**NORTH NIBLEY PARISH COUNCIL**

**Protocol and Guidance on Pre-Application Meetings with Developers**

# PURPOSE

North Nibley Parish Council (the ‘Council’) acknowledge that developers may wish to present proposals at different planning application stages to the Council to seek its views. Pre-application discussions play an important and often useful role in developments of a range of sizes. The Council welcomes the desire of developers to consult with both the Council and the local community more widely where appropriate. In additional, as much of the parish is part of the Cotswold AONB it is recommended that pre-application discussions for all developments are held with Stroud District Council (SDC).

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 or their agents. In order to avoid improper lobbying by a developer or creating a perception that the Council has a predetermined position about a proposed development, the Council will follow this protocol guidance.

This protocol 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 the Councillors are aware of their role within the planning process.

A Council’s role as a consultee is for Councillors collectively to make planning decisions openly, impartially, with sound judgement and for justifiable reasons during Council Meetings. The Council does not ultimately decide on the Planning Application

If a Councillor is in any doubts about the application of this Protocol to their own circumstances, they should seek advice early on if they think they are required to declare any personal or pecuniary interests. Initially they can ask for guidance from the Parish Clerk or contact the SDC Monitoring Officer for further guidance.

# SCOPE

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

# PROTOCOL & GUIDANCE

# Council pre-determination

In all meetings and communications with developers, Councillors, employees and professionals working on the Council’s behalf are reminded of the critical importance of not pre-determining the position on any possible future planning application. This could require Councillors to take no part in the discussion/decision making, when an application becomes live and appears on the Council’s agenda for consideration

# Councillors Code of Conduct

Councillors will, when having meetings or communication with developers:

* Always apply the rules in the Councillors Code of Conduct, which must always be complied with.
* Always apply the guidance in this Protocol

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

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

# Development Proposals and Declaration of Interests

The Law and the Code of Conduct sets out the requirements and guidance for Councillors on declaring personal and prejudicial interests and the consequences of those interests.

Councillors must disclose the existence and nature of any interest at any relevant meeting, whether a full council meeting, committee meeting or a meeting with a developer/agent. Preferably, disclosing the interest at the beginning of the meeting and not just at the commencement of discussion on that item.

# Pre application briefings with Councillors

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

Under normal circumstances the Council will not hold private meetings with developers and their agents, however, on occasions this may be required if there is a necessary and compelling reason that could be justified to the public (for example a strong commercial sensitivity or where a developer wishes to receive an initial steer before deciding whether to progress).

If the Clerk receives a request from a developer/agent to meet with the Council to discuss a pre application. The Clerk will inform the full Council.

The Clerk will ask the developer/agent in advance of any meeting to provide information about the proposed development affecting the in writing or via email 5 days in advance of the meeting. Any information received will be forwarded to the Councillors for information.

If the Developer/Agent considers that information provided to the Council is sensitive, this will not necessarily 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 or via email to the Clerk. The Clerk will then inform the developer if this is possible or not before the meeting takes place.

Information held by the Council about a proposed development is subject to disclosure under the Data Protection and Freedom of Information legislation.

Communications (including written correspondence, and informal and formal meetings) between the developer and the Council (or with individual councillors and employees) about a pre-planning application development, will not bind the Council into making any decision. Any views expressed are, at best, provisional because not all the relevant information will be available to the Council and formal consultations will not have taken place at this stage.

Councillors are reminded that a presentation by a developer or their agent at this stage is not part of the formal planning process of debate and determination of any subsequent application.

If the developer requests an informal meeting with the Council, The Council will decide:

* If they should hold an informal meeting with the Developer and/or their Agent.
* A date and time for the meeting to take place.
* If an informal meeting would be useful in clarifying any issues that the Council may have with a development.
* What justification if any there is to exclude the public.

# Individual Councillor communications/meetings

Individual Councillors may be approached by developers for informal communications/meetings for possible future applications. Whilst it is left to the individual judgement of Councillors whether to take part in such discussions/meetings, based on the nature and likely level of controversy of a planning application, they are advised:

* To carefully consider the public perception of such communications/meetings with developers.
* To consider the Councils Code of Conduct and this Protocol
* To avoid any appearance of collusion.
* To not accept hospitality in connection with such discussions/meetings.
* To advise the Chairman and the full Council of such communications

Councillors must not purport to be representing the Council in such communications/meetings, unless expressly authorised to do so by the Council as the Corporate Body.

During the meeting it will be agreed who summarises or minutes the meeting. If the developer produces the minutes these shall be passed on to the Councillor for approval. Minutes or meeting summary shall then be passed to the Clerk as a record of the discussion.

# Developer/Agents attending Public Council Meetings

Official meetings of the Council and its committees are open to the public and developers may attend.

The Developer may speak within a Council meeting as per the Standing Orders. 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

The Council may invite developers to attend an assembly of the Parish Meeting, which is also open to the public to present or discuss their proposals for a proposed development affecting the Parish.

# Pre-Application Public Consultations

The Council strongly encourages developers of major developments such as housing development with 4 or more dwellings to carry out full public consultation before submitting any plans for major developments with Stroud District Council, on the following basis:

* An accessible and convenient venue can be found to hold such a meeting.
* Enough publicity carried out, giving people enough notice to attend.
* Appropriate timings to allow as wide a range of people as possible to attend.
* A genuinely open mind and willingness to adapt plans in response to feedback from the Council and the wider community.

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