



## MEDSTEAD PARISH COUNCIL

# PROTOCOL ON MEETINGS WITH LANDOWNERS, DEVELOPERS OR THEIR AGENTS

### 1. Guidance

Landowners, developers and their agents are collectively called “developers” in this document.

Medstead Parish Council (“the Council”) recognises that pre-application or in-application discussions can play an important role in planning applications and welcomes the desire of developers to consult with both the Council and public more widely. The Council is also aware of the importance of public perception in planning matters and the critical need to avoid any perceptions that the Council is conducting secret negotiations or colluding with developers.

The Council will adopt the following approach at the five planning stages, as below:

1. Local Plan/Neighbourhood Plan Open to the public
2. Pre-Application Open to the public if appropriate.
3. Outline or Full Planning Open to the public
4. Reserve Matters Open to the public
5. 5. Closed Neighbourhood Plan Steering Group Meetings discussions with Landowners, Site Promoters and Developers

Requests for presentations will be approved by the Planning Committee by formal agenda item. The Planning Committee will decide whether the presentation will be held at a Planning Committee or Full Council meeting. They will agree the date, time and location, and confirmation will be given to the developer through the Clerk.

Any changes to the original decision will be agreed and confirmed by the Planning Committee at the next scheduled meeting and formally ‘minuted’.

### 2. Discussions open to the Public

The Council can hold Local Plan, Neighbourhood Plan, outline or full planning permission and reserve matters approvals meetings with developers prior to, or during, submission of a planning application, this will be held in the open session of the Planning Committee or Full Council meeting. Both members of the public and Councillors will be able to ask questions as allowed under Standing Orders.

### 3. Designated Sites

Where the application concerns a ‘designated’ or ‘allocated’ site, the Council may decide to extend the scope of the meeting and hold a specific meeting with a developer, agent or landowner.

The Council must only do this where it is considered that the community and Councillors would benefit from a greater understanding of the proposed development and that a more in-depth discussion would be justified due to the limitations of an open session presentation.

The Council will make decisions on holding these meetings on a case by case basis, and will only engage in a meeting if:

- i. The other party does not use the opportunity to claim full consultation/ Council support.
- ii. The Councillors may ask questions, but will not express a personal opinion or the Council's stance on the development.
- iii. Meetings will be of a fact finding nature.
- iv. Appropriate notice will be given (five days) so that the community can attend.
- v. The Clerk will be in attendance and members of the EHDC Planning team will also be invited.

If the party concerned is unwilling to meet any of the above conditions, they will be limited to a three minute Open Session presentation at a relevant meeting.

#### **4. Pre-Application meeting – open to public if appropriate.**

Pre-application meetings are not generally held at Council level, as the Council are not the decision-making Local Planning Authority (LPA), currently EHDC. However, should a developer request a meeting with the Council, as well as seeking formal pre-application advice from the Local Planning Authority, and the proposal is potentially commercially sensitive, the Council may agree to a closed meeting, with a record made of the discussions.

Meetings held outside of the public domain must only be held if there is an overriding justification for doing so. The reasoning for holding a 'closed' meeting must be clearly identified and transparent.

#### **5. Pre-determination/Pre-disposition**

In all meetings with developers, Councillors are reminded of the critical importance of not pre-determining their position on any future application, as this could require them to take no part in future discussions or decisions. It is noted, however, that expressing a pre-disposition, for example of welcome in principle or express a concern, is permissible. (Section 25 Localism Act 2011.)

#### **6. Individual Councillors' discussions**

Individual Councillors may be approached by developers for informal discussions of possible future applications. Councillors shall not to agree to one-to-one discussions with developers, unless in a personal capacity with privately owned land. However, based on the nature and the likely level of controversy of the application, should Councillors decide to participate, they are required to:

- i. carefully consider the public perception of such meetings;
- ii. avoid any appearance of collusion in applications;
- iii. avoid accepting hospitality in connection with such meetings;
- iv. advise the Chairman, Officer and where the possible, the Council of such meetings;
- v. ensure they are accompanied by the Clerk or a Planning Officer. Councillors must not purport to be representing the Council at such meetings, unless expressly authorised in writing to do so by the Council.

#### **7. Pre-application consultations**

The Council strongly encourages developers to carry out full public consultation at their own expense before submitting plans for major developments, on the following basis:

- i. The consultation/exhibition/meeting is held at an accessible and convenient venue;
- ii. There has been sufficient publicity to all likely interested parties, in good time;

- iii. Appropriate timings to allow as wide a range of people as possible to attend;
- iv. A genuinely open mind and willingness to adapt proposed plans in response to feedback

## **8. The Medstead & Four Marks Neighbourhood Plan**

The Council notes that the Chairman of the Planning Committee has a seat by right on the M&FMNP Steering Group, and from, time to time, other Councillors will be members of the Group.

