

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

Adopted 2nd Feb 2021 21/039

Guidance

West Hill 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.

As a statutory consultee in the planning process, it is desirable for the Council to be involved in the pre-application process for the following reasons:

- It has a good understanding of its area and the community.
- It is keen to ensure growth within the Parish is of the right type and in the right location.
- It provides an advocacy role for its residents, effectively representing their views when they feel they are unable to.
- The Parish Council may be a party to Section 106 negotiations on community assets required for the Parish.

Pre-application briefings

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

1. Full public consultation is either already scheduled, or firmly planned.
2. The meeting is open to the public to attend and has been reasonably advertised.
3. The developer meets all reasonable costs for the hosting of the public meeting including the provision of large scale paper plans for display purposes.

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).

EDDC Members Advisory Panel

As well as working with the Parish Council on a public engagement event, developers also have the option of a formal pre-application community engagement process, the Members Advisory Panel, operated by East Devon District Council for major applications. Further details on these formal options are found on East Devon District Council's website at: [Members Advisory Panel - East Devon](#)

The panel is convened as required and is an opportunity for developers to present proposals to District Council Members at an early stage and gain initial feedback to gauge Members initial views on proposals to inform their development.

Pre-application public consultations

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

1. An accessible and convenient venue;
2. Sufficient publicity to likely interested parties, in good time;
3. Appropriate timings to allow as wide a range of people as possible to attend;
4. A genuinely open mind and willingness to adapt plans in response to feedback;

In general Councillors are advised not to attend separate private briefings as part of public consultation, but instead to attend with the public.

Pre-determination/Pre-disposition

In all meetings with developers, Members are reminded of the critical importance of not predetermining 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 Councillor's discussions

Councillors must be aware of their obligations under the Council's Code of Conduct. 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, Members are advised not to agree to one to one discussion. However, based on the nature and the likely level of controversy of the application, should they decide to participate, they are required to:

1. carefully consider the public perception of such meetings;
2. avoid any appearance of collusion in applications;
3. avoid accepting hospitality in connection with such meetings;
4. advise the Chairman, Clerk and where the possible, the Council of such meetings;
5. ensure they are accompanied by the Clerk and at least one other councillor.

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

PROTOCOL BETWEEN DEVELOPERS AND THE COUNCIL

- The developer must provide information about the proposed development affecting the Parish area in writing
- 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. A Council Officer 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.