



# BURTON GREEN PARISH COUNCIL

## PROTOCOL AND GUIDANCE ON MEETING WITH DEVELOPERS, LANDOWNERS AND AGENTS



Burton Green Parish Council ('the Council') recognises that pre-application or in-application discussions can play an important role in planning applications and welcomes the desire of developers, landowners, planning applicants and agents ('developers') to consult with both the Council and public more widely.

The Council is also aware of the importance of public perception in planning matters and the critical need to avoid any perceptions that the Council is conducting secret negotiations or colluding with developers.

As a statutory consultee in the planning process it is desirable for the Council to be involved in the pre-application process for the following reasons:

- It has a good understanding of its area, the community and the policies of the Burton Green Neighbourhood Development Plan.
- It provides an advocacy role for its residents, effectively representing their views when they feel they are unable to.
- The Council may be a party to Section 106 negotiations on community assets required for the Parish.

### **Pre-application briefings**

The Council is, in general, willing to hold meetings with developers prior to public consultation on the following three conditions:

1. Full public consultation is either already scheduled, or firmly planned.
2. The meeting is open to the public to attend and has been reasonably advertised.
3. The developer meets all reasonable costs for the hosting of the public meeting including the provision of large scale paper plans for display purposes.

The policy of the Council is not to hold private meetings with developers unless there is a necessary and compelling reason that 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).

### **Pre-application public consultations**

The Council encourages developers to carry out full public consultation before submitting plans for major developments, on the following basis:

1. An accessible and convenient venue;
2. Sufficient publicity to likely interested parties, in good time;
3. Appropriate timings to allow as wide a range of people as possible to attend;
4. A genuinely open mind and willingness to adapt plans in response to feedback;

In general Councillors are advised not to attend separate private briefings as part of public consultation, but instead to attend with the public.

### **Pre-determination/Pre-disposition**

In all meetings with developers, Councillors are reminded of the critical importance of not predetermining their position on any future application, as this could require them



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to take no part in future discussions or decisions. It is noted, however, that expressing a pre-disposition, for example of welcome in principle or express a concern, is permissible. (Section 25 Localism Act 2011.)

### **Individual Councillor's discussions**

Councillors must be aware of their obligations under the Council's Code of Conduct.

Individual Councillors may be approached by planning applicants and developers for informal discussions of possible future applications. Whilst it is left to the individual judgement of Councillors whether to take part in such discussions, Councillors are advised not to agree to one-to-one discussions.

However, based on the nature and the likely level of controversy of the application, should they decide to participate, Councillors are required to:

1. carefully consider the public perception of such meetings;
2. avoid any appearance of collusion in applications;
3. avoid accepting hospitality in connection with such meetings;
4. advise the Chairman, Clerk and where the possible, the Council of such meetings;
5. ensure they are accompanied by at least one other councillor.

Councillors must not purport to be representing the Council at such meetings, unless expressly authorised in writing to do so by the Council.

### **Protocol between developers and the Council**

- The developer must provide information about the proposed development affecting the Parish area in writing.
- Even if the developer considers that information provided to a local council is sensitive, this will not require the council to treat it as confidential. From the outset, the developer must identify information they want to be treated as confidential and explain the reasons in writing. If the developer has a legitimate expectation for confidentiality about the proposed development, the Council will keep a written record of the confidential and non-confidential issues.
- Information held by the Council about a proposed development is subject to disclosure under the Freedom of Information Act 2000, subject to the Act's published exceptions.
- Informal meetings and telephone conversations between a developer and individual councillors or staff will be documented in writing and are subject to disclosure under the Freedom of Information Act 2000. A Council Officer will arrange and attend meetings between councillors and developers in all cases and will send a follow-up letter containing minutes of the meeting.
- Formal meetings of the council and its committees are open to the public.<sup>1</sup> The developer may attend but not speak at a Council or Committee meeting unless they

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<sup>1</sup> section 1(1) Public Bodies (Admission to meetings) Act 1960



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are invited to address the meeting or have an opportunity to do so during the part of the meeting designated for public participation.

- The developer may regard information about the proposed development as either confidential or 'sensitive' and therefore not suitable for discussion at a meeting open to the public. However, it is the Council who will decide if there are grounds to exclude the public from the meeting when the proposed development is being discussed and considered. A Council or Committee meeting may exclude the public if publicity about a matter being considered at the meeting would prejudice the public interest due to its confidentiality or for other special reasons<sup>2</sup>.
- The minutes of the Council and Committee meetings which record the discussions and submissions made at them are available to all via the council's publication scheme.
- It is an offence under section 1 Bribery Act 2010 for a developer or his agent to promise or give a financial or other advantage to a Council, Officer or Member with the expectation of an improper consideration of any planning application. If the developer is an organisation, for example a charity or company, the council may request sight of their anti-bribery policy.

Signed (Chair): Cllr McColl

Date: 20<sup>th</sup> January 2025

Date for next review: January 2026

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<sup>2</sup> section 1(2) Public Bodies (Admissions to Meetings) Act 1960