

**Planning Committee Members Forum**  
**Summary of Proposals for Consultation with Town & Parish Councils**

**1. Background**

- 1.1 Members of the Council's Planning Committee are currently responsible for making decisions on applications, including major planning applications of a large or strategic scale, based on a report and recommendation from Officers published in advance of the Planning Committee meeting, and an Officer presentation on the night. In doing so they must also take into account any material considerations raised within representations and consultation responses received during the process.
- 1.2 Some of the applications determined by Members have been subject to lengthy discussion and negotiation between Officers and the applicants. For a large scale or strategic major application, this process could easily take over a year from the initial pre-application discussion to the application being referred to Planning Committee. However, Members, who will have the final say on the determination of the application, are not involved in any part of that process and do not have the ability to influence the proposals, except of course, for making a final decision on the application.
- 1.3 This lack of engagement currently generates significant risk for both Officers, applicants and agents who are investing significant time and resources in working up proposals. Member involvement in the process earlier will mean that issues can be identified, including any significant principle concerns, so that the applicant can address these or make a decision as to whether to progress any further work on the proposal. The risk and more importantly the consequence of a Member overturn or deferral is significant, both in terms of delay but also in terms of the Officer resource and the abortive cost of this, and the potential additional costs to the Council arising from a subsequent appeal.
- 1.4 The Council remains under significant pressure in terms of housing land supply, and it is increasingly important that strategic sites which are supported are able to be advanced through the planning process to facilitate housing delivery in the District. This will ensure that the District grows in the right way and unsustainable development can be resisted. Developers are keen to understand the particular issues and concerns that Members have about proposed developments so that they can explore ways to address those concerns through their planning application. Developers who have been able to engage with Members on their proposals in advance of determination in other authorities have said they found this to be a useful way of understanding local issues and sentiment and helps produce better quality applications and developments. However, the current process does not include a formal mechanism to facilitate Member engagement as part of the pre-application and planning process.

- 1.5 At the Full Council meeting held on 7th December 2020, Members approved the principle of a 'Members Forum' to enable engagement with Members of the Council's Planning Committee. The terms of reference, governance arrangements, and frequency of meetings were to be subject to further consultation with the Monitoring Officer, Planning Committee, Developing Democracy Group, and the Corporate Governance Group, prior to a further report being referred to Full Council for approval.
- 1.6 Following approval of the new Scheme of Delegation, Officers have fulfilled the obligation to report 'legacy' planning applications under the agreed transitional arrangements to the Council's Planning Committee for determination, namely those applications which had been received on, or prior to, 31st December 2020 which had not been formally determined, but which would have been reported to the Planning Committee for determination in accordance with the criteria of the old Scheme of Delegation, i.e. where the Town or Parish Council view was contrary to the Officer recommendation.
- 1.7 Officers consider that the new Scheme of Delegation is working well and has reduced the overall number of applications going to Planning Committee and has ensured that the Planning Committee concentrate on those applications which have the greatest impact on the District. This reduction in volume of agenda items now means that proposals for a Members Forum can now be brought forward. The detailed proposals for the Members Forum, are set out below.

## **2. Proposal**

- 2.1 It is proposed to introduce a Members Forum as part of the planning application process, to facilitate Member engagement in that process, prior to the determination of the application by the Planning Committee.
- 2.2 The objectives of the Member Forum are:
- To enhance Member engagement in the planning application process, in relation to those applications that will be reported to the Council's Planning Committee for determination;
  - To enable applicants and agents, and Officers to gain a better understanding of particular issues of concern, and how proposals could be improved further;
  - To enable Members to gain a greater understanding of how proposals evolve through the planning application process;
  - To increase and enhance the level of engagement with Town and Parish Council's at the pre-application stage of the process;
  - To enable Members to hold applicants to account for undertaking meaningful engagement with local residents, in accordance with the Council's Statement of Community Involvement (SCI), prior to the submission of an application.

