

Constitution Associated Document:
Member Protocol for Involvement in Pre-Application Discussions for Proposed
Developments

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This document was considered by Executive Committee at their meeting on 1 July 2009 and then adopted by Full Council at its meeting on 10 August 2009, to be brought into use on 1 October 2009.

**1. CRITERIA FOR MEMBER INVOLVEMENT IN PRE-APPLICATION PLANNING
DISCUSSIONS**

On sites where the following criteria apply, then there will be an offer made to relevant Members of Redditch Borough Council for involvement in pre-application discussions with Planning Officers in accordance with the protocol adopted by this Council, in accordance with the factors noted below:

- 1) All major applications, i.e. more than 10 dwelling or more than 1,000m² employment or retail use or any site more than 1ha.
- 2) Site allocated within Development Plan (current or emerging) for redevelopment; or;
- 3) Site with SPD relating to it; or;
- 4) Site where Members have requested involvement; or;
- 5) Site known to be controversial (to Head of Planning & Building Control or Development Control Manager); or;
- 6) As directed by Planning Advisory Panel (PAP); or;
- 7) As directed by Head of Planning & Building Control or Development Control Manager; or;
- 8) At the request of a Member when reasons given in writing to Development Control Manager or Head of Service.

The following Members will be notified of and invited to participate in discussions:

- Where any of the criteria above apply, the ward Members for the ward in which the site lies will be notified. If the site is in very close proximity to a ward boundary, ward Members for the adjacent ward shall also be notified and invited to participate in discussions. (The Head of Planning & Building Control or Development Control Manager will define 'very close proximity' on a case by case basis where necessary.)

In addition:

- Where criteria 2 or 3 apply, the Chair and Vice-Chair of Planning Committee and the Leader of the Council will also be notified.
- Where criteria 5 or 7 apply, senior Officers within the Planning team service will notify Members as it is considered appropriate.
- Where criteria 4, 6 or 8 apply, the Members' request should include any specific Members who they would like to be involved in discussions.

In general, where proposals fall below the thresholds noted above, Members will not be invited to participate in pre-application discussions.

2. MEMBER PROTOCOL FOR INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS FOR PROPOSED DEVELOPMENTS IN THE BOROUGH

Either:

Officers receive pre-application enquiry and identify need for Member involvement (using criteria in Appendix Two)

Or:

Members are approached and pass on enquiry to Development Control Manager. If they specifically wish to be involved in discussions, or wish other Members to be involved, this should be raised with the DC Manager at this stage

Then:

1. Development Control Manager allocates enquiry to an appropriate CASE OFFICER (CO)
2. CO completes checklist (see Appendix 3) identifying all those who need to be involved in discussion, having regard to criteria at Appendix
3. CO compiles short summary of development proposal details similar to example at Appendix 3
4. CO circulates summary sheet to all those identified on checklist
5. CO carries out site visit (it is recommended that Members to be involved in discussions also carry out a site visit. This can be co-ordinated by the case officer if appropriate)
6. CO arranges meeting between all relevant parties (it is pointed out that meetings can not be arranged around members because of deadlines and the needs of applicants who are paying for the service).
7. CO chairs and records meeting, as well as co-ordinating relevant correspondence, responses, consultations etc.
8. Steps 6 & 7 are repeated as necessary until such time as the developer is advised that it seems appropriate for a planning application to be submitted

3. FORM FOR OFFICER COMPLETION TO IDENTIFY THOSE TO BE INVOLVED IN DISCUSSIONS AND SET OUT ITEMS TO INCLUDE IN THE SUMMARY OF PROPOSED DEVELOPMENT TO BE CIRCULATED TO ALL THOSE INVOLVED

a) Checklist of those to be involved:

Internal Officers:

- Development Plans team
- Environmental Health team
- Biodiversity Officer
- Economic Development team
- Asset Management team (land drainage)
- Property Services team
- Housing Officers
- Countryside & Landscape Team

Internal Members:

- Chair of Planning Committee
- Vice-Chair of Planning Committee
- Leader of the Council
- Ward Members for this ward
- Ward Members for adjacent ward(s)
- All Members

Other colleagues:

- County Highway Network Control
- County Highway works team
- County Education
- County Walking/Cycling Strategy team

External bodies:

- Environment Agency
- Severn Trent Water
- English Heritage

Others:

Please specify.....
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b) Summary of development proposal to include:

- Site location
- Developer and agent, including indication of who is central point of contact
- Description of development proposal type and quantity (if known)
- Site plan, with outline proposals shown if known
- Written summary of reason for proposal, including any design/construction principles to be incorporated (e.g. green architecture, secured by design etc)
- Photographs and/or drawings of proposals
- Details of proposed access/parking arrangements
- Appropriate fee as per adopted fees and charges

4. GUIDANCE TO MEMBERS ON CONDUCT

The conduct of all those involved in pre-application discussions must also adhere to appropriate guidelines in order that the later stages of the process are not prejudiced. Members will not be able to partake in discussions unless they have received training. Training will cover the following matters but this is not intended to be an exhaustive list of issues.

