

Meeting with Developers*

1. Introduction/Aims

The aim of this Protocol is to enable open, agreed and well-structured working between the developers, Freeland Parish Council ('the Council') and the residents of Freeland. It 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 Councillors are aware of their role within the planning process.

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 relates to interactions and liaison with all developers, landowners, their employees and agents who act of their behalf.

Any use of this Protocol is without prejudice to the eventual decision of the Council on the merits of any application or to the determination by West Oxfordshire District Council.

The National Planning Policy Framework (NPPF) states that:

"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 preapplication 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."

The Council acknowledges that developers may wish to present proposals and seek its views- prior to those of the community- at different stages during the planning process and it recognises that, as stated in the NPPF, this can be helpful and productive.

However, the Council is aware of the importance of public perception in planning and the critical need to avoid any appearance that it is conducting any negotiations or even colluding with developers or their agents- or to be inputting into the process in any way before it is appropriate to do so. Therefore, in order to avoid any risk or suggestion of improper lobbying by a developer or

creating a perception that the Council has a predetermined position on a proposed development, it will follow these protocols.

2. Pre-Determination

- i) A Parish Council's role as a consultee, will involve councillors collectively making planning decisions in an open and impartial way using sound judgement and with justifiable reasons at Parish Council meetings for which anyone can attend.
- ii) In all meetings with developers, Councillors will abide by the Council's adopted Code of Conduct and be cognisant of the critical importance of not predetermining their position on any future application that is subsequently submitted. Expressing an individual pre-disposition, for example 'welcome in principle' or 'concerns', is permissible provided that it is made clear that this is the view of the individual and not that of the Council. However, should a Councillor demonstrate a pre-determination of their view about a specific planning application and not approach the matter with an open mind, then 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 Standards Committee adjudication for the individual Councillor and put the Council at risk of proceedings on the legality or maladministration of any decisions made.

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 West Oxfordshire District Council's Monitoring Officer.

3. Pre application briefings with the Council

- i) The Council is willing, in general, to hold meetings with developers/agents in accordance with advice from NPPF as detailed above. 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, for example, there is commercial sensitivity.

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.

- ii) If the Clerk or Chair of the council 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. Any information received will be forwarded to Councillors for information.
- iii) Information provided to the Council by the developer/agent will not be treated as confidential by the Council unless specifically stated in writing, with reasons for doing so. Information held by the Council about a proposed development is subject to disclosure under the General Data Protection Regulation and Freedom of Information legislation.

- iv) All meetings with developers/agents will be minuted by the Clerk, another officer of the Council or, in their absence, a nominated Councillor, with the minutes circulated prior to the next meeting of the Council.

4. Developer/Agents attending Public Council meetings

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 or if it has been included as an item on the agenda.

5. Pre-Application Public Consultations

If the proposal is likely to generate considerable interest among residents, the Council strongly encourages developers to carry out a public consultation or meeting in the community taking account of the following:

1. It is held at a venue which is accessible and convenient to the majority of residents, for example, the Village Hall.
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 nonworking people as possible, as well as those involved with childcare.
4. The developer has an open mind and willingness to adapt plans in response to feedback from both the Council and the wider community thus demonstrating that it is a genuine exercise to engage the view of the Parish.

* Any party seeking preapplication input from the Parish Council prior to potentially submitting a planning application.