

SHOTLEY PARISH COUNCIL
Pre-Planning Application Meetings with Developers Policy 2023

1 BACKGROUND

The term pre-application discussion includes any discussion (verbal, in person or in writing) which may take place before a fully formed planning application is submitted to the Parish Council for due consideration and recommendation to the planning authority.

- 1.1 Shotley Parish Council (the "Council") acknowledge that developers may wish to present proposals at different planning application stages to the Council and that pre-application discussions play an important role in major developments. The Council welcomes the desire of developers to consult both the Council and the local community more widely. However, the Council is also aware of the importance of public perception in planning and the critical need to avoid any appearance that the Council is conducting secretive negotiations or colluding with developers.

In order to avoid improper lobbying by a developer or creating a perception that the Council have a predetermined position about a proposed development, the Council will follow the policy guidance notes below.

- 1.2 The Council will not express any views at pre-application stage.

2 SCOPE

- 2.1 This document applies to all Councillors, Committees, Employees of the Council, contractual third parties and agents of the Council who work and act on behalf of the Council.
- 2.2 This document applies to all developers, landowners, their employees and agents who may act on their behalf.

3 PROCEDURE

- 3.1 The developer must provide information about the proposed development affecting the parish in writing.
- 3.2 If the developer considers that information provided to the Parish Council is sensitive, this will not require the Council to treat it as confidential. The developer must identify information that they want to be 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.
- 3.3 Information held by the Parish Council about a proposed development is subject to disclosure under the Data Protection and Information legislation.
- 3.4 Communications (including informal and formal meetings) between the developer and the Council (or with individual councillors and staff) about a pre-planning application/development will not bind the Council to make a particular decision. Any views expressed are, at best, provisional because not all of the relevant information will be available to the Council, and formal consultations will not have taken place.

- 3.5 Informal meetings and telephone conversations between a developer and individual councillors or staff should be limited in content and will be documented in writing. Their record will be subject to disclosure under the Data Protection and Information legislation.
- 3.6 Official meetings of the Council and its committees are open to the public (Section 1(1) Public Bodies (Admission to Meetings) Act 1960), and developers may attend.
- 3.7 A developer/landowner/agent may not speak at a Council or committee meeting unless they are invited to address the meeting by the Chairman. They may provide a report during the public participation session but a response/feedback should not be expected. The developer may also 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, Councillors at a Council or committee meeting may decide if there are grounds to exclude the public when the proposed development is being discussed if there is a risk it would prejudice the public interest due to its confidentiality or for other special reasons (Section 1(2) Public Bodies (Admissions to meetings) Act 1960).

- 3.8 The minutes of the Council and committee meetings are available to all on the Parish Council Website or on application from the Parish Clerk.
- 3.9 The Council may invite developers to attend a specific Parish Council meeting, which is 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.
- 3.10 It is an offence under section 1 of the Bribery Act 2010 for a developer or their agent to promise or give a financial or another advantage to the Parish Council with the expectation of an improper consideration of a planning application. If the developer is an organisation, such as a charity or company, the Council may request sight of the developer's anti-bribery policy.
- 3.11 Councillors must be aware of their obligations under the Council's Code of Conduct. Individual Councillors must not enter into informal discussions of possible future applications with a developer; to do so may lead to a complaint for a potential breach of the code.
- 3.12 If it is considered that a site meeting is needed with the developer, then individual Councillors are strongly advised to attend with other agencies (i.e highways, officers from the Local Planning Authority) and/or the Clerk and not on their own.

4 THE NATIONAL PLANNING POLICY FRAMEWORK

In so far as the Council's policy applies, it has been confirmed that a developer must, under s. 42 of the Planning Act 2008 (the 2008 Act), consult with a local authority (which by virtue of s. 43 does not include a parish council) if the land to be developed is in the local authority's area before the submission of a planning application.

S. 42 of the 2008 Act also provides that before the submission of a planning application, a developer must consult with the persons listed in s. 44. These are persons whom the developer, after 'making diligent inquiry', knows to be the owner, lessee, tenant (whatever the tenancy period) or occupier of the land and a person who (a) is interested in the land, or (b) has power (i) to sell and convey the land, or (ii) to release the land.

Below is an extract from the National Planning Policy Framework:

and

'Pre-application engagement and front loading': (NPPF:13:2019) *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.*

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.

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, proactive 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.

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. The right information is crucial to good decision-making, particularly where formal assessments are required.

**Babergh
District
Council's
Local Plan
the
emerging
Shotley**

Neighbourhood Plan (once "made") will also form part of the planning hierarchy which apply to all planning applications. Developers are strongly encouraged to have regard for both when planning for development in Shotley, as any proposals will be considered against them.

Section 25 of the Localism 2011 Act (the 2011 Act) restricts the impact of the acts of, or verbal or written statements or views expressed by councillors prior to a decision that might suggest **pre-determination**.

s. 25(2) of the 2011 Act provides that:

A decision-maker (i.e. a councillor) is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because —

(a) *the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and*

(b) *the matter was relevant to the decision.*

All Shotley Parish Councillors are also expected to abide by the Suffolk Code of Conduct.

Policy reviewed and approved by Council: March 2023 To be reviewed: March 2024