Member participation and conduct

Always have an Officer present

1.1. In terms of Member involvement, guidance is required in terms of how they may participate in the process, and what they may make comments upon. It is generally acceptable that they be party to pre-application discussions, **providing** that they ensure that an appropriate Planning Officer accompanies them, and that notes of the meeting are retained on the correct file. It is advisable for the Case Officer involved to chair meetings and lead discussions, allowing all parties, including Members, to participate as appropriate to the discussion.

Only make relevant, appropriate comments

1.2. When attending such discussions, Members should be careful to comment only on procedural matters, and general principles of acceptable or unacceptable development types and styles. Members should be fully acquainted with the contents of the Local Development Framework, in order that comments relating to broad principles of development are in accordance with the aims and objectives of the plan. It is also helpful for Members to be aware of any specific local issues and/or concerns, in order that they can be fed into the process early on. These matters can then be taken into consideration by developers when designing development schemes, as well as all relevant policy issues raised by Members and/or Officers.

Avoid pre-disposition

1.3. Members should be careful to avoid comments relating to specific elements of a proposal, or to pass opinions on such things, especially if they are or could be Members of the Planning Committee that may subsequently determine a planning application for the proposed development.

Declare any prejudicial interests and do not participate

1.4. Members should be careful to declare at the outset of such discussions any interests that they may have, be it in relation to their capacity as ward member, or as a neighbour, or for other reasons. These should be documented on the file for future reference. Members should also be aware and take care in relation to both pre-disposition and pre-determination so as not to prejudice their position for the future.

Treat all discussions as confidential

1.5. Members should also have regard to the fact that pre-application planning discussions are always confidential (in order to preserve commercial confidentiality) and that information relating to proposed developments does not reach the public arena until either a planning application is submitted or the developers choose to engage the community in a consultation exercise. Therefore such matters should not be discussed openly or in public, and Officers will always take care to ensure that such records are kept in appropriate secure conditions.

Seek support from Officers if required

1.6. If in any doubt at any time regarding planning matters, Members should always contact the Head of Planning & Building Control or the Development Control Manager to seek further advice and assistance. It is always recommended that Members enquire first, in order that constituents, developers or other parties are not misled at any stage in relation to the adopted processes and procedures adhered to by this Council. Members should also be aware that failure to comply with adopted procedures could leave them open to scrutiny if this becomes apparent later.

5. LIST OF REFERENCES

- ❖ Killian-Pretty Review and government response thereto
<http://www.communities.gov.uk/publications/planningandbuilding/killianprettysummary>
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/killianprettyresponse.pdf>
- ❖ Constructive Talk – investing in pre-application discussions
<http://www.pas.gov.uk/pas/aio/39020>
- ❖ Positive engagement in planning decisions
http://www.acses.org.uk/public_file/filename/12/positive_engagement_v4_2_.pdf
- ❖ Councillor involvement in planning decisions
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/153569.pdf>
- ❖ Borough of Redditch Statement of Community Involvement (SCI)
http://redditch.whub.org.uk/home/adopted_sci-2.pdf
- ❖ Open for business
<http://www.pas.gov.uk/pas/aio/41620>
- ❖ Making your mind up – improving planning decision making
<http://www.pas.gov.uk/pas/aio/62452>
- ❖ Probity in planning
- ❖ ACSeS Model Members Planning Code
http://www.acses.org.uk/public_file/filename/8/ACSeS_Members_Planning_Code_update_draft_07_07.pdf
- ❖ Public involvement in development control process – a good practice guide
<http://www.lga.gov.uk/lga/aio/114364>
- ❖ Member Code of Conduct
- ❖ Constitution
- ❖ ATLAS Guidance Note: Implementing PPAs
<http://www.atlasplanning.com/lib/liDownload/351/080404%20PPA%20Guidance%20Web%20Download.pdf?CFID=246636&CFTOKEN=99816479>
- ❖ Fees leaflet:: Your planning services: how to make contact and what to expect
http://redditch.whub.org.uk/home/draft_charging_leaflet_landscape_version_ar_041208_post_exec.doc

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- ❖ Report to Executive Committee 19 November 2008 regarding fees and charges for planning functions
- ❖ Report to Executive Committee 1 July 2009 regarding Protocol for Member involvement in pre-application discussions