

## **A Guide for parish and town councils in Northamptonshire on Pre-Application Developer Interactions**

### **Introduction**

This guide has been prepared to support parish and town councils in Northamptonshire in their engagement with developers during the pre-application stage of the planning process. It recognises the valuable role that parish and town councils play in representing the views and interests of their communities and aims to provide practical advice and guiding principles for effective and transparent interactions with prospective developers.

Two Local Planning Authorities (LPAs) serve northamptonshire: **North Northamptonshire Council** and **West Northamptonshire Council**. Both LPAs recognise the benefits of early engagement between developers and local communities, including parish and town councils, and this guide should be read in conjunction with any specific pre-application protocols or guidance issued by these authorities.

This document draws upon national planning policy and good practice guidance to help parish and town councils maximise the benefits of pre-application discussions while managing potential risks and ensuring probity in the planning process.

### **The Importance of Pre-Application Discussions**

Pre-application discussions offer a valuable opportunity for parish and town councils, developers, and the LPAs to engage constructively at an early stage in the development process. Experience has shown that this collaborative approach can bring a wide range of benefits to all concerned:

- **Early Identification of Community Concerns:** Parish and town councils can highlight emerging or existing community concerns at a formative stage of the development proposal, allowing developers to address these early on.
- **Better Informed Councillors:** Involvement in pre-application discussions keeps parish and town councillors better informed about major development proposals affecting their communities.
- **Addressing Issues Before Formal Submission:** Engaging early allows for the identification and discussion of issues that will need to be dealt with in a formal planning application.
- **Sharing Local Knowledge:** Parish and town councillors possess valuable local knowledge, including insights into technical matters such as drainage and flooding, which can benefit developers and the LPA's Planning Officers.
- **Potential for Improved Proposals:** Constructive discussions can help ensure all relevant considerations are addressed, potentially leading to more appropriate and beneficial development proposals.

- **Speeding Up the Determination Process:** By addressing issues early, pre-application discussions can potentially speed up the determination of a planning application, whatever the outcome.
- **Reducing Uncertainty and Commercial Risk for Developers:** Developers can identify and address potential issues raised by parish and town councils early, reducing uncertainty and commercial risk.
- **Reinforcing the Role of Parish Councils:** Pre-application involvement reinforces the role of parish and town councillors as representatives of their communities.

**It is crucial to understand that pre-application discussions are not a substitute for the formal consultation process that takes place once a planning application has been submitted.**

### **Understanding the Role of parish and town councils in Pre-Application Discussions**

The primary role of parish and town councillors in pre-application discussions is to:

- **Learn about the emerging proposal:** To understand the developer's intentions, the scale and nature of the proposed development, and its potential impacts.
- **Keep an open mind:** To approach discussions with a willingness to understand what the developer is trying to achieve and how the proposal might benefit the local community or area.
- **Represent the best interests of the community as a whole:** To voice potential concerns, highlight local needs and aspirations, and share local knowledge on behalf of residents.
- **Provide guidance on emerging proposals:** Well-informed parish and town councils may be able to influence certain elements such as layout, density, and design.
- **Assuage unfounded fears:** Where appropriate, parish and town councils can help address any unfounded fears held by residents by providing accurate information.

**A parish or town council's engagement in pre-application discussions is not intended to bring forward its formal views on the proposal as such.** It may or may not be able to give a preliminary view. However, any feedback provided at this stage should be clearly stated as informal and without prejudice to the council's future consideration of any planning application.

### **Confidentiality and Developer-Led Engagement**

Pre-application discussions are confidential and initiated at the discretion of the developer. Parish and town councils may only engage in such discussions if approached directly by the developer. Where no invitation is extended, the parish or town council should not seek involvement at this stage in order to respect the developer's confidentiality and the integrity of the planning process.

### **Guiding Principles for Engaging with Developers**

To ensure effective and transparent pre-application interactions, parish and town councils in Northamptonshire should adhere to the following guiding principles:

