



PROTOCOL FOR DEALING WITH DEVELOPERS

Pirton Parish Council

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Doc017.

Chairman: R.Diane Bailey

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13.12.2018	Jill Rogers
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1. Introduction

- a. Communication between a developer and a Parish Council prior to the developer's submission of a planning application or the Council's submission to the local planning authority for a Neighbourhood Development Plan or an amendment to the Pirton Neighbourhood Development Plan has benefits for both parties.
- b. The Parish Council and Councillors should, however, exercise caution when they communicate with developers. There is a need to avoid improper lobbying by the developer. Councillors should avoid creating a perception that they have pre-determined their position about a proposed development prior to a discussion on the proposal (whether in draft or in full) at a meeting of the Parish Council.
- c. Pirton Parish Council therefore will abide by this written protocol (which shall be routinely available on the Council's website) when dealing with developers.
- d. Developers are expected to be conversant with both the Pirton Neighbourhood Development Plan and its associated Pirton Character Assessment. These documents highlight the issues of greatest importance to the Pirton community, and which developers are expected to address.
- e. The Term "Developer" is defined to include, but is not limited to, the following: Developers, Landowners, Land Agents, Land Promoters, and their agents and consultants.

2. The Protocol

- a. The developer must provide to the Pirton Parish Council information about the proposed development affecting the Parish area in writing before any formal or informal meeting.
- b. Even if the developer considers that information provided to the Parish Council is sensitive, this will not require the Council to treat it as confidential. From the outset, the developer must identify information that he wants to be treated as confidential and explain the reasons in writing. If the Parish Council

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accepts a claim/need by a developer for confidentiality about the proposed development, the Council will keep a written record of the confidential and non-confidential issues.

- c Information held by Pirton Parish Council about a proposed development is subject to disclosure under the Freedom of Information Act 2000.
- d Communications (including informal and formal meetings) between the developer and Pirton Parish Council (or with individual Councillors and staff) about a pre-planning application development will not bind the Council to making a particular decision. Any views expressed are, at best, provisional because not all of the relevant information will be available to the Council and formal consultations will not have taken place.
- e Informal meetings, telephone and e-mail 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. The Clerk will arrange and attend meetings with Councillors and send a follow-up letter. In the absence of the Clerk, the Parish Council will appoint one of its members to take notes.
- f The meetings of Pirton Parish Council and its Committees are open to the public (Section 1(1) Public Bodies (Admissions to Meetings) Act 1960) and developers may attend.
- g The developer may not speak at a Council or Committee meeting unless invited to address the meeting or has an opportunity to do so during the part of the meeting designated for public participation, if there is one. 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 Councillors at the Council or Committee meeting who will decide if there are grounds to exclude the public from the meeting when the proposed development is being discussed and considered. A Parish 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 (Section 1(2) Public Bodies (Admissions to Meetings) Act 1960).
- h The minutes of Council, Committee and sub-committee meetings which record the decisions made at them are available to all via the Council's publication scheme, a requirement of the Freedom of Information Act 2000.
- i The Parish Council may invite developers to attend an assembly of the parish meeting, which is also open to the public (Section 1(1) Public Bodies

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(Admissions to Meetings) Act 1960), to present or discuss their proposals for a proposed development affecting the Parish area. The involvement of the Parish Council in such an event will not imply that the Parish Council is promoting any particular development.

- j 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 local council with the expectation of an improper consideration of a planning application. If the developer is an organisation, for example a charity or company, the Parish Council may request sight of the developer's anti-bribery policy.