

DOWNTON
PARISH COUNCIL



Protocol and Guidance on Meetings with Developers
Adopted August 2020 Minute 120:20

1. Introduction/Aims

The aim of this Protocol is to enable open, agreed and well-structured working 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 Councillors, the Council's Committees and employees and contractual third parties 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.

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:

- “39. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better co-ordination 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.”

Downton Parish Council '(the Council)' acknowledges that developers may wish to present proposals and seek its views at different stages during the planning process and it welcomes the desire of developers to consult with both the Council and the local community.

The Council is aware of the importance of public perception in planning and the critical need to avoid any appearance that it is conducting secretive negotiations or colluding with developers or their agents. In order to avoid improper lobbying by a developer or creating a perception that the Council has a predetermined position on a proposed development, it will follow this protocol and guidance.

2. 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.

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 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.

3. Pre application briefings with the Council

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

4. 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, 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.

5. 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.

6. Pre-Application Public Consultations

The Council strongly encourages developers to carry out a public consultation in the community before submitting any plans for a major development with Wiltshire Council 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.