

EXETER CITY COUNCIL

**PLANNING COMMITTEE
8 DECEMBER 2008**

**PROTOCOL FOR DEVELOPERS AND MEMBERS
REGARDING PRESENTATIONS FOR MAJOR APPLICATIONS**

1 PURPOSE OF REPORT

- 1.1 To seek Members' approval to the introduction of a Protocol for Members to participate in developer pre-application presentations for Major Applications.

2 BACKGROUND

- 2.1 At Planning Member Working Group on 21 October 2008, Members were updated on the work being progressed to implement the Major Applications Protocol. Members agreed to the principle of developer presentations to meetings of the Planning Member Working Group for a trial period of one year, subject to a protocol for the conduct of such discussions.
- 2.2 The finalised protocol was presented to Planning Member Working Group on 25 November.
- 2.3 The full protocol is attached to this report (Appendix I). Members will note that the document provides advice and guidance specific to both Members and developers. It makes it clear that a developer does not have the right to present to Planning Member Working Group. The Head of Planning Services will arrange presentations, where appropriate, in consultation with the Chair of Planning Member Working Group, Chair of Planning Committee and Portfolio Holder.
- 2.4 It is anticipated that, with these safeguards, the process will be beneficial to all parties. The principle of developer presentations to Planning Member Working Group is already recognised in the local Planning Code of Conduct in the Constitution which states that there should be a written note will be made of discussions. Government and Local Government Association advice recognises that while arrangements need to be handled carefully, meetings between developers and Members can have a useful role in pre-application discussions.
- 2.5 Relevant Ward Councillors will be invited to any presentations.

3 RECOMMENDATION

- 3.1 Planning Committee is recommended to agree the Protocol at Appendix 1 as a basis for the conduct of developer presentations to Planning Member Working Group.

**RICHARD SHORT
HEAD OF PLANNING SERVICES
ECONOMY AND DEVELOPMENT DIRECTORATE**

Local Government (Access to Information) Act 1985 (as amended)

Background Papers used in compiling this report:

1. Planning Member Working Group Report
2. Exeter City Council Constitution

PROTOCOL FOR PRE-APPLICATION PRESENTATIONS ON MAJOR APPLICATIONS

At the request of a prospective developer/agent and subject to the agreement of the Head of Planning Services, in consultation with the Chair of Planning Member Working Group, Chair of Planning Committee and the Portfolio Holder, arrangements will be made for them to present their proposals to Members at a meeting of the Planning Member Working Group. There will usually only be one opportunity to make a presentation to Members per proposal.

The Presentation would be chaired by the Chair of Planning Member Working Group who will explain the role of Members at the meeting.

Appropriate Officers, including the Case Officer will be in attendance but the meeting will not be open to the general public. Relevant Ward Members will be invited to the meeting.

Developers will be given the opportunity to make a presentation that should describe their proposal and should explain how the proposal relates to both relevant national and local policy, how it meets local needs and preferences and any other material considerations that they believe Members should give weight to.

The format and length of the presentation should be agreed with the Head of Planning Services beforehand and should be limited to the development proposal. They should not normally last longer than 20 minutes.

The role of the Members at the meeting is to learn about the emerging proposal, identify outstanding issues to be dealt with but not to form or express a view on the proposal which would pre-determine their participation in making a decision on any formal application.

Members will be able to ask questions following the presentation but must refrain from entering into debate directly with the applicant or giving advice that indicates a pre-judging of the proposals.

Members must maintain an impartial listening role and avoid expressing an opinion to the applicants. Questions and comments should focus upon clarifying aspects of the proposal or to flag up issues of concern but must not develop into negotiations. It is equally important at this stage for Members not to have closed minds as to the merits of the proposal.

After the applicants have left the meeting, Members can then discuss with officers any concerns or issues and comment on the future direction of any officer/developer negotiations.

Notes will be taken at the meeting and a summary of the discussions will be kept on file.

Additional notes for Members

Any Member who elects to form a view, for or against the development being discussed, will pre-determine their stance to the extent that they will be required to withdraw from meetings where any subsequently submitted application is discussed or decided.

Once a formal planning application has been submitted it would be inappropriate for Members who would be considering the specific application to hold any further discussions with developers or receive any further presentations.

Additional Notes for Developers/Agents

Discussions will not bind the City Council as local planning authority. This will be made clear at the outset of each meeting. Similarly it will be made clear that views expressed are not part of the determination process and that any statements are “without prejudice” to the eventual determination of an application.

The presentation can provide any relevant background information to give context to the proposal, but it should focus primarily on issues that are relevant to the planning process.

Once a proposal has been the subject of a presentation to Members, the Council will treat the proposal and related material as liable to disclosure under the Freedom of Information Act and will not seek to rely on any of the exemptions from disclosure. (Exceptionally, individual items of information may be submitted on a confidential basis, in which case they, but not the entire proposals, will be assessed against the relevant exemptions in the Act.) The notes taken at the meeting of the Planning Member Working Group will be publicly available as will material submitted as part of the proposal.