



Protocol on Pre-Application Meetings with Developers

Guidance for Councillors and Developers

Pre-determination

The Localism Act 2011 makes it clear that it is proper for Councillors to play an active part in local discussions, and that they should not be liable to legal challenge as a result. In all meetings with developers Councillors are reminded of the need to abide by the Council's adopted Code of Conduct and the critical importance of not pre-determining their position on any future application. It is noted that expressing a pre-disposition, for example of either 'welcome in principle' or 'concerns', is permissible. However should a Councillor demonstrate a pre-determination of their view about a specific planning application and not approach the matter with an open mind, then they should not take part in the formal consideration of that matter at a meeting of the Council or one of its Committees.

Failure to abide by the Council's Code of Conduct could lead to Standards Committee adjudication for the individual Councillor and leave any decision made by the Council open to Judicial Review.

Purpose of Pre-Application Briefing and Consultation

- To be positive and proactive in engaging constructively with developers, the District Council and other service providers from an early stage.
- Assist in identifying and engaging other interested groups/organisations operating within their community.
- Help to provide information to the community by identifying local people, places or means of communication that could be used by developers to publicise their proposals and related community involvement opportunities.
- Seek to understand the full range of community interests the Parish Council is representing with regard to particular development proposals.
- Identify, clearly and at an early stage, the issues relating to the development proposal(s) that are a priority for the Parish Council and the questions that need asking of the developer, the District Council and or other services.

- Help in establishing more detailed evidence of gaps or pressures on existing services or facilities, quantify need for local infrastructure improvements and confirm details of delivery and on-going responsibility
- Acknowledge and respect the rights of all stakeholders to express their views.
- The Parish Council is only a statutory consultee and the final decision in planning matters rests with the local planning authority.

Pre-Application Briefing

A pre-application briefing is a meeting of the Council at which a developer provides information on their proposed planning application to the Parish Council and members of the public.

Developers are invited to provide the Parish Council with a Pre-Application Briefing that is:

- Without prejudice to the Parish Council's response to the formal consultation.
- Included as part of a meeting of the full Council or the Planning & Environment Committee.
- Advertised as part of the meeting agenda.
- Open to members of the public in accordance with Public Bodies (Admission to Meetings) Act 1960
- Included as part of the public record in the Council minutes.
- Subject to disclosure under the Freedom of Information Act 2000.

Pre-Application Public Consultation

A pre-application public consultation is a public exhibition of the developer's proposed planning application.

Developers are also encouraged to arrange a pre-application public consultation which should be:

- Open to the public.
- Easily accessible to all in a community venue in the parish.
- Open over a range of times to suit the needs of the community.
- Widely advertised with sufficient advance notice.

The consultation should:

- Provide information about the development and any planning obligation contribution.
- Give members of the public the opportunity to make their representations.

Councillors attending any pre-application public consultation should be attending as an individual and not purporting to represent the Parish Council.

Organising Pre-Application Briefing and Consultation

Developers should contact the Parish Clerk to organise pre-application briefings and pre-application consultation.

July 2015.