



Local Government and Developer Consultation

Background

Earnley Parish Council welcomes early discussion between developers or their representatives and councillors and/or nominated representatives from Earnley Parish Council on proposed major development and acknowledges that developers may wish to present proposals and seek its views at various stages during the planning process and it welcomes the desire of developers to consult with both the Council and the local community.

The National Planning Policy Framework (NPPF) states that:

"39. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better co-ordination between public and private resources and improved outcomes for the community.

40. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any preapplication services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

41. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs."

Earnley Parish Council Protocol for dealing with Developers

The aim of this Protocol is to enable open, agreed and well-structured working between the community, developers¹, local authority and the Council² in advance of planning applications. Any use of this Protocol is without prejudice to the eventual decision of the Parish Council on the merits of any application or to the determination by Chichester District Council.

It has been prepared to ensure that in the planning process there are no grounds for suggesting that a decision taken by the Parish Council has been biased, partial or not well-founded and that Councillors are aware of their role within the planning process.

No hospitality shall be offered by the developer, and none will be accepted by any representative of the Parish Council. It is an offence for a developer or his agent to promise or give financial advantage to a local council with the expectation of an improper consideration of a planning application.

Pre-Determination

A Parish Council's role as a consultee, is for councillors collectively to make planning decisions openly, impartially, with sound judgement and for justifiable reasons at Parish Council meetings. The Parish Council will treat all developers fairly and equally.

In all meetings with developers, Councillors are reminded of the need to abide by the Council's adopted Code of Conduct and the critical importance of not pre-determining their position on any future application. It is noted that expressing a pre-disposition, for example of either 'welcome in principle' or 'concerns,' is permissible. However, should a view or opinion be expressed, this will not bind the Parish Council to making a decision. Also, where no views are expressed this should not be seen as implicit support for the proposal. Should a Councillor demonstrate a pre-determination of their view about a specific planning application and not approach the matter with an open mind, then they should not take part in the formal consideration of that matter at a meeting of the Council or of its Committees. Failure to abide by the Council's Code of Conduct could lead to Standards Committee adjudication for the individual Councillor and put the Parish Council at risk of proceedings on the legality or maladministration of any decisions made.

If a councillor is unclear about the application of this Protocol to their own situation, they should seek advice early on as to whether they are required to declare any personal or pecuniary interests. This can be done by contacting Chichester District Council's Monitoring Officer.

Developer" includes: Developer, Landowners, Land Agents, Land Promoters and their agents and consultants.

¹ "Council" means Earnley Parish Council and includes all Councillors, the Council's Committees and employees and contractual third parties and agents of the Council who work and act on behalf of the Council.

Pre application briefings with the Council

If the Clerk receives a request from a developer/agent to meet with the Council, they will inform the Council. The Clerk will ask the developer/agent in advance of any meeting to provide information in writing about the proposed development affecting the parish. Any information received will be forwarded to Councillors for information.

The main purpose of such a meeting is to learn about the development proposals and its implications, not to form a view or make a decision. A Planning Officer from Chichester District Council will usually be invited.

The developer needs to identify any information which they consider to be commercially sensitive and confidential and the reasons for doing so explained in writing. However, the Parish Council will make clear to the developer that all information held by the council about a proposed development is subject to disclosure under the Freedom of Information Act 2000 (FOI). Therefore, if the developer does choose to disclose to the council any information they consider to be commercially sensitive, we will make clear that the most we can do is to treat the information discretely, that is not publicise it, unless requested under FOI. However, we will also make clear that if we believe that the information should be in the public domain, then in the interest of transparency and accountability we reserve the right to publicise it.

The Clerk or a District Council Planning Officer shall normally make the arrangements for all meetings with developers/agents, attend and write up any notes or, in their absence, a nominated Councillor. The format and length should be agreed beforehand and limited to the development proposal. A Parish Councillor or other representative of the Parish Council will chair the meeting. If Parish Councillors are present the Chairman will explain the Councillors' role, including the crucial point that provided councillors approach the discussions with an open mind they can do so without fear of being accused of bias or facing legal challenge. Meetings will normally take place at a public venue such as a village hall or at the District Council offices. The Clerk will send up a follow up letter once the meeting has taken place.

Informal meetings with Councillors

Individual Councillors may be approached by developers for informal discussions/meetings for potential future applications. Whilst it is left to the individual judgement of Councillors whether to take part, they are advised to:

1. Carefully consider the public perception of such discussions/meetings with developers.

Developer" includes: Developer, Landowners, Land Agents, Land Promoters and their agents and consultants.

¹ "Council" means Earnley Parish Council and includes all Councillors, the Council's Committees and employees and contractual third parties and agents of the Council who work and act on behalf of the Council.

2. Consider the Council's Code of Conduct and Protocol.
3. Avoid any appearance of collusion.
4. Refuse hospitality in connection with such discussions/meetings.
5. Advise the Chair, the Clerk and where possible, the full Council, of such discussions/meetings.
6. Councillors must not represent the Council at such discussions/ meetings, unless expressly authorised to do so by the Council as the Corporate Body.
7. Notes should be taken at the meeting and a report to be made at the next planning committee meeting.

Developer/Agents attending Public Parish Council meetings.

Meetings of the Council and its committees are open to the public and developers may attend. A developer may only speak at a Council or Committee meeting if they are invited to do so by the Chair during the public participation section at the start of the meeting.

Pre-Application Public Consultations

The Council strongly encourages developers to carry out a public consultation in the community before submitting any plans for a major development with Chichester District Council whilst taking account of the following:

1. It is held at a venue which is accessible and convenient to the majority of residents.
2. The event is widely publicised giving residents plenty of notice to attend.
3. It is held at times to accommodate as wide a range of working and non-working people as possible.
4. The developer has an open mind and willingness to adapt plans in response to feedback from both the Parish Council and the wider community.

This policy will be reviewed annually at the Annual General Meeting

Adopted on: 25th September 2023 Minute Reference: 78.23(6)

Reviewed: 18th May 2026 Minute Reference: 38.26(2)

Developer" includes: Developer, Landowners, Land Agents, Land Promoters and their agents and consultants.

¹ "Council" means Earnley Parish Council and includes all Councillors, the Council's Committees and employees and contractual third parties and agents of the Council who work and act on behalf of the Council.