APPENDIX C

PART 3 – RESPONSIBILITY AND FUNCTIONS

TERMS OF REFERENCE-PLANNING COMMITTEE

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1. Terms of Reference

1.4 To exercise on behalf of the Council the following functions:

(A) The making of decisions on those Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions (England) Regulations 2026 planning applications falling to be considered by Maldon District Council as The Local Planning Authority

(B) The making of any other planning decision required under the Town and Country Planning Act 1990 or other relevant legislation which is not provided for in the above Regulations, where there is no delegation to Officers.

(C) The committee may also determine "Own Interest Applications" being defined as:

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COMMITTEE	**PLANNING COMMITTEE**
MEMBERSHIP	13 Members of the Council (politically balanced)
LEAD OFFICER	Director of Place, Planning and Growth
OFFICERS / UNITS PRIMARILY REPORTING	Head of Service: Development Management and Building Control
SUB-COMMITTEE	None

1. TERMS OF REFERENCE

1.1 To hear pre-application or pre-determination presentations of developments by developers and for individual members of the Committee to ask questions and highlight issues that may require further consideration by the developer.

1.2 To determine the planning applications referred to it pursuant to the Regulations and the Constitution, as set out below.

1.3 To consider, and where necessary determine, any other planning matter referred to it by the Director of Place, Planning and Growth.

PART 3 – RESPONSIBILITY AND FUNCTIONS

1.4 To exercise on behalf of the Council the following functions:

(A) The making of decisions on those Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions (England) Regulations 2026 planning applications falling to be considered by Maldon District Council as the Local Planning Authority by reason of their meeting the threshold, or "Gateway Test" for referral to planning committee - being one or both of the following:

(i) where an application raises an economic, social or environmental issue of significance to the local area

(ii) Where the application raises a significant planning matter having regard to the development plan and any other material considerations

(iii) **AND** Subject to the Nominated Officer having decided that one or both thresholds are met and having consulted with and obtained the agreement of the Nominated Member.

(B) The making of any other planning decision required under the Town and Country Planning Act 1990 or other relevant legislation which is not provided for in the above Regulations, where there is no delegation to Officers.

(C) The Planning Committee may also determine "Own Interest Applications" being defined as:

- applications whether made jointly or not with another person by the authority or an officer or member of the authority
- or it is in the view of a nominated officer and the nominated Member the authority or any of its members or officers has an interest are own interest applications.

Subject to both the Nominated Member and Nominated Officer agreeing that it is in the interests of openness and transparency that the Application should be referred to the Planning Committee for determination.

2. OPERATING PROTOCOL

1. The Committee will meet in accordance with arrangements determined by the Council.

2. The Officer recommendation will be accepted as the substantive motion and no proposer or seconder is required.

3. In all other respects and as appropriate, the Council and Committee Procedure Rules will apply, in particular Procedure Rule 13(1) which prevents a member of a Planning Committee from voting in connection with the determination of a planning application or related matter unless they have been present for the whole of the consideration at the meeting or has undergone fundamental induction training.

4. If, after debate, the Committee is minded to refuse an application contrary to the recommendation of Officers to approve and without having moved to a vote, then (unless it is agreed upon the advice of Officers that no useful purpose would be served) any further consideration **will** be deferred to enable Officers to consider all relevant implications of that proposed decision and report back to the Committee.

PART 3 – RESPONSIBILITY AND FUNCTIONS

5. The Council has adopted the concept of members of Planning Committees being given information briefings / presentations by Officers on complex / technical issues arising from certain planning applications ahead of their formal consideration and determination. The guidelines set out **ANNEXE A** will be followed.

PART 3 – RESPONSIBILITY AND FUNCTIONS

ANNEXE A – INFORMAL TECHNICAL BRIEFINGS

Operating Guidelines

For certain complex and/or major applications, where there are difficult or technical issues such as to consider, it may be appropriate to hold informal briefings for members before an application comes before a committee for formal consideration and determination.

Following publication of the agenda containing the report and Officer recommendation on the particular application, the Director of Place, Planning and Growth will decide whether an informal briefing is required to be held, provided the following guidelines are adhered to:

- Members should understand that an informal briefing is distinct from the Committee meeting and therefore no decisions will be taken at the briefing.
- The informal briefing is to provide an opportunity for Members to receive information and ask questions to help them understand more about the proposal before formal consideration of the applications at the Committee meeting.
- The informal briefing is not a forum for debate or for stating opinions about the development and certainly not for Members to indicate how they will vote at the Committee meeting.
- Whilst Members can begin to form views about the proposed, it is important that they seek to avoid reaching a firm view or decide how they will vote in advance of the Committee meeting since this will mean that they have pre-determined the application. In that event, they will have compromised their involvement in the subsequent Committee meeting. It is essential that an open mind is kept in order to hear all the information presented, and discussion held, at the Committee meeting itself.
- The informal briefing will not be held in public, and only those Members of the determining Committee and relevant Officers will be present. Although attendance by Members will be encouraged, non-attendance at informal briefings will not prevent their subsequent participation in deciding an application when it comes before the Committee. Nothing less than is presented to the briefing will be presented to the Committee meeting.
- A record will be kept of the fact that the meeting took place and who attended the meeting but formal minutes or notes of the meeting will not be made or published.

PART 3 – RESPONSIBILITY AND FUNCTIONS

ANNEXE B – LIST OF SCHEDULE 1 APPLICATIONS

Applications that Must be Determined by an Officer

1. An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development).

2. An application made under section 26H(1) of the Listed Buildings Act (certificate of lawfulness of proposed works).

3. A householder application.

4. A minor commercial application.

5. A minor residential application.

6. An application for permission in principle.

7. An application made under section 73(1) of the Town and Country Planning Act (TCPA) 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission.

8. An application made under section 96A(4) of the TCPA 1990 (non-material changes to planning permission or permission in principle).

9. In respect of a planning obligation that the authority concerned considers is connected with a Schedule 1 approval:

   (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of the TCPA 1990 (modification and discharge of planning obligations);

   (b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations).

10. An application made under section 191(1) of the TCPA 1990 (certificate of lawfulness of existing use or development).

11. An application made under section 192(1) of the TCPA 1990 (certificate of lawfulness of proposed use or development).

12. The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to the TCPA 1990.

13. A reserved matters approval application in respect of an outline planning permission other than a large outline permission.

14. An application made under article 27(1) of Development Management Procedure (England) Order (DMPO) (applications made under a planning condition).

15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for:

   (a) prior approval, or

   (b) a determination as to whether prior approval is required.

PART 3 – RESPONSIBILITY AND FUNCTIONS

ANNEXE C – LIST OF SCHEDULE 2 APPLICATIONS

Applications that may be Determined by a Committee or by an Officer

1. An application for listed building consent made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).

2. An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent).

3. An application for planning permission that the authority concerned considers is connected with an application of a kind specified in paragraph 1 or 2.

4. An application for planning permission that is not:

   (a) a householder application,

   (b) a minor commercial application, or

   (c) a minor residential application.

5. An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission.

6. An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out).

7. In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval:

   (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations);

   (b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations).

8. A reserved matters approval application in respect of a large outline permission.

9. An application made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement).

10. An application made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order).