

SOMERCOTES PARISH COUNCIL

Policy protocol on pre application meetings for major developments

[illegible]

Purpose of the Policy

One of the many reforms when the Localism Act 2011 was introduced was a duty on developers to consult with local communities before submitting planning applications for certain (normally major) developments. In addition, the Act clarifies the rules on 'predetermination'. This has made it clear that councillors can enter into early discussions with a developer on a planning application without fear of being accused of bias or facing a legal challenge, as long as they entered into these with an open mind.

While the Government encourages parish councils to enter into such discussions, it does not go into detail about how this should be done. This policy seeks to address that and is to ensure that Somercotes Parish Council is consistent when it is approached by developers or engaged in pre application meetings for major developments.

POLICY

1. Guidance for Councillors and developers

Somercotes Parish Council recognises that pre-application discussions play an important role in major planning applications, and welcomes the desire of developers to consult both the Council and the public more widely. However the Council is also aware of the importance of public perception in planning matters and the critical need to avoid any appearance that the Council is conducting secretive negotiations or colluding with developers.

2. Pre-determination

In all meetings with developers members are reminded of the critical importance of not pre-determining their position on any future application, as this could require them to take no further part in the discussions. It is noted, however, that expressing a predisposition, for example of either 'welcome in principle' or 'concerns', is permissible.

3. Council Discussions

Somercotes Parish Council will appoint a working group for each development who are the official voice of the Council in any pre application meetings for major developments. This group will have an appointed Chairman.

4. Individual members' discussions

4.1. Individual members may be approached by developers for informal discussions of possible future applications. Whilst it is left to the individual judgement of members whether to take part in such discussions, based on the nature and likely level of controversy of the application, they are advised:

4.2. to carefully consider the public perception of such meetings;

4.3. to avoid any appearance of collusion in applications likely to cause controversy;

4.4. to avoid accepting hospitality in connection with such meetings;

4.5. to advise the Chairman, and the Clerk of the Council, *in advance* of such meetings.

4.6. Members must not purport to be representing the Council at such meetings, unless expressly authorised to do so by the Council.

5. Pre application briefings

5.1. The Council is, in general, willing to hold meetings with developers prior to public consultation on the following two conditions:

5.2. full public consultation is either already scheduled or firmly planned;

5.3. The Chair must make it clear that the main purpose of any meeting is to learn more about the development proposal and its implications, not to form a view or make a decision. However, should a view or opinion be expressed, this will not bind the Parish Council to making a decision.

5.4. Consideration should be given to involving other interested bodies such as the local planning authority and the community in pre-application discussions

5.5. The policy of the Council is not to hold private meetings with developers unless there is a necessary and compelling reason that could be justified to the public (for example a strong commercial sensitivity, where a developer wishes to receive an initial steer before deciding whether to progress).

8. Pre application public consultations

6.1. The Council strongly encourages developers to carry out full public consultation before submitting plans for major developments, on the following basis:

6.2. an accessible and convenient venue;

6.3. sufficient publicity to likely interested parties, in good time;

6.4. appropriate timings to allow as wide a range of people as possible to attend;

6.5. a genuinely open mind and willingness to adapt plans in response to feedback;

6.6. In general members are advised not to attend separate private briefings as part of public consultation, but instead to attend with the public in an open meeting.

Documents Referenced

1. Engaging parish councils in early discussions on development projects - The Clerk Magazine January 2017

2. Public Bodies (Admission to Meetings) Act 1960

3. The Localism Act 2011