



East  
Northamptonshire  
Council

## Protocol for involving Members in pre-application discussions



Involving Members of the Council to  
discuss major planning applications

# **Protocol for involving Members in pre-application discussions**

## **1.0 Introduction**

- 1.1 This protocol sets out how Members of this council will be involved in major planning applications. Most applications can benefit from the involvement of Members as it will help improve understanding of the needs and views of local residents and could help speed up the process. However clear guidance is required to help both officers and Members in carrying out their respective roles.
- 1.2 Members may want to be involved with smaller applications. This protocol will also apply in these cases.
- 1.3 This Protocol will, in addition to pre-application discussions, also apply to any discussions related to a formal planning application before a decision is made and also any discussions following a decision.
- 1.4 Case Officers will notify the relevant Members regarding proposals when there is substantive information to discuss. Officers will also notify relevant Members of other proposals which they consider may be of interest. The relevant Members are the Ward Member(s) and Members of Development Control Committee who have an interest in the area.
- 1.5 Case Officers will also provide the relevant Members with regular updates regarding progress during the pre-application process which may be lengthy in some cases. Both the notification date and updates should be recorded on file.

## **2.0 Attendance of Councillors at Meetings with Developers**

- 2.1 Members of the Council, can attend pre-application meetings with developers, about major applications, but only when at least one officer is present. The relevant Members will be advised of all meetings that are taking place between the officers and developer, in relation to major applications, to give them the opportunity to attend.
- 2.2 The timing of meetings will need to be carefully considered as involvement of relevant Members at an early stage is essential. For certain applications involvement at other stages would also be beneficial and a schedule of involvement will need to be agreed with developers.

- 2.3 At the start of the meeting the officer will make it clear that the role of the Member is to listen to the discussion, identify issues that the developer will need to consider and represent community interests. However the officer will also stress that it will not be possible for the Member to enter into negotiations or express a view on the proposal. This is to ensure that it is clear that no decisions can be made which would bind or otherwise compromise the Development Control Committee (or officers specifically delegated within the Scheme of Delegation) to make the decision.
- 2.4 If at any point in the discussions the developer presses the Member to take part in negotiations or express a view, the officer will remind the meeting of the role of the Councillor and that no decisions can be made.
- 2.5 The Officer will, within 10 working days from the date of the meeting, produce a short written note in bullet point form of the main issues that were discussed. This will note those present, the issues identified at the pre-application discussions, and the actions to be taken. These notes will be circulated to the Member attendees and forwarded to the applicant. A copy will also be placed on the pre-application file.

### **3.0 Presentation of Pre-application proposals by developers to Development Control Committee**

- 3.1 If a proposal is particularly significant, or has more than just local implications, a developer will be invited by officers to make a presentation to Members of the Development Control Committee, together with the appropriate ward member/s and all other Members of the Council. Generally this will not be a public meeting however Town and Parish Council representatives will, where appropriate, be invited.
- 3.2 A developer will be advised of the time available for their presentation and will be expected to keep strictly to this programme.
- 3.3 There will always be an officer/s in attendance at the presentation.
- 3.4 At the start of the presentation the Chairman of Development Control Committee (or Vice-Chairman) will make it clear that Members will listen to the presentation, will identify issues that the developer will need to consider further, represent community interests and ask questions, but that it will not be possible for any decisions to be made as these could bind or otherwise compromise the Development Control Committee (or officers specifically delegated within the Scheme of Delegation) to make the decision.

- 3.5 If at any point the developer presses for a view or seeks to negotiate with Members, the Chairman/Vice -Chairman will remind everyone present of what they said at the start of the meeting.
- 3.6 After the presentation the officer will make, within 10 working days, a short written note in bullet point form of the main issues that were discussed. This will note those present, the issues identified at pre-application discussions, and the actions to be taken. The developer should provide the officer with any presentation material to assist with this. This note will be placed upon the pre-application file.

#### **4.0 Confidentiality of Pre-Application Information and subsequent publication.**

- 4.1 All pre-application discussions, and related information, are to be considered confidential and may not be disclosed to third parties without the prior consent of the applicant.
- 4.2 If specifically requested, information placed on the pre-application file may be published on the council's web-site once a formal planning application has been received in relation to the subject of the pre-application discussions. Publication of this information will be subject to the following restrictions:
- Removal of all personal data which it would not be appropriate to release under data protection rules.
  - Confirmation of agreement to release of third party correspondence in fulfilment of any legal obligations we have in terms of confidentiality. Permission to withhold some information within documents or complete documents may be withheld.
  - Removal of any information or document that are subject to legal professional privilege which would prevent them from being published.
- 4.3 To enable this, when developers submit a request for pre-application they will be asked whether they agree to the release of correspondence at application stage.

**This protocol forms Part 5.5a of the Council's Constitution. Further information on pre-application discussions can be found in Section 3 of Part 5.4 of the Constitution which covers discussions with applicants.**

Revised: November 2011

