

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

**Planning Committee: 27<sup>th</sup> August 2014**

---

**Subject: Elected Member Involvement in Pre-Application Procedures**

#### **1. Purpose**

- 1.1** To agree the procedures and the protocol for Councillor involvement at the pre-application stage.

#### **2. Recommendations & Conclusions**

- 2.1** It is recommended that the Committee agrees the procedures and protocol of Councillor involvement at the pre-application stage and the planning procedure notes contained in Appendix 2 and 3 of the report.

#### **3. Background**

- 3.1** The Scottish Governments Planning Modernisation reforms introduced over the last few years have encouraged early engagement in the planning process so significant issues can be identified at the earliest stage rather than emerge in the course of a planning application. This includes the early engagement of Councillors in pre-application discussions as part of the wider reform of the planning system.
- 3.2** The Committee will recall that a report was presented to the Planning Committee in November 2012 identifying 4 options for elected member's involvement at the pre-application stage. (Appendix 1) Option 4 was agreed whereby a briefing note would be prepared by officers detailing the main issues of the proposal together with relevant development plan policies. It was also agreed that a protocol would be drafted for developers who wished to engage in the pre-application stage.
- 3.3** Recently the Scottish Government in conjunction with COSLA and the Commissioner for Ethical Standards in Public Life in Scotland has issued guidance on the role of Councillors in pre-application procedures dated February 2014. It indicates that local authorities should consider their own procedures in implementing this guidance.

## **4. Main Issues**

**4.1** The Scottish Government is keen that Councillors are confident in engaging at the pre-application stage on substantial development proposals, adding value to the process while continuing to act within the terms of the Councillors Code of Conduct. Involvement at this early stage in the planning process is not a substitute for formal consideration and decision making on development proposals. This early engagement is intended to better inform members of proposals that may later come before them. It gives a degree of certainty to developers by enabling an early exchange of views and discussion of key issues that Councillors want addressed. This will assist officers in negotiating on these issues.

**4.2** The guidance indicates that the following considerations should be applied by local authorities in drawing up procedures for Councillors to engage in pre-application discussions:

- Emphasis should be given to providing a meaningful guidance and a helpful service that adds value to the preparation of applications
- It is appropriate and acceptable for Councillors to engage and provide a provisional view at the pre-application stage.
- Councillors should be able to air points of view at the pre-application stage on the understanding that the issues discussed are taking place in a public forum.
- Any opinions or views expressed by Councillors at this stage must be mindful of the overarching requirements of fairness and partiality and of keeping an open mind.
- Any procedures must be compliant with the requests of the Councillors Code of Conduct and should be conducted in a consistent and transparent manner to avoid suspicions that Councillors may have prejudiced their positions.

**4.3** Following the consideration of the above recent guidance it is still intended that the involvement of Councillors in the pre-application stage should be by way of a briefing note prepared by officers detailing the main issues of the proposal together with relevant development plan policies. This would be a public document but would not be as formal as a Committee report. The developer would also have the opportunity to make a short presentation of draft proposals. The meeting would be open to the public and all elected members would also be invited to attend. This allows Councillors to hear directly from the developer and an open discussion of the key issues. The briefing paper and a summary of issues discussed would be made available publicly. It is intended that this procedure would occur following the close of the Planning Committee however if this was not possible a special meeting would be set up to which all members would receive an invitation. The written briefing would be circulated in advance of the meeting. A detailed procedure note is contained in Appendix 2 which provided guidance for Councillors

taking part in pre-application discussions. A protocol for developers who may want to engage elected members at the pre-application stage is contained in Appendix 3. This follows the same format as the protocols for pre-application advice, liaison meetings and processing agreements and is publicised through the Councils web site.

## **5. People Implications**

**5.1** There are no people implications.

## **6. Financial Implications**

**6.1** There are no financial implications

## **7. Risk Analysis**

**7.1** The opportunity for early pre-application discussions supported by formal procedures reduces the risk of issues arising during the determination of the application.

## **8. Equalities Impact Assessment (EIA)**

**8.1** The report has been screened and there are no equalities issues.

## **9. Consultation**

**9.1** Legal Services have been consulted on this report

## **10. Strategic Assessment**

**10.1** It accords with the main strategic priorities of the Council as good, pre-application advice will allow developers to progress their development proposals with some certainty and help to facilitate early development on the ground.

**Richard Cairns**

**Executive Director of Infrastructure and Regeneration**

**Date: 6 August 2014**

---

**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
Housing, Environmental and Economic Development,  
Council Offices, Clydebank. G811TG.  
01389 738656  
email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendix:** None

**Background Papers:** 1. Guidance on the Role of Councillors in Pre-Application Procedures Scottish Government, COSLA and Commissioner for Ethical Standards in Public Life in Scotland

**Wards affected:** All