

# Member Engagement in Pre-Application Enquiries – Code of Practice

(July 2013)

## Introduction

The Council's *Statement of Community Involvement* (SCI) adopted in January 2013 states that pre-application consultation:

*....can be a helpful stage as discussion between a developer and local residents can help to identify potential problems or improvements that could be made to proposals at an early stage. This can benefit local people by enabling their input into the design of proposals to help ensure development is acceptable and can also assist developers by reducing the scope for objections at a later stage.*

*The Development Management Service strongly recommends that developers undertake pre-application consultation with local residents and organisations, in addition to that undertaken with the Council, prior to submitting any planning application for significant development.... ..In particular we would ask developers undertaking pre-application consultation to:*

- *Set clear objectives and agree the consultation approach, including who will be consulted, with Development Management.*
- *Let people know what the scheme is proposing and be clear about what they can influence by making comments.*
- *Use different engagement approaches.....to maximise opportunities for people to influence the proposals. Particular steps should be taken to involve any seldom-heard groups that could be affected by a proposal.*
- *Submit a statement alongside the final planning application outlining the community involvement work that has been undertaken. This should include a summary of any responses received at consultation, and should explain how feedback has influenced the proposals.*

This guidance note sets out some general rules for member and officer involvement at the pre-application stage and builds on the SCI. It applies only to the area of Chichester District for which Chichester District Council is the local planning authority.

The pre-application phase of development management is a part of a positive and pro-active planning process. The Council operates a pre-application advice scheme and encourages developers and agents to engage with officers as early as possible so that they can gain a clear understanding of the objectives and constraints on development.

Pre-application enquiries that are submitted are given a case number and allocated to an officer to deal with. They are handled on a confidential basis and historically have not been publicised or made available to members or the public, unless the developer gives its own publicity to the proposal. This is because at this stage the scheme may be commercially sensitive and is sometimes on land not in the developer's ownership. The case officer's pre-application response will draw attention to the importance of the developer engaging the wider community as part of the pre-application process under the terms of the SCI. The SCI includes the opportunity to involve members in the process.

Members are encouraged to fulfil their roles as local authority representatives and civic leaders in the planning system and this includes involvement in the pre-application stage of development. Officers' and members' roles in the pre-application process have to be guided by the published codes of conduct.

## **Types of Pre Application Enquiry**

### *General Approach*

All current pre-application enquiries appear on a list which is available for members only to view. The list provides basic details about the proposal and is regularly updated. Once a case has been closed, it is removed from the list.

To enable members to obtain further information about individual cases, they can access the Council's IT systems where plans and supporting details relating to pre-application enquiries are held. If the local member wishes to gather further details about a particular proposal, the case officer will also be available for a briefing.

### *Enquiries Relating to Major Development*

Proposals for major development are defined as ten dwellings or more or commercial development with a floor-space of 1000 m<sup>2</sup> or more. For major proposals and proposals that are otherwise significant, complex or controversial, developers are encouraged to provide opportunities for member and local community involvement. This may take the form of:

- A private meeting between officers and the developer with the local ward member present.
- A local exhibition, public meeting/presentation led by the developer, drop-in session or workshop with the parish and/or local community where officers and members may be invited to attend.

### *Enquiries Relating to Other Development*

Members may wish to engage at the pre-application stage in proposals for smaller-scale development which might have a significant impact locally eg small-scale housing schemes or commercial buildings and large scale equestrian proposals in the rural area. Members may, therefore, monitor progress with the case officer and attend meetings between officers and the developer/agent.

## **Conduct**

### *Members' Responsibilities*

In their role as a member representing the Council members must not:

- Attend a meeting with developers to negotiate or discuss the merits of a proposal without an officer present.
- Be drawn into or actively promote direct negotiations with a developer to seek to amend or influence the pre-application proposal.

- Put pressure directly or indirectly on any officer to follow a particular course of action with regard to a pre-application proposal or disclose any pre-application requests or responses.
- Pre-application enquiries are treated on a confidential basis by the Council. It is essential therefore that members are discreet about the way in which they deal with such information.

In addition to the above:

Members of the Planning Committee should take care:

- When speaking to developers or objectors not to express views about the acceptability or otherwise of a proposal.
- To remain open-minded about the pre-application proposal and only reach a view during the decision-making meeting, having read and considered the planning officer's report and all other material considerations.
- To avoid organising support for or against a proposal.
- To avoid any public statements of a definite view on development proposals.

*Officers' Responsibilities*

Officers will:

- Ensure that developers/agents are aware in advance that the local ward member wishes to attend a meeting between developers and officers to discuss pre-application proposals.
- Keep a record of meetings attended by members and the outcome of discussions.
- Generally attend developer-led exhibitions and other consultation events but will not actively participate in discussions.
- Not invite members to express views about the merits of proposals at any consultation event or at meetings with developers.

*Developers' Responsibilities*

It is the developer's decision about how and when to publicise a pre-application proposal although there are now statutory obligations on developers under the *Localism Act 2011* in relation to publicity requirements for very large-scale proposals.

Chichester District Council encourages developers to carry out community consultation which is appropriate to the scale and impact of the proposal prior to the submission of an application for planning permission. It is in the developer's interest to seek wide views at an early stage.

Developers are requested to:

- Advise the planning case officer and members of any consultation events and who has been invited to them.
- Not make any special arrangements to exclusively target members of the Planning Committee directly or indirectly.
- Not seek to apply any pressure directly or indirectly or incentive on members of the Planning Committee to reach a particular conclusion.

If officers consider that a developer is targeting particular members eg with an exclusive viewing of a pre-application proposal in the absence of officers and other members of the local community, officers will advise members not to attend the event.