



## **Consultation on Emerging Planning Proposals**

### **1.0 Introduction**

The planning process for Borough Councillors and the local community will be enhanced if they are consulted about emerging proposals for complex major development or other sensitive ones at an early stage.

As with any other discussion in a forum involving officers, the community, developers and councillors, Planning Committee Members should be careful about saying any matter which could be perceived as showing they had taken a fixed position on the proposals (or any aspect of them) or could be taken as an indication of bias, known as predetermination or bias. Planning Officers will, of course, make their professional recommendations to the Planning Committee in the usual fashion in due course. Separate discussions may be held between developers and other teams within the council where relevant to their area of responsibility.

### **2.0 Primary Purpose of Community Consultations and Briefings**

The National Planning Policy Framework (NPPF 2021)<sup>1</sup> advises that *'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community'*.

It further advises that Local Planning Authorities *'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'*.

Pre-application consultations are a useful and productive part of the evolution of a proposal that will lead in most cases to an application being considered by the Planning Committee. They are intended to serve a number of purposes including:

- To provide an improved collaborative way of working
- To assist members and the local community in gaining an initial understanding of often very complex proposals and their planning implications.

- To reassure Spelthorne communities that they are being listened to and that their elected representatives are helping to ensure their views are fed into the planning process.
- To help demonstrate the Council's commitment to sustainable "growth" by providing a forum for members to consider developers' perspectives and for developers to understand some of the issues that may be important to members.
- To give members an involvement in emerging development proposals without compromising their ultimate role as decision makers by allowing them to provide their provisional input / steer.

### 3.0 Community Consultation Process

- This process will normally apply to major applications proposing 50+ dwellings and/or commercial schemes of 10,000+sqm of commercial floorspace. It will also relate to major developments which is a sensitive development and will require consultation by the developer with the local community.

The process will have the following steps:

1. Developers make a request for pre-application advice to the Planning Development Officers in accordance with the established process set out on the Council's website.
2. The case officers will meet with the developers to discuss the proposals. No more than two meetings will take place before the developers will be requested by the planning officer discuss their proposals with the local community.
3. Developers shall arrange a consultation event for their proposals. This shall be arranged to cover an afternoon/early evening period to enable the maximum number of people to attend. Consideration shall also be given by the developer to arrange an evening event. The developer shall invite the borough ward councillors and local residents and businesses. Other borough councillors may attend if they wish. The developer shall send details of the consultation event to the borough council so that it may be advertised via the Council's social media platforms.
4. The developer will provide a summary of the consultation to the planning case officer and copied to the ward councillors for their information.
5. The developer should meet again with the planning case officers to set out changes (if applicable) to their proposals following their consultation with the community. The planning officers will provide feedback on the amended scheme.

6. If the planning officer considers it to be necessary, a further meeting between the developer and the local community should be arranged in accordance with the procedures outlined in 3. Above.
7. Following the consultation process outlined above and prior to the submission of the planning application, the applicant shall undertake a final public consultation process with the wider community. This shall be in a public area and include at least one evening and one weekend.
8. During times of restriction, for e.g., an epidemic, consultation shall take place virtually online.

In addition, **formal briefings** for the borough councillors will take place. The guidelines are set out below.

#### 4.0 The role of members at Briefings

- All councillors will be invited to Briefings.
  - Whilst there is no requirement for members to attend any Briefing, their presence is strongly encouraged and welcomed. The more members give their views through Briefings, the more “value” is added to the overall process. This will strengthen the robustness of the decision-making process. However, non-attendance of Planning Committee members will not prevent their subsequent participation in deciding an application at a Planning Committee meeting.
  - As referenced above, with any discussion in a forum involving officers, developers and councillors, Planning Committee Members should be careful about saying things at Briefings which could be perceived as showing they had taken a fixed position on the proposals (or any aspect of them) or could be taken as an indication of bias, known as predetermination or bias.
  - However subject to that constraint, Planning Committee Members (and other members) should feel free to ask questions to understand and explore the nature of proposals being considered by the Briefing. Questions primarily should be factual, but it would be perfectly in order, for example, for a member to ask whether a particular option or approach had been explored or why a particular approach had not been explored or whether it could be explored in the future.
  - A Planning Committee member commenting (or not commenting) on any aspect of proposals will not in any way “bind” the member or the Committee on any subsequent application which the Planning Committee should as always determine with an open mind based on all the information before them at that point.
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## 5.0 Process around the Briefings

- The Planning Development Manager will agree with the Chair and/or Vice Chair of the Planning Committee where it is considered beneficial for Borough Councillors to receive a briefing due to of the size, impact, complexity or due to the controversial nature of a proposal.

Briefings may either be given by the applicant or by planning officers.

- Briefings involving the applicant will usually only take place prior to submission of a planning application.
- Briefings may take place in person or virtually.
- Briefings for each application will normally be expected to last 60 -75 minutes.
- The Planning Development Manager or appropriate substitute will introduce the briefing highlighting its function as a discussion-based member forum to facilitate members giving non-binding input on proposals at a preliminary stage.
- The applicant will make a presentation (usually up to 20-25 minutes) including all significant planning issues.
- If the applicant is not present, the planning officer will make a presentation (usually up to 20-25 minutes) covering all significant planning issues.
- Following the completion of the presentation, members may comment and ask questions to the applicant (if present) and the planning officers.
- Planning officers may arrange for officer briefings to take place with the councillors for complex proposals after the application has been validated.

This Protocol will be reviewed after 12 months.

## 6.0 Housekeeping

- Meetings are to be held in the early evening usually starting at 6pm on dates to be agreed between the Planning Development Manager and Committee Services.
- Briefings may take place in person at the Council Offices or virtually.
- Meetings will usually hear one presentation only.
- If the Planning Development Manager is not present, the nominated Planning Officer will perform the duties.

Agreed by the Policy and Resources Committee 14/03/22