

INTRODUCTION

This Protocol is based on advice issued in the publication Positive Engagement; a guide for planning councillors (1) and PAS pre-application guidance Constructive Talk(2). It will be updated in the light of experience and the production of any revised guidance.



Current Government guidance is clear that members should be involved in discussions with developers, the community and others about planning cases, as set out in the “Positive Engagement” leaflet at the pre application stage.

Leeds City Council welcomes pre-application discussions. These will be handled by Officers, who will give advice based on City Council and Government policy.



Phil Crabtree
Chief Planning Officer



Certain major, significant, most sensitive or potentially controversial developments may be accepted for pre-application presentations at the Plans Panel meetings. Applications subject to Planning Performance Agreements will almost certainly be presented at Plans Panel meetings.

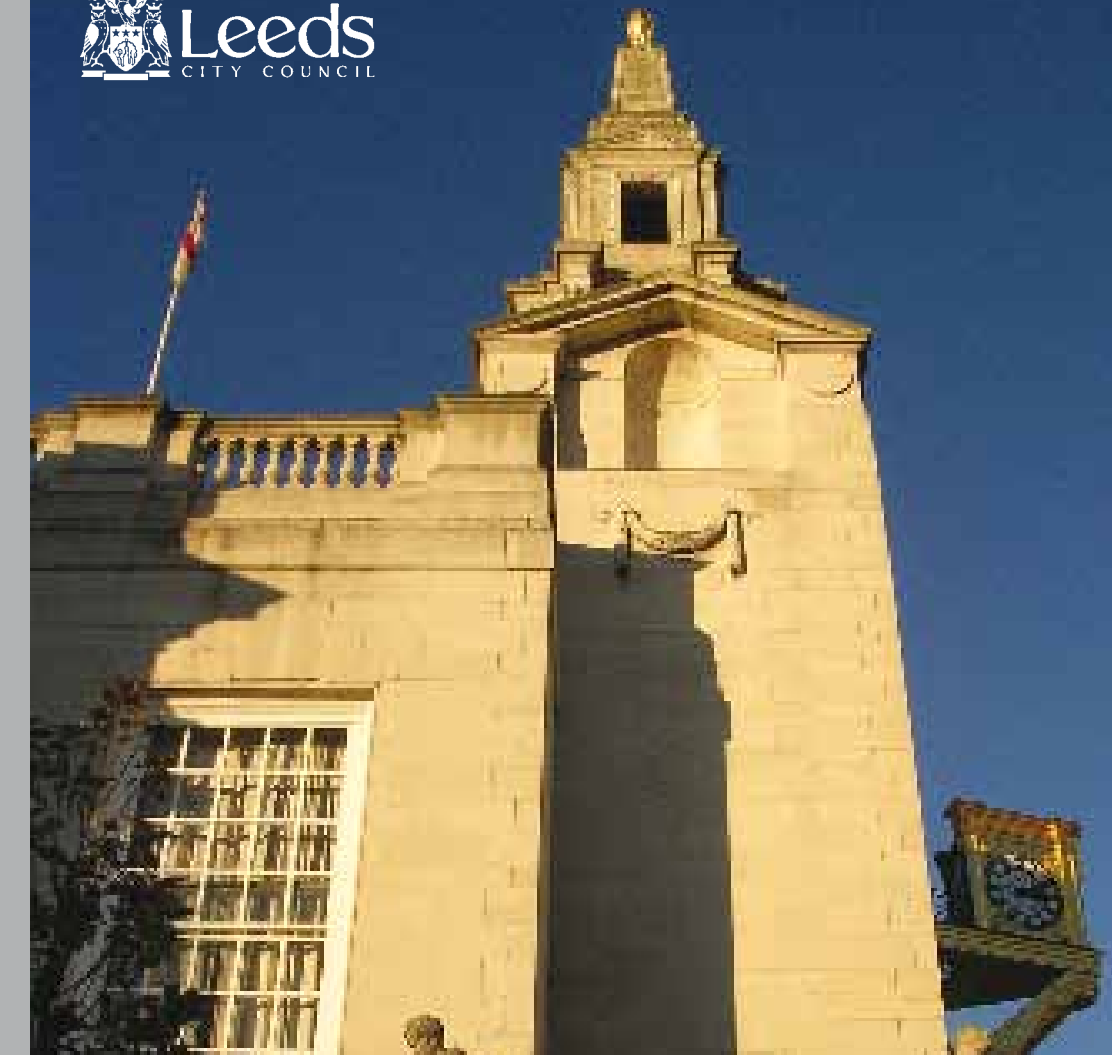
This Protocol explains and sets out how these pre-application presentations will be conducted. The pre application presentations will be held in public with comments limited to Plans Panel Members. Ward Councillors, members of the public and other interested parties may attend the meeting but there is no opportunity for public speaking or to comment.