- 2.3 The Members Forum would review applications at the pre-application stage, and/or pre-submission, and/or post-submission stage of the planning process. Major planning application proposals are subject to considerable discussion, negotiation and consultation both at the pre-application stage and at the formal planning application stage. In some cases the detailed proposals at the determination stage, bear little resemblance to those originally presented for discussion at the first pre-application meeting.
- 2.4 At the present time these early discussions are only with Officers and statutory consultees, with Members making the decision on the suitability of the proposal at Planning Committee, when changes are not generally able to be incorporated. Currently Members only involvement in the planning process is at the final stage and when the Council's Planning Committee is making its determination. While ultimately Members role is the most significant in the process, it is considered that the process would benefit from earlier engagement with Members. This would enable Members to gain an understanding of what the proposal has set out to achieve and enable Officers and applicants to gain a better understanding of particular issues of concern and how proposals could be improved before they are formally considered by the Planning Committee.
- 2.5 Consultation with planning agents, developers and Town and Parish Councils on the proposals for a Planning Members Forum was undertaken prior to the decision at Council in December 2020. Many developers told us within that consultation and in subsequent conversations that they are keen to understand the issues and concerns that Members have about proposed developments so that they can explore ways to address those concerns through their planning application. Developers who have been able to engage with Members on their proposals in advance of determination in other authorities have said they found this to be a useful way of understanding local issues and sentiment and helps produce better quality applications and developments. Developers are keen to engage, and this is often illustrated by the information packs, fact sheets and brochures which are sometimes produced in advance of Planning Committee meetings. The introduction of a Members Forum would allow meaningful engagement to take place in a structured and transparent way. However, it is important to note that the Member Forum does not change the status or importance of the Planning Committee where the application will still need to be determined on its own merits at the time.
- 2.6 The Council currently offers a full pre-application service and for major application proposals there is the option for applicants to enter into a Planning Performance Agreement (PPA) to facilitate a programme of detailed discussions with Planning Officers and consultees. Increasingly PPAs are being used in recognition of the complexity and scale of development proposals being received by the Council. They have been used to great effect over the last few years to enable detailed negotiation and discussions to take place with Officers, particularly in relation to masterplanning and supporting the development of design codes for several key strategic development sites within the emerging Local Plan. Most notably this includes Straits Mill and

Towerlands in Braintree, and Wood End Farm in Witham. These measures have been critical in achieving a step change in the quality of design and layout within new development proposals. It is therefore proposed that Members Forum meetings would be incorporated within the process for all PPA's and within some stand-alone pre-applications. This ensures that developers are unable to cherry pick whether they engage with Officers or Members, they will have to engage with both. The cost of the Members Forum is designed to be cost neutral to the authority, being paid by the applicant as part of the pre-application or PPA fee.

- 2.7 The applicant team would present their proposals to the Members Forum and the Members would then have the ability to ask questions and clarifications on the detailed proposals. The Members Forum would not hold any decision-making authority, and therefore would not be able to make a decision on any matter before them. The Member Forum would not be able to express a view on the acceptability of proposals.
- 2.8 In addition to Members of the Council's Planning Committee, it is proposed that invitations would be issued to District Ward Members and up to two elected representatives from the relevant Town or Parish Council to attend the Members Forum meetings. This ensures that all elected representatives of the local community for District matters are represented and have an opportunity to participate in the planning process. If a proposal is on the boundary or straddling the boundary between Parishes/Wards then representatives of both Wards and Parishes may be invited.
- 2.9 Members of the public, resident group or societies have a different but no less important role in the planning process. Officers would continue to encourage developers to engage with Town and Parish Councils and local residents outside of the Members Forum process, as set out within the Council's Statement of Community Involvement (SCI). While some Developers undertake consultation with the local community, the quality of this consultation varies considerably both in terms of scope and quality. One of the objectives and aspirations of the introduction of the Members Forum is to introduce a mechanism early on within the planning process, to enable Members and local representatives to hold Developers to account and to critique the way in which they have sought to engage and with the local community and how they have responded to feedback received.

### Transparency

- 2.10 Transparency is a key component of these proposals. As set out above, the Members Forum would not be a decision-making body. As such, the Members Forum would not constitute a new Committee of the Council. However, it will have a set of clear terms of reference, which would be published on the Council's website. A draft terms of reference is included at Appendix A. As it would not be a decision-making body, there is no requirement to hold meetings in person. This provides the flexibility to hold meetings both virtually and in person.

- 2.11 The meetings will be recorded which will allow Officers to refer to them at a later date if required. The dates of the meetings will also be available on the Councils Website, in the Planning section. Where a matter has been before a Member Forum, this will be noted within the Planning Committee reports published at the time the matter is brought forward for determination.

