



DOWNTON PARISH COUNCIL

PROTOCOL FOR MEETINGS WITH DEVELOPERS

This Protocol has been produced to ensure there are no grounds for suggesting that a decision taken by Downton Parish Council has been biased, partial, or not well-founded and that Councillors are aware of their role within the planning process.

Signed: Melanie Camilleri
(Proper Officer and Responsible Financial Officer)

Signed: Cllr Jane Brentor (Chair)

Date: 10 June 2024

Context

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

The Council is also aware of the importance of public perception and the need to avoid any appearance that it is conducting secretive negotiations or colluding with developers or their agents.

The National Planning Policy Framework states that *"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"*.

<https://www.gov.uk/guidance/national-planning-policy-framework/4-decision-making>

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.

Protocol Aim

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 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 Housing Development Committee, employees, 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 Council on the merits of any application or to the determination by the relevant planning authority (Wiltshire Council).

Pre application briefings with the Council

The Council is willing, in general, to hold meetings with landowners/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 e.g. there is commercial sensitivity, or the developer wishes to receive an initial steer before deciding whether to progress.

If the Council or the Housing Development Committee agrees to hold an initial meeting with a developer in private, an independent person (or persons) unconnected to the Council will be appointed by the Council to attend the meeting as an observer. In advance of the meeting, the appointed independent person (or persons) must sign a declaration (see Appendix) that they: -

- hold no conflict of interest with the developer or proposed housing development
- will observe confidentiality requirements for commercially sensitive information disclosed at any meeting they attend as an observer.

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

Information provided 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 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, or in their absence either the Administrative Officer or Member of the Council.

Pre-Determination

A Council's role as a consultee is for Councillors collectively to make planning decisions openly, impartially, with sound judgement, and for justifiable reasons at 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. Failure to abide by the Council's Code of Conduct could lead to Standards Committee adjudication for the individual Councillor and put the 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 the Wiltshire Council Monitoring Officer.

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.

Developer/Agents attending public Council meetings

Meetings of the Council are open to the public and developers may attend. A developer may only speak at a Council 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 a public consultation in the community before submitting any plans for a major development to the planning authority (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 Council and the wider community.

APPENDIX

DECLARATION OF ABSENCE OF CONFLICT OF INTEREST

Ihereby declare that I: -

- hold no conflict of interest with the developer [insert name of developer] or proposed housing development [insert brief description of housing development]
- will observe confidentiality requirements for any commercially sensitive information disclosed at a meeting between Downton Parish Council and [insert name of developer] which I've been appointed to attend as an independent observer.

Signed.....

Date.....