

# East Herts Council: Consultation Response

Reform of planning committees: technical consultation

Appendix A – proposed response



## **Reform of planning committees: technical consultation**

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External deadline – 23 July 2025

The Council thanks the ministry for the opportunity to make representations on the proposed changes to the way in which decisions are made on planning and related applications. The Council's comments are as follows:

### **Delegation of planning functions**

1. Tier A applications will take away any ability of the Development Management Committee to consider applications which fall into this definition. Whilst these types of applications may be minor in nature they can create a significant number of representations from members of the community and often raise valid planning concerns. The opportunity for decision making to be demonstrated at a local level will be missed as will the opportunity for contentious and challenging applications to be properly and fully debated in an open and transparent way. The failure to allow 'call in' for Tier A is a significant miscalculation by government in our view as it impacts on delivery of local democracy and the ability of councils to serve residents. Planning is an emotive issue for both councillors and residents. Allowing contentious applications to be heard in public, albeit in a regulated environment, enables both the proper functioning of planning while giving residents the opportunity to be heard. Removing any possibility to input to the visible and open planning process for all Tier A applications is a backward step. We would urge that drafting be changed to reflect that Tier A applications may be considered by the planning committee if the Chair of the committee and chief planning officer consider it appropriate. This would align with applications classified as per Tier B.
2. Tier B applications do enable applications to be considered by the committee subject to the gateway test being satisfied. Strategic applications which are allocated in the Council's development plan are significant in terms of their scale and the impact they have on local communities. This council considers that it is right and proper that

applications of such a scale and potential impact are properly considered and debated by the planning committee. This ensures that members of the community are able to see, in an open and transparent manner, the decision-making process and that they can be involved in the process through the arrangements for public speaking and opportunities for speaking by ward members.

3. None of the options available in Tier A or Tier B deal in any substance with departures to the Development Plan being required to be considered by the planning committee. The planning system is plan-led and considerable time and resource is placed on the preparation of the Development Plan. It is important that applications which depart from the Development Plan are considered by the planning committee as this also shows decisions which impact on local communities which depart from the strategy of the authority being considered in an open and transparent way.
4. In a similar way, it is important that applications which are subject to legal agreements, often relating to significant monetary value, are appropriately scrutinised through the planning process of committee. The impact of such financial contributions can sometimes have wide ranging positive effects, and it is important that this is considered by decision makers at the local level who represent the communities who will be most impacted.

#### **Size and composition of committees**

5. The council has no observations to make in respect of the changes to size and composition of committees.

#### **Mandatory Training for planning committee members**

6. East Herts Council provides various opportunities for members of the planning committee to attend training including mandatory minimum training before a member is permitted to sit as a member of the committee. Regular additional training is supplied on matters of relevance or interest and, in recent months this has included various

training sessions including viability, probity in planning, housing land supply and tilted balance, design and heritage matters.

7. That said, the opportunity for standardised basic training and the requirement for members to pass a nationally prescribed test can only be seen as positive. This will help assure communities that decision makers on important planning decisions have the appropriate training to make decisions. In our opinion training should be delivered locally by the relevant authority with the test administered locally but requiring a standardised test subject to a minimum pass requirement. If the tests are to be administered nationally rather than by local councils, then the frequency and availability of such tests will require careful consideration. There is the potential for significant requirements for training to be required in line with election cycles and the inability to administer such tests in a timely manner may fetter the ability of committees to sit with sufficient quorate members or with an appropriate political balance.

#### **Public Sector Equality Duty and Environmental Principles**

8. The council have no observations on the matters raised relating to the equality act or the environmental act.