

Briefing Note

Pre-application protocol

1.0 Background

1.1 The Planning Partnership is a group of Councillors and Clerks of various Towns and Parish Councils from across Cornwall, Sarah Mason from the Cornwall Association of Local Councils (CALC), Bob Egerton CC - Cornwall Council's Planning Portfolio Holder, and David Edmondson, Strategic Developments Manager. The group meets quarterly to scrutinise current planning policies and procedures in order to recommend improvements.

1.2 In 2016, the Cornwall Planning Partnership had been examining the way that developers could work with town and parish councils to run consultations and take advice from residents prior to making a planning application. Previously, some parish councils had refused to engage with developers because they felt they might have been accused of collusion or predetermination in making their eventual planning decision. The result of this piece of work was a **Pre-App Protocol** that was made available to parish councils to adopt if they chose to do so. The protocol set out roles and requirements from all parties that should enable everyone to be clear about what was permissible, and how pre-apps could be managed.

1.3 The principles of the Pre-App Protocol have now been mainstreamed by Cornwall Council's Planning & Sustainable Development Team. This means that they are adopted by the local planning authority and form part of the regular planning application process: applicants are required to adhere to them, and parish councils should take account of them when managing applications.

2.0 What the protocol sets out

2.1 The protocol references three parties to the pre-app process. The parish council, the applicant and their agents and Cornwall Council officers. The role of each party varies in delivering the principles of the protocol. Full details are contained in the attachment, but in summary:

- The parish council **will aim** to support the applicant.
- Applicants and agents **should** work with the parish council
- Cornwall Council officers **will** follow the principles

The parish council has the lowest obligation of the three parties. Cornwall Council officers have the highest obligation and will note the degree of cooperation between the applicant and other parties. This may form part of their assessment of any final application.

2.2 The two part document set is:

- Protocol for Local Councils, Cornwall Council, and developers working together on pre-applications which outlines the roles of each of the parties involved in the planning process.
- Guiding Principles for Pre-application Discussions for parish councils which explains how the council may engage in pre applications and clarifies the potential danger areas which should be avoided under the Code of Conduct.

The Planning Partnership has designed the protocol documents to help manage everyone's expectations in the pre application process.

3.0 The benefits

3.1 Parish Councils can feel safe that the protocol acts as a policy for pre application; it has been approved by the Monitoring Officer and councillors will remain within the principles of public life and the code of conduct if they abide by the protocol.

3.2 Applicants and Developers will need to provide financial support for public consultation and produce hard copy plans for public display. The agreement also explains the role of the parish council during pre application.

3.3 Cornwall Council will be confident that parish councils are prepared to deliver a pre application process which includes robust public consultation before any plans are submitted. It will honour its commitments to give support as outlined in the agreement and require developers to do the same.

4.0 What happens next?

4.1 The requirements of the protocol in relation to the parish council are not compulsory. There is no need to formally adopt the protocol or to act on its recommendations. However, the advice from the Planning Partnership is for parish councils to endorse the protocol and publish it as part of their planning and engagement process. In this way, all parties to the planning application are working to a common set of principles that are open, clear and transparent.

5.0 References

Protocol for Local Councils, Cornwall Council, and developers working together on pre-applications

Town & Parish Councils in Cornwall Guiding Principles for Pre-application Discussions
www.cornwall.gov.uk/environment-and-planning/planning/local-councils/planning-partnership-meetings/

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