

# **POLICY FOR PRE-APPLICATION DISCUSSIONS RELATING TO A PLANNING PROPOSAL**

## **Why pre-application discussions may be appropriate**

The government's National Planning Policy Framework makes clear that it is appropriate for someone proposing development to engage with a local planning authority and with statutory consultees (including a Parish Council) before a planning application is submitted.

This is in addition to consultation with neighbours and members of the public which is a separate but important part of the planning system.

Warlingham Parish Council welcomes the opportunity for an exchange of information before a planning application of significance to the parish is submitted. This can be beneficial to both the promoter<sup>1</sup> and residents.

If a promoter is not familiar with the role and responsibilities of a Parish Council within the planning system it would be sensible to obtain independent advice before approaching us.

## **Requesting a pre-application discussion**

A request for a pre-application meeting must:

- be made in writing by email or letter to the Parish Clerk; and
- give details of the site and of the proposal to be discussed; and
- give an indication of the current status or schedule for the submission of the application; and
- explain who will be in attendance on behalf of the promoter.

Where the Parish Council agrees that it would be appropriate and in the interests of residents, the promoter will be invited to attend a meeting of the Parish Council. That meeting will be held in public and subject to the Council's standard procedures and standing orders.

Members of the public may be present, as they may be at any Parish Council meeting, to observe proceedings. They will not be allowed to participate in the discussion beyond the usual arrangements for public participation.

As allowed by law, the meeting may be recorded (either by the Parish Council or by members of the public) and members of the press may be in attendance.

There may be occasions when the Parish Council considers it beneficial to invite a developer to meet with it, in which case it will request the Clerk to issue an invitation.

## **Meeting Process**

The promoter will have the opportunity to make a short presentation of their proposals. This should normally not exceed ten minutes in length although the Chair of the meeting may exercise discretion depending on the complexity and importance of the proposal.

Promoters are encouraged to speak to printed material rather than a PowerPoint presentation. This material should all be considered in the public domain and the promoter should not include anything they consider sensitive or confidential.

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<sup>1</sup> In this document the meaning of 'the promotor' includes developers, site owners, agents and applicants

Sufficient copies should be provided for all members of the Parish Council, the Clerk and a reasonable number should be available for any members of the public in attendance.

To assist with the preparation for the meeting the Parish Council would prefer to receive all material at least seven days in advance. If that is not possible for any reason then as much information as possible will be expected in advance, with the reminder tabled at the start of the meeting.

The Clerk will be happy to give advice on quantity, the preferred format and content.

Members of the Parish Council may then ask questions of the promoter. These will relate to the material planning and land use aspects of the proposal, and planning policy.

If the proposal is familiar to the Parish Council, for instance it has been the subject of prior discussion through the planning system, members of the Council may also make specific suggestions, observations or mention points of local concern to the promoter.

The Parish Council will endeavour to be constructive and consistent in its engagement with respect to a proposal. However, it must be clearly understood that any comments or observations provided represent interim and provisional feedback. It is for the promoter to determine how to interpret or act upon them. They do not indicate that the Parish Council has reached a settled or final position on how it views the proposal and are without prejudice to any formal response to the local planning authority.

### **Confidentiality**

The Parish Council does not believe that there is normally any justification or requirement for confidentiality in its participation in a planning matter whether this is before or after an application is made. Transparency and openness are essential to maintain confidence in the planning system and as public representatives the Parish Council considers this a very important principle.

Therefore, the Parish Council will consider a request for the public to be excluded from a pre- application discussion only in the most exceptional circumstances. It is likely to agree only if it is satisfied that it is in the public interest to receive information which would not otherwise be shared, and without which it cannot act in the best interests of the community.

### **Parish Council Feedback**

The Parish Council will minute the discussion to the same extent that it does with any other Council meeting. As noted earlier the meeting may be recorded by the Council or a third party. The promoter may, of course, take their own notes or recordings.

The Parish Council will not normally provide a formal, written response to the promoter to set out its views following the meeting. However, there may be circumstances in which it is appropriate to do so and that will be subject to a separate formal discussion and resolution by the Parish Council.

The view(s) of any individual Councillor, however and wherever expressed, cannot be taken to represent the views of the Parish Council.

### **Contact with Individual Council Members**

Individual Councillors are entitled to make reasonable enquiries and seek information about a development proposal to assist them in representing the community. However, no promoter should engage in direct communications with an individual Councillor with a

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view to influencing their position. Any information or material that a promoter wishes to provide to the Parish Council should be sent to the Parish Council as a whole and only via the Clerk with a copy to the Chairman.

Members have been trained in the distinction to be drawn between ‘predisposition’ and ‘predetermination’ as follows:

- **Pre-determination**

This is when a person who is due to make a decision already has a fixed or finalised position and has a closed mind to any other possible outcome.

This may, or may not, actually be true but it is enough that through what they have said or how they have behaved that it would lead a reasonable person to think that it is true.

Pre-determination is unfair because it indicates that the person is not willing to listen to all of the evidence or information which should be taken into account – and in public office there is a duty as a decision-maker to do so.

- **Predisposition**

Courts have been clear – people serving as elected representatives are not expected to be a ‘blank canvas’. For example:

- “entitled, and indeed expected, to have and to have expressed views”
- “no pretence that democratically elected decision makers are intended to be independent or impartial just as if they were judges or quasi judges”
- “to address the planning issues before them fairly and on their merits, even though they may approach them with a disposition in favour of one side of the argument”

## **Other Contact with the Parish Council**

Where the promoter wishes to engage with the Parish Council in its corporate capacity, rather than as a planning consultee, for instance in relation to the future management of open space or proposed planning obligations, the promoter must write to the Clerk, with a copy to the Chairman, so that a formal response can be considered.

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