



***PRE-PLANNING***

***CONSULTATION***

***PROTOCOL***

***JANUARY 2011***

## **1. Introduction**

Falmouth Town Council places great importance on pre-planning consultations and is seeking to encourage developers/agents to consult with its Planning Committee at the pre-application stage. We want to work in partnership with developers/agents to achieve the best possible developments for Falmouth for the benefit of all concerned.

Please note: the responsibility for all local planning decisions rests with Cornwall Council. However, the Town Council is a consultee, and is thus asked for its views on behalf of the community on all planning applications. Furthermore, the Town Council may also be involved in pre-application presentations provided to Cornwall Council, especially in respect of major development schemes.

## **2. Protocol**

At the request of a prospective developer/agent and subject to the agreement of the Chair of the Planning Committee arrangements will be made for them to present their proposals to Members of the Planning Committee.

The Presentation would be chaired by the Chair of the Planning Committee who will explain the role of Members at the meeting.

If appropriate Town Council Ward Members and Cornwall Council Division Members will be invited to attend but the meeting will not be open to the general public.

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

The format and length of the presentation should be agreed with the Chair of the Planning Committee beforehand and should be limited to the development proposal. They should not normally last longer than 15 minutes plus time after for questions and answers. It will be made clear at the outset that discussions are not binding in respect of the formal response the Town Council will make to the planning application consultation.

The role of the Members at the meeting is to learn about the emerging proposal, identify outstanding issues to be dealt with but not to form or express a view on the proposal which would pre-determine their participation in making a decision on any formal application. In this respect members are at

liberty to identify elements which they believe the community would be likely to be supportive of or have concerns about.

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-judging of the proposals. However, this is all about achieving a balance and there is no reason why a Member should not advise what they believe the community will be concerned about, as long as this is framed in a suitable manner. Quite clearly statements such as 'I will never support this scheme' should best be avoided, however, advice such as 'I believe that local residents will be very concerned about the increased traffic and therefore we would want this issue to be fully explored further should you submit an application' is acceptable.

Members must maintain an impartial listening role and avoid expressing an opinion to the applicant which could be regarded that you have pre-determined the proposal. Questions and comments should focus upon clarifying aspects of the proposal or to flag up issues of concern but must not develop into negotiations. It is equally important at this stage for Members not to have closed minds as to the merits of the proposal.

It is important for the pre-planning consultation to be as open as possible therefore any comments of concern should be identified during the presentation. After all the developer is trying to establish what the Town Council feel are potential issues in order to inform their actual planning application.

### **3. Additional notes for Members**

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.

Once a formal planning application has been submitted it would be inappropriate for Members who would be considering the specific application to hold any further discussions with developers. Members could however select to have a presentation in respect of a planning application but it is better to encourage pre-planning consultations.

### **4. Additional Notes for Developers/Agents**

Discussions will not bind the Town Council as local consultee. 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, in that members will have to have open mind at the point of decision making in respect of a consultation.

The presentation can provide any relevant background information to give context to the proposal, but it should focus primarily on issues that are relevant to the planning process.

Once a proposal has been the subject of a presentation to Members, the Town Council will treat the proposal and related material as liable to disclosure under the Freedom of Information Act and will not seek to rely on any of the exemptions from disclosure. (Exceptionally, individual items of information may be submitted on a confidential basis, in which case they, but not the entire proposals, will be assessed against the relevant exemptions in the Act).