

# Britford Parish Council

## Protocol and Guidance on Meetings with Developers.

Adopted 6<sup>th</sup> January 2022

### Introduction/Aims

Britford Parish Council (the Council) acknowledges that developers may wish to present proposals at different planning application stages to the Council to seek its views. The Council acknowledge the importance pre-applications discussions play an important role in major developments and therefore welcomes the desire of developers to consult with both the Council and local community.

The aim of this Protocol is to have an open, agreed, and well-structured working relationship between the community, applicants/developers, local authority, and elected members in advance of planning applications. It has been prepared to ensure that in the planning process there are no grounds for suggesting that a decision taken by the Parish Council has been biased, partial or not well-founded and that Councillors are aware of their role within the planning process.

This document applies to all Parish Councillors, it's committees, employees and agents of the Council who work and act on behalf of the Council. This document also applies to all developers, landowners, their employees, and agents which act on their behalf.

This policy applies to all stages of the development including speculative queries and during the construction phase.

Any use of this Protocol is without prejudice to the eventual decision of the Parish Council on the merits of any application or to the determination by Wiltshire Council.

The National Planning Policy Framework (NPPF) states that:

'Pre-application engagement and front loading':

**39.** Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

**40.** Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

**41.** The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.

**42.** The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.

**43.** The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.

#### **Pre-Determination.**

A Parish Council's role as a consultee, is for Councillors collectively to make planning decisions openly, impartially, with sound judgement and for justifiable reasons at Parish Council Meetings.

#### **Councillors Code of Conduct**

In all meetings with developers, Parish Council Members, Employees and Professionals working on the Councils behalf are reminded of the critical importance of not pre-determining the position on any possible future planning application.

For individual Parish Councillors in particular, this could require them to take no part in the discussion/decision making, when an application becomes live and appears on the Parish Council agenda for consideration. It is noted, however, that expressing a pre-disposition, for example of either 'welcome in principle' or 'concerns because of x, y or z', 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 of its committees. Failure to abide by the Council's Code of Conduct could lead to Standards Committee adjudication for the individual Councillor and put the Parish Council at risk of proceedings on the legality or maladministration of any decisions made.

If a councillor is unclear about the application of this Protocol to their own situation, they should seek advice early on as to whether they are required to declare any personal or pecuniary interests. This can be done by contacting Wiltshire Council's Monitoring Officer.

Parish Councillors will, when having meetings with developers:

- 1) Always apply the rules in the Councillors Code of Conduct, which must always be complied with.
- 2) Always apply the guidance in this Protocol, which seek to explain and supplement the Councillors Code of Conduct for the purposes of making impartial decisions.

*If a Councillor does not abide by this Protocol and the Code of Conduct, they may:*

- a. Put the Parish Council at risk of proceedings on the legality or maladministration of any decisions made.
- b. Put themselves at risk of being challenged with an allegation of misconduct in not complying with the Protocol and/or Code of Conduct.

#### **Pre application briefings with the Council.**

The Council is, in general willing, to hold meetings with developers/agents where necessary.

Under normal circumstances the Council will not hold private meetings with developers and their agents. However, on occasion this may be required if there is a necessary and compelling reason which can be justified to the public e.g., there is commercial sensitivity, or the developer wishes to receive an initial steer before deciding whether to progress.

If the Council agrees to hold an initial meeting with a developer in private, an independent person unconnected to the Council will be appointed by the Council to attend the meeting as an observer.

If the Clerk receives a request from a developer/agent to meet with the Council, they will inform the Council. The Clerk will ask the developer/agent in advance of any meeting to provide information in writing about the proposed development affecting the parish. Any information received will be forwarded to Councillors for information.

Information provided to the Council by the developer/agent will not necessarily require the Council to treat it as confidential. However, any information which they consider to be commercially sensitive and confidential, must be identified and the reasons for doing so explained in writing. Information held by the Parish Council about a proposed development is subject to disclosure under the General Data Protection Regulation and Freedom of Information legislation.

All meetings with developers/agents will be minuted by the Clerk, another officer of the Council or, in their absence, a nominated Councillor.

### **Informal meetings with Councillors**

Individual Councillors may be approached by developers for informal discussions/meetings for potential future applications. Whilst it is left to the individual judgement of Councillors whether to take part, they are advised to:

1. Carefully consider the public perception of such discussions/meetings with developers.
2. Consider the Council's Code of Conduct and Protocol.
3. Avoid any appearance of collusion.
4. Refuse hospitality in connection with such discussions/meetings.
5. Advise the Chair, the Clerk and where possible, the full Council, of such discussions/meetings.
6. Councillors must not represent the Council at such discussions/ meetings, unless expressly authorised to do so by the Council as the Corporate Body.

### **Developer/Agents attending Public Parish Council meetings**

Meetings of the Council and its committees are open to the public and developers may attend. A developer may only speak at a Council or Committee meeting if they are invited to do so by the Chair during the public participation section at the start of the meeting.

### **Pre-Application Public Consultations**

The Council strongly encourages developers to carry out full public consultation in the community before submitting any plans for a major development with Wiltshire Council on the following basis: whilst taking account of the following:

1. It is held at a venue which is accessible and convenient to the majority of residents.
2. The event is widely publicised giving residents plenty of notice to attend.
3. It is held at times to accommodate as wide a range of working and non-working people as possible.
4. The developer has an open mind and willingness to adapt plans in response to feedback from both the Parish Council and the wider community.

Signed: ..... Chairman

Date: .....

Signed: ..... Clerk

Date: .....