

# REPORT TO PLANNING AND LICENSING COMMITTEE

## PRE-APPLICATION MEETINGS POLICY



**Report Reference** PL-22-03  
**Meeting Date** 27<sup>th</sup> June 2022  
**Agenda Item** 8  
**Prepared by** Planning and Facilities Officer

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### 1.0 BACKGROUND

The Town Council has previously accepted requests from developers to have an informal pre-application meeting to discuss proposals. Such meetings have been held for minor developments and repeated meetings held for the major strategic developments.

The council has held pre-application meetings with developers at different stages; it is recognised that the earlier engagement takes place the greater the degree of change to proposals that can be secured as less resource will have been expended in reaching that position. The most notable meetings are those held with the promoters of the strategic development sites, where meetings have been held before wider public engagement on early stages of development proposals and throughout the application process at submission and beyond.

A member of the committee has expressed concern about these meetings being held in private and requested the committee consider its position on them. The purpose of this report is to inform that discussion.

### 2.0 COMMITTEE MEMBER CONCERNS

The concerns of the member are that by holding such meetings in private can lead/have led to accusations of collusion, favouritism or corruption. The member suggests ward councillors could have such meetings but would then be prejudiced from debate at a committee meeting if a member of the committee.

*“It has been my concern for some time as a Member of the Planning and Licensing Committee that Members have often accepted an invitation to discuss a future application with the agent or applicant prior it being submitted to the public meeting.*

*I can see that there may be merits in this process, these being:-*

- A. The applicant may take the opportunity to amend the details in the light of Members comments.*
- B. The Members may well obtain a greater knowledge of the details of the application enabling them to arrive at a more informed decision.*

*Should the presentation take place during the public Planning and Licensing Committee meeting I have no problem as that is the correct forum to have such discussions.*

*However, to continue to hold discussions in private could lead to accusations of collusion, favouritism, or worse corruption. It is of course, the right of an agent or applicant to contact the local ward councillor(s) to discuss an application. If the said ward councillor is not a Planning and Licensing*

*Committee member, the ward councillor may wish to represent the views of the applicant but not being a committee member, they would not be able to vote. If the ward councillor is a committee member and does wish to speak on the behalf of the applicant having discussed the matter privately, the councillor having spoken at committee should be debarred from being able to participate in the vote. Consequently, councillors will better be safeguarded against any potential accusations.*

*It is understood that that with major planning applications it is incumbent of the applicant to undertake consultations with residents, in which case, there are community groups who do this very well and this should be encouraged enabling a representative of the group(s) to present their views at committee stage in public.*

*Finally, I am concerned especially in such a tightly knit community such as Knutsford, that Councillors are seen as being whiter than white on matters that are often very controversial and where the favourable outcome of an application can be extremely beneficial to the applicant."*

### **3.0 GOVERNMENT GUIDANCE ON PRE-APPLICATION ENGAGEMENT**

The NPPF strongly advocates early engagement from developers with the community and with the local planning authority. It notes that pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning system and improve the quality of planning applications and their likelihood of success.

This can be achieved by:

- Providing an understanding of the relevant planning policies and other material considerations associated with a proposed development.
- Working collaboratively and openly with interested parties at an early stage to identify, understand and seek to resolve issues associated with a proposed development.
- Identifying the information required, such as arboricultural surveys or highways impact assessments, to make an informed decision.
- Discussing the possible mitigation of the impact of a proposed development.

It is recognised that the parties involved at the pre-application stage will vary on a case-by-case basis, and the level of engagement needs to be proportionate to the nature and scale of a proposed development.

Holding a pre-application meeting provides a chance to refine plans and build a positive relationship with the council before submission.

### **4.0 IMPROVING PROBITY OF PRE-APPLICATION MEETINGS**

There is undoubted value in the council engaging with developers prior to the submission of planning applications. This enables the council to seek to influence the development of the proposals at a stage where greater change is easier to achieve.

The primary benefit of holding pre-application meetings as private meetings with councillors and officers in attendance is that they allow a franker and more informal discussion than could be held in public; this can be more conducive to securing change. Such pre-application meetings do not pre-determine the council's response to a planning application. It should be noted that the council routinely holds other meetings on a variety of matters in a similar format. The meetings benefit from the lack of formality which is required of a formal committee meeting.

In recognition of the concerns from the member, it is suggested that the protocol in Appendix A be considered. This would be published on the council's website and ensure transparency and consistency in how meetings are conducted. This would also see a public summary of each meeting published to ensure transparency.

## **5.0 MEMBER MEETINGS WITH DEVELOPERS**

Members are required to abide by the Code of Conduct at all times when acting as a councillor. A member may be approached to meet with an applicant in advance of their application being submitted or considered. If a committee member has held a meeting related to an application this should be declared at the meeting. Attendance at such a meeting would not necessarily debar a member from participating in the discussion and voting on an application provided the member can demonstrate compliance with the Nolan principles and the guidance related to predetermination.

A member may, however, consider that their attendance at such a meeting has fettered their ability to approach the application with an open mind. In this instance they would declare that they are predetermined and abstain from the discussion and voting. Such members are advised also to withdraw from the meeting.

## **6.0 DECISIONS REQUIRED**

The committee has two main options:

### **OPTION 1 DISCONTINUE HOLDING PRIVATE BRIEFINGS WITH APPLICANTS**

Under this option the council would reject any request for a meeting with an applicant which could not form part of a Planning and Licensing Committee meeting or a separate public meeting.

### **OPTION 2 CONTINUE HOLDING PRIVATE BRIEFINGS WITH APPLICANTS**

Under this option the council would continue to hold meetings with applicants as private meetings. It could also adopt the protocol in Appendix A to provide greater transparency for these meetings.

Under option 2 the committee may also determine whether only certain types of development would be suitable for meetings. For example, whether to only hold such meetings for developments of a certain size.

## **APPENDIX A: DRAFT PLANNING PRE-APPLICATION AND ENGAGEMENT MEETINGS PROTOCOL**

This protocol sets out how Knutsford Town Council will conduct pre-application/planning engagement meetings. It applies to meetings which are:

- held with the applicant or their agent AND
- not formal meetings of the Town Council / Planning and Licensing Committee AND
- held for the purpose of influencing planning proposals

The objective of such meetings is for the council to:

- be briefed on the proposals
- raise concerns on any matters which require revision or further investigation
- provide feedback on compliance with the policies of the Knutsford Neighbourhood Plan
- identify means to mitigate any potential negative impact of a proposal
- identify areas where further engagement is required
- generally provide feedback on the proposals

An officer shall be present at all meetings. The officer shall ensure a memorandum is prepared outlining the key points raised at the meeting. This document shall be issued to those in attendance and once agreed be submitted to the next meeting of the Planning and Licensing Committee for noting.

The Chairman of the Planning and Licensing Committee may invite community representatives to attend meetings (e.g. the residents groups covering the different areas of the town).

At all meetings it shall be noted that the views expressed do not bind the council in its consideration of the formal planning application. The council reserves the right to oppose or support any development but shall engage in such meetings in good faith seeking to maximise the benefit to Knutsford of any proposal that is put.