#### Application Thresholds for Referral

- 2.12 Applications suitable for referral to the Members Forum would primarily comprise those defined within Part A of the Scheme of Delegation, most notably applications for major development proposals (10 or more proposed houses or commercial development, including changes of use, comprising additional floorspace of 1,000sq.m). Nationally Significant Infrastructure Projects (NSIPs) and Council-led proposals may also be referred to the Members Forum. There may also be occasions where application proposals which do not meet the above thresholds, but warrant referral to the Members Forum, which are deemed to be 'significant'. In respect of these applications, the Planning Development Manager in consultation with the Chair and Vice Chair of the Planning Committee will make the decision as to which applications are considered at the Members Forum.

#### Format of the Meetings

- 2.13 In advance of the meeting:
- Officers would prepare a briefing note for all Members and the Town/Parish Council that are due to attend the Members Forum, to summarise the proposal, planning policy background, and the key material planning issues arising from the proposal. The briefing note would be written in a neutral manner, setting out factual information, and would not set out the Officer view on the proposals;
  - The applicant would prepare a pack of information which would be circulated in advance of the meeting to all Members and the Town/Parish Council that are due to attend the Members Forum.
- 2.14 At the meeting:
- Smaller developments would be scheduled for approximately 45 minutes, with larger items likely to take up to 1 hour 30 minutes;
  - The applicant or their representatives would present their proposals to the Members Forum. Applicants would have approximately 15/30 minutes to give their presentation;
  - The membership of the Forum would have up to 30/60minutes to ask questions and seek clarification on the proposals.

#### Membership

- 2.15 The membership of the Members Forum would comprise:
- All Members of the Planning Committee (13); and

- All Substitute Members of the Planning Committee (5)

#### 2.16 Additional Invitations for Specific Meetings:

- Braintree District Ward Member(s) (of the ward in which the development takes place and of the neighbouring ward if relevant);
- Up to two elected representatives from the relevant Town or Parish Council(s) (if applicable).

#### Training

- 2.17 While all Members of the Council's Planning Committee have received detailed training, all Members will need to undergo additional training in order to ensure that they are fully aware of the parameters within which this engagement can be undertaken. This will avoid any challenge to the Council's decision-making process. This would need to be undertaken and completed prior to the attendance at a Members Forum meeting. Guidance would also be issued to the elected representatives of the Town and Parish Council before attendance at a Members Forum meeting.

#### Frequency of Meetings

- 2.18 Currently the Council schedule 26 Planning Committee meetings each year (one every two weeks). Additional meetings are also scheduled for larger/controversial items (as a single item agenda Committee) or when a large number of applications need to be determined.
- 2.19 In order to accommodate meetings of the Members Forum, and given the changes to the Scheme of Delegation, as part of these proposals it is proposed to reduce the frequency of Planning Committee meetings to every three weeks. Members Forum meetings are also proposed to take place every three weeks, during the evening, as per Planning Committee meetings. 17 scheduled meetings of Planning Committee would therefore take place each year, along with up to 17 meetings of the Members Forum. However, the number of Members Forum meetings would depend on the number of sites being considered and may meet less often.
- 2.20 The meetings of the Members Forum would allow for between 1 and 3 proposals to be presented (depending on the scale of the scheme).

APPENDIX 1:  
DRAFT Terms of Reference of the Planning Committee Members Forum

**Purpose of the Members Forum**

To enhance Member engagement in the planning application process, in relation to those applications (primarily major planning applications) that will be reported to the Council's Planning Committee for determination.

**Composition of the Members Forum**

The membership of the Members Forum would comprise all Members and Substitute Members of the Planning Committee.

In addition, invitations to specific meetings would be issued to BDC Ward Member(s), and up to two elected representatives from the relevant Town or Parish Council (if applicable).

The Chairman and Vice Chairman of the Planning Committee would take the same responsibilities in the Members Forum.

**Functions of the Members Forum**

The Members Forum shall perform the following functions:

- To act as a consultative forum, reviewing application proposals at the pre-application stage, and/or pre-submission, and/or post-submission stage of the planning process;
- To ask questions and seek clarifications on development proposals.

For the avoidance of doubt, the Members Forum is not a formal decision making body, nor a formally constituted Committee of the Council.

**Applications considered by the Members Forum**

The Members Forum is a voluntary process and applicants cannot be compelled to attend and present at the forum.

Applications which fall within Part A of the Councils approved scheme of Delegation (primarily major planning applications) are to be considered by the Members Forum.

The Planning Development Manager in consultation with the Chair of the Members Forum can invite other applicants to attend which do not fall under Part A, where these are considered to be significant. This could include circumstances where Braintree is not the determining planning authority, for example National Significant Infrastructure Proposals or for Out of District Consultations and applications being considered by Essex County Council.