

# Barnwell Parish Council

## Pre-Planning Application Policy

### 1 BACKGROUND

The term pre-application discussions include any discussions which take place before a decision is taken on an application.

1.1 Barnwell 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 and will follow the policy guidance notes below.

### 2 SCOPE

2.1 This document applies to all Councillors, 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 that act on their behalf.

### 3 PROCEDURE – General

3.1 The Council will avoid expressing any detailed opinion or prior views which might be considered as pre-determination at the pre-application stage. To this end at any meeting arranged by the Council this wording should be included in any agenda or invitation and read out by the Chair.

“While members may express views and thoughts on a proposed application at this meeting , our minds are not closed and we will only come to a conclusion on whether to support the scheme or offer an objection after we have listened to the full debate and a formal application has been made.”

3.2 Communication (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 making 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 consultation will not have taken place.

3.3 Any meetings and telephone conversation between developer and individual councillors or staff will be documented in writing and are subject to disclosure under the Data Protection and Information legislation.

3.4 Information held by Parish Council about proposed development is subject to disclosure under the Data Protection and Information legislation.

3.5 If the developer considers that information provided to the Parish Council is sensitive, this will not automatically 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.

3.6 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 other 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.

3.7 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.

#### 4. OPTIONS

4.1 Public Consultation - If a developer wishes to engage the community at pre-application stage then they are strongly encouraged to arrange a public consultation which individual Councillors can attend.

4.2 Parish Council meetings - The Parish Council will only permit developers to make a presentation at a Council meeting once plans have been drafted and the developer has already been in consultation with the Local Planning Authority. Any information on a proposed development affecting the parish must be received in writing prior to any meeting and made available to all those attending the meeting subject to section 4.4. The matter will be included in the next available council meeting, as determined by the Clerk, as a specific agenda item, and details of the site plan and proposed development must be provided in advance.

4.3 Official meetings of the Council and its committees are open to the public (Section 1(1) Public Bodies (Admission to Meeting) Act 1990) and developers may attend.

4.4 The developer may not speak at a Council or committee meeting unless they are invited to address the meeting by the Council or do so during 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, Councillors at the Council or committee meeting will decide if there are grounds to exclude the public from the meeting when the proposed development is being discussed and considered. The Council may do this if the 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).

4.5 The minutes of the Council and committee meetings which record the decisions made at them are available to all on the Parish Council Website or on application from the Council Clerk.

4.6 Informal meeting including site meetings - Informal meetings with Councillors will only take place if all Councillors have been invited to the meeting and a minimum of two Councillors can attend. Following the meeting a written report is required to be provided back to the Council by the Councillors who attended.

4.7 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.

4.8 Parish meeting - The Council may alternatively 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.