



Protocol and Guidance on Meetings with Developers
Adopted July 2023 Minute 44.23a

1. Introduction/Aims

- 1.1 The aim of this Protocol is to enable open, agreed and well-structured working between the community, applicants/developers, local authority and elected councillors in advance of planning applications being developed and submitted to the Local Authority.
- 1.2 It has been prepared to ensure that in the planning process there are no grounds for suggesting that a decision taken by Tisbury Parish Council 'the Council' has been biased, partial or not well-founded and that Councillors are aware of their role within the planning process.
- 1.3 This document applies to all Councillors, the Council's Committees and 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 which act on their behalf, these are referred to as 'the developer'.
- 1.4 Any use of this Protocol is without prejudice to the eventual decision of the Parish Council on the merits of any application or to the determination by Wiltshire Council.

2. National Planning Policy Framework (NPPF):

- 2.1 National Policy in the form of the NPPF states:
 - "39. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better co-ordination between public and private resources and improved outcomes for the community.
 40. 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.
 41. 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, pro-active 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."

3. Benefits of pre-application involvement

- 3.1 The Council acknowledges that developers may wish to present proposals and seek its views at different stages during the planning process and it welcomes the desire of developers to consult with both the Council and the local community.
- 3.2 The Council is aware of the importance of public perception in planning and the critical need to avoid any appearance that it 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 on a proposed development, it will follow this protocol and guidance.
- 3.3 The benefits of pre-application involvement include:
- Applicants can access detailed local knowledge early enough to provide a response to it in their designs. This can speed up the overall process, reduce conflicts and save money as well as enhance company reputation.
 - It can provide an outcome which is more locally relevant and distinctive in design with facilities which are more likely to meet local needs.
 - It can avoid time-consuming later adjustments when faced with conflicting views from the community late in the process.
 - Councillors can be presented with clear evidence from all sides when making a decision.
- 3.4 The Council places great importance on pre-planning consultations and urges developers to consult with it at the pre-application stage. It wants to work in partnership with developers to achieve the best possible developments for Tisbury parish for the benefit of its community and would wish to work with all local partners and consult on their views.

4. Pre-Determination

- 4.1 A Council's role as a consultee, is for Councillors collectively to make planning decisions openly, impartially, with sound judgement and for justifiable reasons at Parish Council meetings.
- 4.2 In all meetings with developers, Councillors are reminded of the need to abide by the Council's adopted Code of Conduct and the critical importance of not pre-determining their position on any future application.
- 4.3 It is noted that expressing a pre-disposition, for example of either 'welcome in principle' or 'concerns', is permissible. Clear statements such as 'I will never support this scheme' are best avoided. However, advice such as 'I believe that local residents will be very concerned about and therefore we would want this issue to be fully explored prior to the submission of an application' is acceptable.

- 4.4 Should a Councillor demonstrate a pre-determination of their view about a specific planning application and not approach the matter with an open mind, they should not take part in the formal consideration of that matter at a meeting of the Council or of its Committees. Failure to abide by the Council's Code of Conduct could lead to a Standards Committee adjudication for the individual Councillor and put the Parish Council at risk of proceedings on the legality or maladministration of any decisions made.
- 4.5 If a Councillor is unclear about the application of this Protocol to their own situation, they should seek advice early on as to whether they are required to declare any personal or pecuniary interests. This can be done by contacting Wiltshire Council's Monitoring Officer.

5. Pre-application briefings with the Council

- 5.1 The Council is willing, in general, to hold meetings with developers/agents. Under normal circumstances the Council will not hold private meetings with developers and their agents. However, on occasion this may be required if there is a necessary and compelling reason which can be justified to the public eg there is commercial sensitivity or the developer wishes to receive an initial steer before deciding whether to progress.
- 5.2 If the Council agrees to hold an initial meeting with a developer in private, an independent person unconnected to the Council will be appointed by the Council to attend the meeting as an observer.
- 5.3 If the Clerk receives a request from a developer/agent to meet with the Council, they will inform the Council. The Clerk will ask the developer/agent in advance of any meeting to provide information in writing about the proposed development affecting the parish. Any information received will be forwarded to Councillors and the independent person for information.
- 5.4 Information provided to the Council by the developer/agent will not necessarily require the Council to treat it as confidential. However, any information which the developer considers to be commercially sensitive and confidential, must be identified and the reasons for doing so explained in writing. Information held by the Parish Council about a proposed development is subject to disclosure under the General Data Protection Regulation and Freedom of Information legislation.
- 5.5 Questions and comments at meetings with developers should focus on clarifying aspects of the proposal or to flag up issues of concern but they must not develop into negotiations.
- 5.6 It is equally important at this stage for Councillors not to have closed minds as to the merits of the proposal and for the pre-planning consultation to be as open as possible. Therefore, any comments of concern should be identified

during the presentation so that they can inform the proposed planning application.

- 5.7 All meetings with developers/agents will be minuted by the Clerk, another officer of the Council or, in their absence, a nominated Councillor.

6. Informal meetings/correspondence between Councillors and Developers

- 6.1 Individual Councillors may be approached by developers for informal discussions/meetings for potential future applications. Whilst it is left to the individual judgement of Councillors whether to take part, they are requested to:
1. Carefully consider the public perception of such discussions/meetings with developers.
 2. Consider the Council's Code of Conduct and Protocol.
 3. Avoid any appearance of collusion.
 4. Refuse hospitality in connection with such discussions/meetings.
 5. Advise the Chair and Clerk, and where possible, the full Council, of such discussions/meetings.
- 6.2 Councillors should not initiate any discussions with developers either verbally or in writing and must not represent the Council at discussions/meetings, unless expressly authorised to do so by a resolution of the Council as the Corporate Body.
- 6.3 Councillors should ensure that in any communications they have with a developer there is a clear and explicit separation from communications they may have in any other capacity eg as a member of a local organisation, trustee or an elected officer.

7. Developer/Agents attending public Parish Council meetings

- 7.1 Meetings of the Council and its committees are open to the public and developers may attend. A developer may only speak at a Council or Committee meeting if they are invited to do so by the Chair during the public participation section at the start of the meeting.

8. Pre-Application Public Consultations

- 8.1 The Council strongly encourages developers to carry out a public consultation in the community before submitting any plans for a major development with Wiltshire Council whilst taking account of the following:
1. It is held at a venue which is accessible and convenient to the majority of residents.
 2. The event is widely publicised giving residents plenty of notice to attend.
 3. It is held at times to accommodate as wide a range of working and non-working people as possible.
 4. The developer has an open mind and willingness to adapt plans in response to feedback from both the Parish Council and the wider community.