



FOUR MARKS PARISH COUNCIL

PROTOCOL ON PLANNING APPLICATION MEETINGS WITH LANDOWNERS, DEVELOPERS OR THEIR AGENTS ('DEVELOPERS')

Guidance

Four Marks Parish Council ('the Council') recognises that pre-application or in-application discussions can play an important role in planning applications and welcomes the desire of developers to consult with both the Council and public more widely. The Council is also aware of the importance of public perception in planning matters and the critical need to avoid any perceptions that the Council is conducting secret negotiations or colluding with developers.

The Council will adopt the following approach at the four planning stages, as below:

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| 1. Local Plan/Neighbourhood Plan | Open to the public |
| 2. Pre-Application | Open to the public if appropriate. |
| 3. Outline or Full Planning | Open to the public |
| 4. Reserve Matters | Open to the public |

Requests for presentations will be approved by the Planning Committee by formal Agenda item. The Planning Committee will decide whether the presentation will be held at a Planning Committee or Full Council meeting. They will agree the date, time and location, and confirmation will be given to the developer through the Executive Officer. Any changes to the original decision will be agreed and confirmed by the Planning Committee at the next scheduled meeting and formally Minuted.

Discussions open to the Public

The Council can hold Local Plan, Neighbourhood Plan outline or full planning permission and reserve matters approvals meetings with developers prior to, or during, submission of a planning application, this will be held in the open session of the Planning Committee or Full Council meeting. Both members of the public and Councillors will be able to ask questions as allowed under Standing Orders.

Designated Sites.

Where the application concerns a 'designated' site, the Council may decide to extend the scope of the meeting and hold a specific meeting with a developer, agent or landowner.

The Council must only do this where it is considered that the community and Councillors would benefit from a greater understanding of the proposed development and that a more in-depth discussion would be justified due to the limitations of an open session presentation.

The Council will make decisions on these meetings on a case by case basis, and will only engage in a meeting if:

- The other party does not use the opportunity to claim full consultation/Council support. The Councillors may ask questions, but will not express a personal opinion or the Council's stance on the development.
- Meetings will be of a fact finding nature.

- Appropriate notice will be given (five days) so that the community can attend.
- The Clerk will be in attendance and members of the EHDC Planning team will also be invited.

If the party concerned is unwilling to meet any of the above conditions, they will be limited to an Open Session presentation at a relevant meeting.

Pre-Application meeting – open to public if appropriate.

Pre-application meetings are not generally held at Council level, as the Council are not the decision-making Local Planning Authority (LPA), who are EHDC. However, should a developer request a meeting with the Council as well as seeking formal pre-application advice from the Local Planning Authority and the proposal is potentially commercially sensitive, the Council may agree to a closed meeting, with a record made of the discussions.

Meetings held outside of the public domain must be done so if there is an overriding justification for doing so. The reasoning for holding a ‘closed’ meeting must be clearly identified and transparent.

Pre-determination/Pre-disposition

In all meetings with developers, Councillors are reminded of the critical importance of not pre-determining their position on any future application, as this could require them to take no part in future discussions or decisions. It is noted, however, that expressing a pre-disposition, for example of welcome in principle or express a concern, is permissible. (Section 25 Localism Act 2011.)

Individual Councillors’ discussions

Individual Councillors may be approached by developers for informal discussions of possible future applications. Councillors shall not to agree to one-to-one discussions with developers, unless in a personal capacity with privately owned land. However, based on the nature and the likely level of controversy of the application, should Councillors decide to participate, they are required to:

- i. carefully consider the public perception of such meetings;
- ii. avoid any appearance of collusion in applications;
- iii. avoid accepting hospitality in connection with such meetings;
- iv. advise the Chairman, Officer and where the possible, the Council of such meetings;
- v. ensure they are accompanied by an Officer (Planning or Executive)

Councillors must not purport to be representing the Council at such meetings, unless expressly authorised in writing to do so by the Council.

Pre-application consultations

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

- i. The consultation/exhibition/meeting is held at an accessible and convenient venue;
- ii. There has been sufficient publicity to all likely interested parties, in good time;
- iii. Appropriate timings to allow as wide a range of people as possible to attend;
- iv. A genuinely open mind and willingness to adapt proposed plans in response to feedback

LEGAL PROTOCOL BETWEEN DEVELOPERS AND THE COUNCIL

- The developer must provide information about the proposed development affecting the Parish area in writing at least 14 days prior to a monthly planning committee meeting.
- Even if the developer considers that information provided to a local council is sensitive, this will not require the council to treat it as confidential. From the outset, the developer must identify information they want to be treated as confidential and explain the reasons in writing. If the developer has a legitimate expectation for confidentiality about the proposed

development, the Council will keep a written record of the confidential and non-confidential issues.

- Information held by the Council about a proposed development is subject to disclosure under the Freedom of Information Act 2000, subject to the Acts published exceptions.
- Informal meetings and telephone conversations between a developer and individual councillors or staff will be documented in writing and are subject to disclosure under the Freedom of Information Act 2000. Council Officers will arrange and attend meetings between councillors and developers in all cases and will send a follow-up letter containing minutes of the meeting.
- The meetings of a local council and its committees are open to the public (Section 1(1) Public Bodies (Admission to meetings) Act 1960).
- The developer may attend but not speak at a Council or Committee meeting unless they are invited to address the meeting or have an opportunity to do so during the part of the meeting designated for public participation. The developer may regard information about the proposed development as either confidential or 'sensitive' and therefore not suitable for discussion at a meeting open to the public. However, it is the Council who will decide if there are grounds to exclude the public from the meeting when the proposed development is being discussed and considered. A Council or Committee meeting may exclude the public if publicity about a matter being considered at the meeting would prejudice the public interest due to its confidentiality or for other special reasons (section 1(2) Public Bodies (Admissions to Meetings) Act 1960).
- The minutes of the Council, Committee and Sub-Committee meetings which record the discussions and submissions made at them are available to all via the council's publication scheme, a requirement of the Freedom of Information Act 2000.
- The Council may invite developers to attend an assembly of the Parish Meeting, which is also open to the public (Section 1(1) Public Bodies (Admission to meetings) Act 1960), to present or discuss their proposals for a proposed development affecting the parish or neighbouring area.
- It is an offence under section 1 Bribery Act 2010 for a developer or his agent to promise or give a financial or other advantage to a Council, Officer or Member with the expectation of an improper consideration of any planning application. If the developer is an organisation, for example a charity or company, the council may request sight of their anti-bribery policy.