

Update on the new Planning Committees and overview of its procedures and protocol.

The Growth & Infrastructure Act 2013 introduced measures by which the performance of Local Planning Authorities could be measured by the Government. One of these measures is the number of major planning applications whereby the Council's decision is overturned at appeal. The Government considers that this measure should be no more than 10%.

For the reporting period between April 2021 and March 2023 the Council had 9.8% of its decisions on major planning applications overturned at appeal. Predicted to rise, it is currently at 13%. Due to this, the Planning Advisory Service (PAS) reached out to the Council to undertake a review of the Council's Planning function with the aim of improving the service.

The PAS review was undertaken with Officers and Members during the Spring of 2024, and the final Review Document was received by the Council in March 2024. A report on the PAS Review was considered by Cabinet at its meeting on 28 May 2024, the following links are to the agenda and minutes of that meeting:

Agenda:

<https://rds.eppingforestdc.gov.uk/documents/g11975/Public%20reports%20pack%2028th-May-2024%2019.00%20Cabinet.pdf?T=10>

Minutes:

<https://rds.eppingforestdc.gov.uk/documents/g11975/Printed%20minutes%2028th-May-2024%2019.00%20Cabinet.pdf?T=1>

The Cabinet accepted the recommendations of the PAS Review and delegated authority to Lead Officers to liaise with Members via a Workshop, and to take all necessary steps to implement changes to the Council's Constitution to implement the recommendations of the Review.

A Member Workshop on the recommendations of the PAS Review was held on 19 June 2024. The Workshop sought Member views on all the PAS Review recommendations and was facilitated by Executive Officers and Senior Officers from the Planning Services Directorate. A member of the PAS Review Team was also in attendance to answer any questions from Members. The Workshop concentrated on 5 questions arising from the review, and a summary of the responses to these questions were attached to the subsequent report to the Constitution Working Group.

Following the Member Workshop, a report was submitted to a meeting of the Constitution Working Group on 11 July 2024, to gain agreement for the necessary changes to the Constitution. The following link is to the agenda for that meeting:

<https://rds.eppingforestdc.gov.uk/documents/g11989/Public%20reports%20pack%2011th-Jul-2024%2019.00%20Constitution%20Working%20Group.pdf?T=10>

The Group considered all the recommendations arising from the PAS Review. The Group had a robust debate on some of the recommendations, not all of which had universal approval from the Group. However, there was majority agreement on several constitutional changes that should be recommended to the Council for approval, to implement the recommendations of the PAS Review and improve the performance of the Council's Planning function.

Following the Constitution Working Group meeting, a special meeting was held by Full Council on 08 August 2024 to consider the proposed changes to the Council's Planning decision making, as follows:

- Members agreed to PAS's best practice advice to have 2 Planning Committees: Planning Committee A and Planning Committee B, each with 9 Members, ensuring all parties are represented.
- The new arrangement will no longer be based on location within the district. However, to maintain local knowledge, it was decided that Ward Members will be welcomed to speak at committee meetings, ensuring that residents voices are represented, and their views are heard. Ward Members will not, however, be able to cast their vote on whether an application is approved or not.
- Members agreed to all the recommended changes, subject to an amendment that maintains relevant applications being determined at Committee if representatives from Town and Parish Councils attend the Committee to voice any objections they have on that planning application.

Members discussed the vital role the Town and Parish Councils currently play in the planning application process and how their input is valued by EFDC and residents.

The following link contains the agenda and minutes for that meeting:

<https://rds.eppingforestdc.gov.uk/ieListDocuments.aspx?CId=296&MId=12158>

In terms of the changes to the delegated agreement, which can be found in the Councils Constitution -

<https://rds.eppingforestdc.gov.uk/ieListDocuments.aspx?CId=638&MId=12210&Ver=4&Info=1>, the following applications (summarised) will have to be determined at Planning Committee:

For Major and Minor developments (i.e. new residential development and new commercial development):

- Applications for 10 or more dwellings (unless approval of reserved matters only) which are recommended for approval.
- Applications recommended for approval where the Town/Parish Council have objected on matters material to the planning merits of the proposal and have confirmed in writing their intention to attend and speak at the meeting.
- Applications contrary to at least 5 objections or letters of support that are material to the planning merits of the case.
- Applications called in by Members within 4 weeks of them being published in the Members Bulletin laying out the planning reasons for the request and the wider public interest of the scheme.
- Where the Head of Planning considers it appropriate to be determined by members.

There are other thresholds within the new Constitution, and the Town/Parish Council is advised to view this in full on the Councils website.

For applications such as householder extensions, Listed Building applications, variations of conditions, etc.:

- These will only be determined by Planning Committee if the Planning Portfolio Holder (currently Cllr Keska), along with the Head of Planning or a Chairman of one of the Planning Committees considers it appropriate.

This is the only trigger for householder applications, listed building applications, etc. Therefore, even if objections are received from the Town/Parish Council and/or neighbouring residents the application will not be determined by Committee unless considered appropriate by the Portfolio Holder and Head of Planning/Chairman.

Nonetheless, we would still urge Town/Parish Councils to provide comments on these applications, which will be given due consideration when assessing planning applications.

The new Committee Structure commenced on the 23 October 2024 with the Planning Committees sitting alternately every three weeks. The new Planning Committees will be attended by a Legal Representative, along with other necessary specialists (where required) and application case officers (mainly on Teams) and will be led by one of the following more senior Planning Officers:

- James Rogers – Planning Applications and Appeals Manager
- Marie-Claire Tovey – Planning Applications and Appeals Manager
- Sukhi Dhadwar – Principal Planning Officer
- Kelly Sweeney – Principal Planning Officer

Councillors have agreed to review the Planning Committees after 9 months of the changes being in place.

Attached is the Planning Meeting Protocol and guidance for Planning Committee Members.