

---

**TITLE:        PROCEDURE FOR PRE-APPLICATION DISCUSSIONS**

Committee: Planning Committee

Date:         5<sup>th</sup> January 2011

Author:       Lucie Turnell – Development Control Team Leader

[K221]

---

1.0    ISSUE

1.1    To provide Members with guidance and an established procedure for discussions between a potential applicant and The Council prior to the submission of a planning application.

2.0    RECOMMENDATION(S)

2.1    Members are recommended to approve the Protocol attached as Appendix 1 as forming the basis for pre-application discussions with developers. A review of the Protocol will be undertaken after 6 months from its introduction.

3.0    BACKGROUND/OPTIONS

3.1    Over the last few years there has been a significant shift in the way the planning process is delivered with a move towards a more pro-active, inclusive and creative approach. This approach relies on early and effective community engagement in discussions, including Councillors as community leaders and local representatives. However, such involvement at the pre-application stage has the potential to be seen as a lobbying process, with the possibility of decisions being pre-determined. In order to avoid this risk it is important to set out clear and transparent procedures.

3.2    At present pre-application discussions are almost exclusively held between developers and Planning Officers. The process was formalised in July 2010 to improve the service with the aim of providing a comprehensive overview of the policies that will be relevant for a particular application, guidance on the type, extent and detail of information that will be required, and, where possible, give an opinion on whether the proposal is of a satisfactory quality. A scheme for pre-application charging was also introduced. It is intended to widen the scope for pre-application discussions to allow Members more involvement, where relevant, and for this Protocol to provide the framework to allow this to happen.

3.3    Pre-application discussions are not exclusive to major planning applications. However such applications are often more likely to be determined by the Planning Committee rather than under the scheme of delegation, and it is

intended that those in particular are introduced to Members in advance of making a formal decision.

- 3.4 A developer does not have the right to insist on a presentation to Members. The Head of Planning and Sustainable Development will arrange presentations, where appropriate, and where this involves proposals for strategic development this will be in consultation with the Chairs of Planning Committee and Strategic Development Committee.
- 3.5 Members will be aware of the numerous documents that have been produced to aid positive and effective discussions, including 'Positive Engagement – a guide for planning councillors', 'Probity in Planning: the role of councillors and officers' as well as The Council's Constitution – Part 5. This Protocol should be read alongside these publications and interpreted at East Cambridgeshire District Council's formal guidance to Members.
- 3.6 Presentations at Members Seminars will be in exceptional cases where the proposed development would have strategic implications, approximately 2-3 times per year, with an additional 2-3 large scale applications presented to Ward Members.
- 4.0 ARGUMENTS/CONCLUSIONS
- 4.1 Government advice is that Councillors should be involved in pre-application discussions. However, a structured approach with definitive guidelines is essential to avoid perceptions that Councillors might have favoured or predetermined a proposal that may then come before them as an application for determination. This protocol will ensure transparency and establish the limits of discussion.
- 5.0 FINANCIAL IMPLICATIONS
- 5.1 There are no financial implications for East Cambridgeshire District Council other than supplying officer time.

---

**Background Documents**

**Location**

**Contact Officer**

Probity in Planning: the role of councillors and officers' 2009

Room 007  
The Grange  
Ely

Giles Hughes  
Head of Planning and Sustainable Development  
(01353) 616205

Positive Engagement – a guide for planning councillors

E-mail:  
[giles.hughes@eastcambs.gov.uk](mailto:giles.hughes@eastcambs.gov.uk)

## **Appendix 1 – Protocol for Pre-application Discussion.**

### **Meeting Format**

---

*Proposals for Strategic Development (District wide implications eg. large scale supermarkets, power generation).*

- Presented at Members Seminars. The format and length of the presentation should be agreed with the Head of Planning and Sustainable development beforehand and should be limited to the development proposal. The Planning officer will outline the context and provide background followed by a presentation by the developer that should not normally last longer than 20 minutes followed by a question and answer session of no more than 40 minutes
- All Members will be invited
- The Seminar will be chaired by a Planning Officer

*Major Development (Significant development within the ward eg large scale residential/industrial)*

- Proposals will be subject to a less formal presentation
- Ward members will be invited

*Small scale*

- Members should express their interest in the application with the case officer and liaise directly with them in any pre-application discussions.

*All meetings*

- Appropriate Planning Officers, including the Case Officer will be in attendance but the meeting will not be open to the general public. It may also be appropriate for a Legal Officer to attend.
- All meetings will be minuted by an Officer and the minutes available to the public

### **Scope for discussion**

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

believe Members should give weight.

- The role of the Members at the meeting is to learn about the emerging proposal and identify outstanding issues to be dealt with. However they should not form or express a view on the proposal, which could be seen as pre-determining 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-judgement of the proposals.
- Members must remain impartial and avoid expressing an opinion to the applicants. Questions and comments should focus upon clarifying aspects of the proposal or flagging up issues of concern, without the discussion developing into negotiation.
- Members must not be drawn into negotiations, but should ask their officers to deal with specific aspects through the course of the planning application.
- Members should be aware that not all the information may be at hand at the time of the seminar.
- Formal consultations with third parties may not have taken place.
- 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.

---

### **Additional Notes for Potential Applicants**

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