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 the Town Council’s 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. The Town Council condemns the proposal to improve District Councillor involvement in the local decision making process at the expense of the Town Council’s prerogative of principal local representation. Further to this, the selective circumnavigation of the Town Council planning committee’s concerns through the District Council ‘Chair’s briefing’ process cannot reasonably be considered a sound proposal by the LPA. The District Council cannot 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 was 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. The Town Council can provide evidence of many situations where planning officers have appealed for the Town Council to reconsider its opinion in order to avoid an unnecessary referral to the Planning Committee. Officers have provided additional evidence to satisfy the Town 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. The Town Council suggests 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 bi-lateral 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, the Town Council considers 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 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, appears to be directly contradictory to the position of its own Leader.

The strength of feeling over this consultation has led Witham Town Council to appeal to all Braintree District Town & Parish Councils to form a new Rural Planning Alliance to 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 execution. In concluding this representation, Witham Town Council urges the District Council to consider our argument, understand the absurdity of these proposals, resist autocratic temptations and place the preservation of democratic involvement at the heart of its decision-making. Should it continue to press ahead with this exercise and approve the proposed scheme of delegation, the Town Council will use all influence within its reach to boycott these proposals until normal and reasonable participation in local planning matters is resumed.

On behalf of Witham Town Council,



James Sheehy  
Town Clerk