



OTTERY ST MARY TOWN COUNCIL

Policy for Pre-Application Planning Consultation

Version	Author	Details	Dates created	Date approved and ref
1	Christine McIntyre	Draft and Approved		2020
2	Kerry Kennell	Reviewed	June 2023	5 June 2023 23/05/23

Purpose

Ottery St Mary Town Council ('the Council') welcomes the opportunity for pre-application planning discussions with applicants and/or developers and their agents, before a planning application is submitted (should the Council be approached by any of the aforementioned parties for pre-application planning discussions and/or the Council considers it advisable). These discussions may be beneficial to both applicants and the residents of Ottery St Mary. The Council is a statutory consultee for all planning applications in the Parish of Ottery St Mary. Its role is to comment on applications and forward recommendations to the local planning authority East Devon District Council (EDDC). The Council has chosen to adopt a policy for pre-application planning consultations and engagement

Confidentiality

The Council will not treat as confidential any request for pre-application consultation or engagement. Any information provided will be subject to disclosure under the Freedom of Information Act 2000. From the outset the developer must identify information which the Council cannot share or make public and give reasons for this. Confidentiality of communications about the development will rarely be justified even if the developer's interest is sensitive

Public Access

The Council will discuss pre-application submissions at a Council or Planning Committee meeting. These meetings are open to the public and the minutes of such meetings are available to all via the Council's website. The Council may invite developers to attend a Council meeting at which the public are present, to give a presentation on their proposal. This will help to ensure that the developer's communications with the Council are transparent. The Council will **not** normally hold private meetings with developers unless there is a necessary and compelling reason which could be justified to the public (for example a strong

commercial sensitivity, where a developer wishes to receive an initial steer before deciding whether to progress). It is however, the councillors at the Council meeting who will decide if there are grounds to exclude the public from the meeting when the proposed development is being considered.

Pre-application community engagement (PACE)

The Council will encourage developers to carry out engagement with the local community before submitting plans **for significant or complex developments**. Any PACE meeting must meet the following expectations:

1. The venue is convenient and accessible in the community.
2. Sufficient and timely publicity within the community and to all likely interested parties. The timing of the meeting should be appropriate to allow as wide a range of people as possible to attend.
3. That there is a genuinely open mind and willingness to adapt plans in response to community feedback.
4. The developer meets all reasonable costs for the hosting of the public meeting including the provision of large scale paper plans for display purposes. Councillors are advised not to attend separate private briefings as part of public consultation, but instead to attend a public event.

Individual Councillor's discussions

- a. Councillors must be aware of their obligations under the Council's Code of Conduct.
- b. Individual Councillors must not enter into informal discussions of possible future applications with a developer; to do so may lead to a complaint for a potential breach of the Code
- c. Any informal discussions must involve a minimum of three councillors and the CEO/Administrator .
- d. Where a site meeting is needed, the Council will nominate at least two councillors to attend

A developer should not attempt to lobby individual members; if this occurs, the Council reserves the right to withdraw from any pre-application process.

Applicants, developers and agents are reminded that it is an offence under s.1 Bribery Act 2010 for a developer or their agent to promise or give a financial or other advantage to a Council or councillor with the expectation of an improper consideration of a planning application.

Councillor Communications

Informal meetings and telephone conversations between a developer and councillors or the Administrator will be documented in writing and are subject to disclosure under the Freedom of Information Act 2000. Furthermore, the Council will report that a meeting has taken place at the next full Council meeting and a brief overview of the discussions will be given at the meeting. The DCEO will make the arrangements for any meetings requested by developers with councillors, attend and write a follow-up letter. If there is a legitimate reason for confidentiality regarding the proposal, the Council will keep a written record of the confidential and non-confidential issues.

Pre-Determination

Councillors should avoid expressing any detailed opinion or prior view which might be viewed as pre-determination. To this end, a formal meeting arranged by the Council could include the following suggested wording on the meeting agenda or invitation:

‘While Members may express an opinion for or against the proposal at this meeting, our minds are not closed and we will only come to a conclusion on whether we should support the scheme or offer an objection after we have listened to the full debate.

A similar statement could also be read out and clearly stated at the start of an informal meeting, to make it clear that members attending are not pre-determining their position on a proposal. Councillors could also include the words ‘in principle’ or ‘subject to ..’ when expressing their views to further emphasise that any opinions given at this stage are not pre-judging a proposal in advance of a formal planning application.