

Pre-planning application protocol

POLICY REVIEW	
Signed	
Minute reference	FUL/121/21/22
Date ratified	8 th November 2021
Date of next review	8 th November 2022

- 1.1 This protocol has been adopted by Theale Parish Council to cover situations when the Council has communications with a developer prior to the submission of a planning application. ('Developer' means private company or public authority)
- 1.2 The purpose of the protocol is to:
 - a avoid improper lobbying by the developer
 - b to avoid creating the perception that councillors have predetermined their position about a proposed development
- 1.3 All officers and councillors should be made aware of the protocol and are expected to abide by it.
- 1.4 The developer must provide information about the proposed development affecting the parish area in writing
- 1.5 Even if the developer considers that information provided to a local council is sensitive, this will not require the council to treat it as confidential. From the outset, the developer must identify information that it wants to be treated as confidential, and explain the reasons in writing. If there is a legitimate expectation for confidentiality about the proposed development, the council will keep a written record of the confidential and non-confidential issues.
- 1.6 Information held by a local council about a proposed development is subject to disclosure under the Freedom of Information Act 2000.
- 1.7 Communications (including informal and formal meetings) between the developer and the local council (or with individual councillors and staff) about a pre-planning application development will not bind the council to making a particular decision. Any views expressed are provisional as not all the relevant information will be available to the council.
- 1.8 Informal meetings and telephone conversations between a developer and individual councillors or staff will be documented in writing and subject to disclosure under the Freedom of Information Act 2000. Council staff will arrange and attend meetings with councillors.
- 1.9 The meetings of a local council and its committees are open to the public (Section 1(1) Public Bodies (Admission to Meetings) Act 1960) and developers may attend.
- 1.10 The developer may not speak at a council or committee meeting unless invited to address the meeting or as part of the meeting designated for public participation. The developer may regard information about a proposed development as confidential or sensitive however it is the councillors at the council or committee meeting who decide if there are grounds to exclude the public from the meeting whilst the proposed

development is being discussed and/or considered. The public may be excluded if publicity about the matter being considered would prejudice the public interest due to its confidentiality or for other special reasons (Section 1(2) Public Bodies (Admissions to Meetings) Act 1960).

- 1.11 The minutes of council and committee meetings which record decisions made are available to all via the council's publication scheme as required under the Freedom of Information Act 2000.
- 1.12 It is an offence under section 1 Bribery Act 2010 for a developer or his agent to promise or give a financial or other advantage to a local council with the expectation of an improper consideration of a planning application.

Protocol guidelines provided by the legal department of National Association of Local Councils.