

**Protocol for Pre-Application Briefings**

**1. Guidance**

- 1.1 Existing responsibilities for Members involved in the planning process may be found in Part 3 of the Council's Constitution.
- 1.2 Additionally, Members may refer to other national publications including:
  - Member Engagement in Planning Matters (Local Government Association)
  - Positive Engagement – a guide for Planning Councillors (CLG, PAS, POS, LGA)

**2. Aims for the Pre-Application Briefing process**

- 2.1 The process is intended to improve Members' awareness of forthcoming proposals, result in more informed applications, ensure that community views are represented and improve decision making.

**3. Process**

- 3.1 Ward Members will be advised of pre-applications that the Council has received in their areas. For Householder and Minor pre-application enquiries Members would be invited to make comments in a similar way to statutory consultees and other technical bodies to make written comments on proposals, Members will have 21 days from being notified of pre-applications to make any comments. Comments should be in writing or e-mailed to the case officer. Comments will be summarised and reported back to prospective applicants as part of any written advice to prospective applicants.
- 3.2 The opportunity to brief Members before an application is submitted will be offered to the prospective developers of;
  - Major applications (1000 m<sup>2</sup>, 10 or more houses)
  - Other applications raising contentious, significant and unusual issues as agreed by Service Manager, Planning & Economic Development and Chair of Planning Committee.

Pre-application briefings are not compulsory and developers do not have to agree to attend one.

- 3.3 In relation to complex minor and major development proposals Members can, if they wish, make a request for a pre-application briefing session. The request for a briefing session would need to be agreed with the Planning Committee Chair and Service Manager, Planning & Economic Development and the person making the pre-application enquiry (the prospective applicant). The request will also need to be made in writing (e-mail would be acceptable) within 10 days of the Member receiving notification of the pre-application and should

be sent to Service Manager, Planning and Economic Development and/or Development Manager.

- 3.4 Briefing sessions will not be held unless the prospective applicant agrees. Briefing sessions will not be compulsory.
- 3.5 Where a prospective applicant has declined a request for, or an offer of a briefing session, a similar opportunity to make written comments that is provided for Householder and Minor Pre-application enquiries will exist for Members. Members will need to make their comments in writing to the case officer within 7 days of being notified that no briefing session is to be held.
- 3.6 In making written Comments Planning Committee Members should not indicate any view in relation to the prospective grant or refusal of any planning application that comes out of the pre-application process.

#### **4. Briefings**

- 4.1 Pre-application briefings will consist of a session of up to 45 minutes, and the following will be invited;
  - Chair of Planning Committee
  - Vice Chair of Planning Committee
  - Members of Planning Committee
  - Portfolio Holder
  - Ward members (including members from neighbouring wards if the development affects those) At least two senior Planning Officers (one to chair the meeting)
  - Developer and their associates
- 4.2 The briefing would be chaired by the Senior Planning Officer who will explain the role of Members at the briefing. It should be explained that the main purpose is to learn about the emerging development proposal, and to identify outstanding issues to be dealt with. Planning Committee Members will not be in a position to indicate any view in relation to the prospective grant or refusal of any planning application which may emerge from the pre-application stage, as they need to balance all material considerations before reaching a view on any application in due course. Where non Planning Committee Members are present, they can express initial views on behalf of communities. It should be noted that those making the pre-application enquiries do not have to take any Member's views or comments on board and if a subsequent planning application is submitted, the application would be assessed against local and national planning policy.

- 4.3 The briefing will not be open to the public because of the confidential nature of pre-application discussions. Ward Members can attend but must adhere to any requests for confidentiality.
- 4.4 The Senior Planning Officer present will explain the purpose of the briefing and advise how it will be conducted. Members will be advised as to the confidentiality status of the proposal (unless the prospective applicant advises otherwise).
- 4.5 Prospective applicants will be given the opportunity to make a presentation that should describe their proposal and should explain how the proposal relates to both relevant national and local policy, how it meets local needs and preferences and any other relevant material considerations. The format and length of the presentation should be agreed with the Senior Planning Officer beforehand (to ensure that it will not lead members into negotiations and to check for accuracy) and should be limited to the development proposal. They should not normally last longer than 20 minutes.
- 4.6 Members will be able to ask questions following the presentation. Questions and comments should focus upon clarifying aspects of the proposal or to flag up issues of concern but must not develop into negotiations, or debate on the merits of the proposal. At this stage no formal planning application will have been made by the prospective applicant, however Planning Committee Members at the pre-application briefing may ultimately have to determine any future application that comes forward. The briefing is not for Planning Committee Members to make any decisions or debate on a prospective application and Planning Committee Members should not be indicating any pre-determined views on any future application. It is equally important at this stage for Members not to have closed minds as to the merits of the proposal. Any comments or issues raised by Members at the briefing do not have to be taken on board by the prospective applicant in any future application that is put forward.
- 4.7 The Senior Planning Officer will then conclude the briefing. After the prospective applicants have left the briefing Members can then discuss the proposals with officers and may advise officers of any concern they have and any elements which they feel would benefit from negotiation with the developer. They will then be guided by professional officers as to what negotiations would be reasonable and would align with policy. Negotiations will be undertaken by professional officers only.
- 4.8 A Planning Officer will record the briefing and take a note of all persons present, the issues discussed and the follow up actions. This will be placed on the file by the officer involved.
- 4.9 The attendance of Members in pre-application briefings will be recorded in any subsequent Committee Report.