References

- (1) **Positive Engagement:** a guide for planning councillors ODPM, Planning Advisory Service, Local Government Association, RTPI, Association of Council Secretaries and Solicitors publication.
- (2) **Constructive Talk:** Investing in pre-application discussions Planning Advisory Service.
- (3) **The Code of Practice for the Determination of Planning Matters'** can be found on the Intranet > Council's Constitution > Part 5 - Codes and protocols > starting at page 99

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Protocol for Pre-application presentations at Plans Panel meetings

THE CONDUCT OF PRE-APPLICATION PRESENTATIONS

Presentations will take place in the Civic Hall or any other venue, at an appropriate time to the Plans Panel meeting.

Following written request from the Developer, the timing of such presentations will be at the discretion of the Area Planning Manager and Chair of the Panel, who will manage the content so as not to over burden the agenda with pre-application presentations at any given meeting.

The form of each presentation shall be:

- ❑ Officer introduction to the site, key points, policy position, bullet points of material considerations
- ❑ Applicant presentation will normally be limited to a maximum of 15 minutes
- ❑ Questions asked of Councillors on the material considerations to ensure clear guidance is given
- ❑ Councillor questions
- ❑ Summing up by the Chair

Any views expressed by the Plans Panel or by Officers are without prejudice to the right of individual Councillors and the Plans Panel to determine any subsequent application as they see fit.

Applications will be determined in the light of information provided with it and, if information is revealed at the pre application meeting that is not used in the application, it will not be taken into account.

Leeds City Council favours a transparent approach to pre-application presentations and so all presentations are included on the Plans Panel's formal agenda and are minuted. The information is therefore in the public domain unless a developer can demonstrate to the satisfaction of the Plans Panel that some or all of the presentation (or information provided) should be exempt from publication and the public should be excluded from that part of the meeting, in accordance with the Council's Access to Information Procedure Rules. In such circumstances, developers should, in advance of the presentation outline in writing the reasons why the presentation/information should not be disclosed. Any request would be considered by the Plans Panel at the relevant meeting in accordance with the Access to Information Procedure Rules.



THE ROLE OF THE APPLICANT

Written notification of their wish to conduct a pre-application presentation at Panel should be provided to the Area Planning Manager. Following this request, the timing of such presentations will be at the discretion of the Area Planning Manager and Chair of the Panel, who will manage the meeting's agenda.



The form and content of the presentation should be agreed in advance with Officers as accurate, relevant and the minimum necessary to assist the Plans Panel.

The presentation will normally be limited to 15 minutes, followed by questions and answers. The presentation can only provide relevant background information to give context to the proposal and it must focus primarily on issues that are relevant to the planning process.

There is a separate protocol entitled Protocol for pre-application discussions with local communities and Ward Members, which applicants should consider. Applicants will be advised on specific consultation requirements and should adhere to these.

THE ROLE OF COUNCILLORS

Subject to the provisions laid out in the Code of Practice for the Determination of Planning Matters (3), Councillors will give an informal response to the presentation but will not give advice that indicates a pre-judging of the proposals.



Questions to clarify aspects of a proposal or policy concerns are legitimate, but must not develop into negotiations. Any comments made will be without prejudice to the right of the individual Councillor and the Plans Panel to determine any subsequent application as they see fit. Councillors will only make their decision on the application after having received the officer's report and heard all the relevant evidence, arguments and views at the full meeting of the Plans Panel.

Any Councillor who takes an active stand in support or against an application before impartial consideration of all the relevant facts and their consideration at Planning Plans Panel will be expected to leave the Plans Panel meeting and not take part in the deliberations on that application, due to the predetermination that has occurred.