The *Protocol on Planning Application Meetings with Landowners, Developers or their Agents ('Developers')* still applies to Councillor members of the NPSG, particularly as individual members of the NPSG may be approached by developers for informal discussions of possible future applications. They should not agree to one-to-one discussions with developers, unless in a personal capacity with privately owned land. However, based on the nature and the likely level of controversy of the application, should the NPSG decide to participate, they are required to:

- i. carefully consider the public perception of such meetings;
- ii. advise the Chairman of the Council of such a meeting, and also the Clerk, who will record the notification.
- iii. advise the NPSG Chairman, and where possible, the other members of NPSG of such meetings;
- iv. ensure they are accompanied by another person not associated with the developer, and must not purport to be representing the NPSG at such meetings, unless expressly authorised in writing to do so by the NPSG.
- v. avoid any appearance of collusion in applications;
- vi. avoid accepting hospitality in connection with such meetings;

## **9. Councillors who are members of the Medstead and Four Marks Neighbourhood Plan Steering Group**

As part of its work to develop the Medstead & Four Marks Neighbourhood Plan, the Steering Group must meet with landowners and developers to develop any revised Plan in the best interests of the Community. The Council also notes that the Steering Group may be holding meetings with several landowners, site promoters or developers during the same stages of the development of the Plan.

Noting the direction of this Policy, the Council gives dispensation to any Councillor who is a member of the Steering Group or invited to participate in a meeting of the Steering Group, to take part in such a dialogue, speaking in any discussion/ negotiation to develop any site/facility in the Parishes of Medstead or Four Marks to the benefit of residents of the Neighbourhood Plan Area. The Councillor(s) will report the occurrence to the Clerk.

Due to the confidentiality of any discussion, the meeting date and participants will be reported to the Clerk. Any report of the meeting will be made to the Council in closed session due to its confidentiality, but the full content of the meeting will not be reported.

## **10. Legal protocol between developers and the council**

- The developer must provide information about the proposed development affecting the Parish area in writing at least 14 days prior to a monthly planning committee meeting.
- Even if the developer considers that information provided to a local council is sensitive, this will not require the council to treat it as confidential. From the outset, the developer

must identify information they want to be treated as confidential and explain the reasons in writing.

- If the developer has a legitimate expectation for confidentiality about the proposed MPC Protocol for pre-application developers' meetings development, the Council will keep a written record of the confidential and non-confidential issues.
- Information held by the Council about a proposed development is subject to disclosure under the Freedom of Information Act 2000, subject to the Acts published exceptions.
- Informal meetings and telephone conversations between a developer and individual councillors or staff will be documented in writing and are subject to disclosure under the Freedom of Information Act 2000. Council Officers will arrange and attend meetings between councillors and developers in all cases and will send a follow-up letter containing minutes of the meeting.
- The meetings of a local council and its committees are open to the public (Section 1(1) Public Bodies (Admission to meetings) Act 1960).
- The developer may attend but not speak at a Council or Committee meeting unless they are invited to address the meeting or have an opportunity to do so during the part of the meeting designated for public participation.
- The developer may regard information about the proposed development as either confidential or 'sensitive' and therefore not suitable for discussion at a meeting open to the public. However, it is the Council who will decide if there are grounds to exclude the public from the meeting when the proposed development is being discussed and considered. A Council or Sub-Committee meeting may exclude the public if publicity about a matter being considered at the meeting would prejudice the public interest due to its confidentiality or for other special reasons (section 1(2) Public Bodies (Admissions to Meetings) Act 1960).
- The minutes of the Council, Committee and Sub-Committee meetings which record the discussions and submissions made at them are available to all via the council's publication scheme, a requirement of the Freedom of Information Act 2000.
- The Council may invite developers to attend an assembly of the Parish Meeting, which is also open to the public (Section 1(1) Public Bodies (Admission to meetings) Act 1960), to present or discuss their proposals for a proposed development affecting the parish or neighbouring area.
- It is an offence under section 1 Bribery Act 2010 for a developer or his agent to promise or give a financial or other advantage to a Council, Officer or Member with the expectation of an improper consideration of any planning application. If the developer is an organisation, for example a charity or company, the council may request sight of their anti-bribery policy.

## 11. Version Control

Version	Date adopted	Minute ref.
Protocol on Meetings with Landowners, Developers or their Agents 2025	First adopted 8 <sup>th</sup> October 2025	25.153(f)
Protocol on Meetings with Landowners, Developers or their Agents 2026 Draft	Draft	

This policy will be reviewed annually by the Planning Committee and re-adopted by Full Council.