Draft Protocol for Pre-application discussions and presentations at Plans Panel meetings

1.0 Introduction

This Protocol is based on advice issued in the publication Positive Engagement; a guide for planning councillors \(^{(1)}\) and PAS pre-application guidance Constructive Talk\(^{(2)}\). It will be updated in the light of experience and the production of any revised guidance.

Current Government guidance is clear that members should be involved in discussions with developers, constituents and others about planning cases, provided the advice provided in the "Positive Engagement" leaflet at the pre-application stage. The dos and don't of Member engagement in planning in the leaflet Positive Engagement are included as appendix 1 of this protocol.

Leeds City Council welcomes pre-application discussions. These will be handled by Officers, who will give advice based on City Council and Government policy.

Certain major, significant, most sensitive or potentially controversial developments may be accepted for pre-application presentations at the Plans Panel meetings. Applications subject to Planning Performance Agreements will almost certainly be presented at Plans Panel meetings.

This protocol explains and sets out how these pre-application discussions and presentations will be conducted.

2.0 The Conduct of Pre-Application Presentations

Presentations will take place in the Civic Hall at an appropriate time to the Plans Panel meeting.

Following written request from the Developer, the timing of such presentations will be at the discretion of the Area Planning Manager and Chair of the Panel, who will manage the content so as not to over burden the agenda with pre-application presentations at any given meeting.

The form of each presentation shall be:

- Officer introduction to the site, key points, policy position, bullet point list of material considerations
- Applicant presentation limited to a maximum of 15 minutes
- Questions asked of Members on the material considerations to ensure clear guidance is given
- Member questions
- Summing up by Chair
The form and content of the presentation should have been agreed in advance by Officers as accurate, relevant and the minimum necessary to assist the Plans Panel.

All parties should bear in mind that the meeting is taking place at the request of the applicant. Any views expressed by the Plans Panel or by Officers prior to formal determination of an application are without prejudice to the right of individual Councillors and the Plans Panel to determine any subsequent application as they see fit.

Applicants should be aware that their application will be determined in the light of information provided with it and, if information is revealed at the pre-application meeting that is not used in the application, it will not be taken into account.

Pre-application presentations will be noted and a summary of the presentation fed back to the developer. This information will now be considered to be in the public domain and subject to the provisions in the Freedom of Information Act and as such a public record will be available.

**3.0 The Role of the Applicants**

Written notification of their wish to conduct a pre-application presentation at Panel should be provided to the Area Planning Manager.

The presentation will normally be limited to 15 minutes, followed by questions and answers. The presentation can only provide relevant background information to give context to the proposal and it must focus primarily on issues that are relevant to the planning process.

**4.0 The Role of Members**

Subject to the provisions laid out in the *Code of Practice for the Determination of Planning Matters* (3), Members will give an informal response to the presentation but will not give advice that indicates a pre-judging of the proposals.

Questions to clarify aspects of a proposal or policy concerns are legitimate, but must not develop into negotiations. Any comments made will be without prejudice to the right of the individual Member and the Plans Panel to determine any subsequent application as they see fit. Members will only make their decision on the application after having received the officer’s report and heard all the relevant evidence, arguments and views at the full meeting of the Plans Panel.

Any Member who takes an active stand in support or against an application before impartial consideration of all the relevant facts and their consideration at Planning Plans Panel will be expected to leave the Plans Panel meeting
and not take part in the deliberations on that application, due to the pre-
determination that has occurred.

References
(1) Positive Engagement; a guide for planning councilors ODPM, Planning
Advisory Service, Local Government Association, RTPI, Association of
Council Secretaries and Solicitors publication
(2) Constructive Talk: Investing in pre-application discussions Planning
Advisory Service
(3) The Code of Practice for the Determination of Planning Matters’ can be
found on the Intranet > Council’s Constitution > Part 5 - Codes and protocols
> starting at page 99.
## Positive Engagement; a guide for planning councillors

**ODPM, Planning Advisory Service, Local Government Association, RTPI, Association of Council Secretaries and Solicitors publication**

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<th><strong>DO</strong></th>
<th><strong>DON'T</strong></th>
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<td>Hold discussions before a planning application is submitted to the authority</td>
<td>Meet developers alone or put yourself in a position where you appear to favour a person, company or group – even a “friendly” private discussions with a developer could cause others to mistrust your impartiality</td>
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<td>Preface any discussions with a disclaimer – make clear at the outset that discussions are not binding</td>
<td>Accept gifts or hospitality</td>
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<td>Keep a note of meetings and calls</td>
<td>Expect to lobby and actively support or resist an application and still vote at committee (or even stay in the room during discussions)</td>
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<td>Recognise the distinction between giving advice and negotiation</td>
<td>Seek to influence officers or put pressure on them to support a particular course of action in relation to a planning application</td>
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<td>Structure discussions and involve officers</td>
<td>Invent local guides on probity which are not compatible with the current national guidance</td>
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<td>Stick to policies included in adopted plans but also pay heed to any other considerations relevant to planning</td>
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