

### Appendix 3

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



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

Enforcement of  
Refused Retrospective  
Applications

**Councillor S Neville:**

In relation to retrospective applications.

If the subcommittee rejects an application, the officers must take note and report back to the committee after the 6 week period allowed for appeals. This is to inform the committee if there has been an appeal.

If no appeal, then outline the compliance approach.

If compliance has been achieved - report that to the committee

If compliance has not been achieved after an agreed period - max 8 weeks the officers must report back to the committee again, with a proper statement about the whys and wherefores and ask what the committee desires to happen.

If the committee decides enforcement should happen then this should be accepted as the final decision by the council.

## Buckhurst Hill Parish Council

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

May 31<sup>st</sup>, 2018

Dear Simon,

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

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

Under "Replacement Planning Delegations":-

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

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

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kevin O'Brien', is written over the 'Yours sincerely' text.

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

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

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

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

Kind regards

Beverley

Beverley Rumsey  
Town Clerk  
Epping Town Council

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

Dear Simon

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

Best regards

**Val Evans**

Mrs Val Evans – Parish Clerk – Epping Upland Parish Council

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

01992 570870 eupc@bruindell.co.uk [www.essexinfo.net/epping-upland-parish-council](http://www.essexinfo.net/epping-upland-parish-council)

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

Dear Simon,

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

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

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

Thank you for the opportunity to comment.

Regards

Derek Farr  
Clerk to Fyfield Parish Council

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Dear Simon

With regards to the above.

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

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

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

Thank you

Tony

Tony Carter  
Parish Clerk  
Lambourne Parish Council  
[www.lambourneparishcouncil.org](http://www.lambourneparishcouncil.org)  
07973 863820

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Dear Simon

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

Kind regards

Debra Paris  
Planning and Licensing Committee Clerk  
Loughton Town Council  
Loughton Library & Town Hall, Traps Hill, Loughton, Essex IG10 1HD  
Tel: 020 8508 4200 (Extn: 1002)  
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Web: [www.loughton-tc.gov.uk](http://www.loughton-tc.gov.uk)

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Hi Vivienne

I hope you are well.

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

I have attached a copy of the letter.

Kind regards  
Adriana

Adriana Jones  
Parish Clerk  
Moreton, Bobbingworth and the Lavers Parish Council  
c/o Ware Farm, The Street, High Roding, Essex CM6 1NT  
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NAZEING PARISH COUNCIL

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05 June 2018

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

Sent via email [shill@eppingforestdc.gov.uk](mailto:shill@eppingforestdc.gov.uk)

Dear Simon,

**Re: Second Consultation – New Replacement Planning Delegations**

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

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

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

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

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

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



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

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

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

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

Yours sincerely,

*Lorraine Ellis*

Mrs Lorraine Ellis

Clerk to Nazeing Parish Council



# **NORTH WEALD BASSETT**

## **PARISH COUNCIL**

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**29<sup>th</sup> May 2018**

*Clerk to the Council*

Susan De Luca

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

Dear Simon

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

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

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

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

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

Yours sincerely

**Susan De Luca PSLCC**  
**Clerk to North Weald Bassett Parish Council**



## Theydon Bois Parish Council

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

From: The Planning Committee, Theydon Bois Parish Council

Date: 23<sup>rd</sup> May 2018

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Dear Mr Hill,

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

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

### Introduction

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

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

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

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

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

### Main Concerns

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Caroline Carroll

Clerk to the Council, Theydon Bois Parish Council



# WALTHAM ABBEY TOWN COUNCIL

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YOUR REF:

OUR REF:

31<sup>st</sup> May 2018

Dear Mr Hill

## **Planning – Delegations Consultation**

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

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

In particular the points identified in CLD2 Replacement

### **Assistant Director Development Management/Head of Service – Planning A To determine and its list from (a) to (i).**

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

Cont./....

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

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

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

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

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

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Kathy Richmond'.

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

Mr S Hill  
Epping Forest District Council

Hi Simon,

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

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

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

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

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

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

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

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

**ENDS**

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

Kind regards

David  
Chair of Willingale Parish Council

## Current delegations

From the Schedule:

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

DEVELOPMENT CONTROL FUNCTIONS – Delegation to the Assistant Director  
Development Management

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

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

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

## **APPENDIX A: MATTERS TO BE DETERMINED BY THE RELEVANT COMMITTEE**

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