- **Transparency and Openness:** Wherever possible, pre-application meetings, briefings, or developer presentations on major development proposals should be open to councillors and the public to ensure transparency and minimise private briefings. Where private meetings are considered necessary, at least two representatives from the parish or town council should be present at all times, and detailed notes should be taken.
- **Seeking Information in Advance:** It is strongly recommended that parish and town councils request developers to provide comprehensive details of their development proposals in advance of any meeting, briefing, or site visit. This should include plans, drawings, a written summary, or a copy of their presentation. Without this information, councillors and the public do not have sufficient time to understand the proposals and prepare any questions they may have.
- **Maintaining Impartiality:** Parish and town councillors should approach pre-application discussions with an open mind and avoid expressing any detailed opinion or prior view that might be viewed as pre-determination. Using phrases like "*in principle...*" or "*subject to further information and debate...*" can help emphasise that initial views are not pre-judging a formal application.
- **Focusing on Material Planning Considerations:** Discussions should focus on potential material planning considerations related to the development proposal, such as its impact on local infrastructure, environment, design, and conformity with local and national planning policies.
- **Record Keeping:** Detailed notes should be taken of all pre-application meetings, including a list of those present, the issues discussed, and any agreed next actions. These notes should be placed on file and made available to anyone who may reasonably request to see them. It is good practice to provide the relevant LPA (North or West Northamptonshire Council) with a copy of these notes and periodic updates on discussions.
- **Avoiding Negotiations:** Pre-application discussions should be about understanding the proposal and raising initial points. Any formal negotiations regarding planning obligations or other aspects should be conducted separately by or through the LPA's Planning Officers. Parish and town councils can highlight potential community benefits arising from development, but these should be promoted through the LPA consultation process. Planning Officers can provide advice on whether proposed community benefits are reasonably related to the development.
- **Understanding Predetermination:** Parish and town councillors should be aware of the risks of predetermination, where they appear to have already made up their mind on a proposal before considering all the information and representations during the formal application process. While councillors are entitled to have expressed views on planning issues, they must ensure they approach the decision-making stage with an open mind and based only on material considerations.
- **Individual Councillor Conduct:** Individual parish or town councillors should avoid entering into separate correspondence with developers outside of formal meetings or briefings. All communication should be channelled through the clerk to the council. Private lobbying of individual councillors by developers is not permitted.

## Practical Advice for Pre-Application Meetings

When engaging in pre-application discussions, parish and town councils may find the following practical advice helpful:

- **Request Comprehensive Information:** As highlighted earlier, always request detailed information in advance of any meeting.
- **Consider Holding Public Meetings:** For significant or complex developments, consider asking the developer to hold a public meeting within the parish to allow residents to hear about the proposals and provide feedback. The developer should meet all reasonable costs for hiring local facilities for such meetings, including providing large-scale plans.
- **Structure Meetings Effectively:** The chair of the meeting should clearly explain the reason for the parish or town council's engagement at this pre-application stage at the beginning of the discussion, and this should be recorded in the meeting notes.
- **Ask Clarifying Questions:** Councillors or officers should ask relevant questions to clarify their understanding of the proposals, potential impacts, and how community concerns might be addressed.
- **Provide Considered Feedback:** If councillors feel uncomfortable providing immediate feedback after a presentation, it is acceptable to explain that the proposals will be considered at a future council meeting, and a written response will be provided later.
- **Seek Advice Before Responding:** Before providing feedback, parish and town councils may wish to seek advice from the relevant LPA's Planning Officers on planning policy or technical matters, or from their ward councillor.
- **Clearly Caveat Feedback:** Any written or verbal communication from the parish or town council to the developer should clearly state that the feedback is provided on an informal basis and without prejudice to the council's future consideration of any planning application.
- **Be Prepared to Explain Changes in Position:** If the parish or town council's views on a development proposal change between the pre-application stage and the formal application, this should be explained to the developer at the earliest opportunity, along with the reasons for the change.

## Working with North Northamptonshire Council and West Northamptonshire Council

Effective communication and collaboration with the relevant LPA are essential throughout the pre-application process.

- **Contact Planning Services Early:** If a development proposal raises complex planning policy or technical issues, it is recommended to contact the Planning Services department of either North Northamptonshire Council or West Northamptonshire Council to check if the developer has also approached them. This ensures a joined-up approach.
- **Share Information:** Parish and town councils should share notes of their pre-application discussions with the relevant LPA. Similarly, LPA officers may share any pre-application advice given to the applicant if requested (except in cases of confidential enquiries).

- **Involve Ward Councillors:** Ward councillors can provide valuable community leadership, intelligence on developments in adjoining parishes, and act as a link between Planning Services and the parish or town council.
- **Utilise Available Support:** Planning Officers are happy to provide advice on planning policy and technical matters. The LPA's Statement of Community Involvement (SCI) sets out how the LPA will engage with the community on planning matters, including pre-application consultation. Parish and town councils should familiarise themselves with the SCI of their respective LPA.

**Parish Councils in Northamptonshire should consult the NNC and WNC websites for their specific contact details for Planning Services.**

**Risks to Be Aware Of**

While pre-application discussions offer many benefits, parish and town councils should also be aware of potential risks:

- **Perceived Predetermination:** Early engagement could lead to an appearance that parish or town councillors have already made their mind up about a proposal. Adhering to the principles of transparency and open-mindedness is crucial to mitigate this risk.
- **Influence of Community Benefits:** There is a risk of being influenced by a developer's offer of community benefits that are not reasonably related to the proposed development. Seeking advice from the LPA on this matter is recommended.
- **Commercial Confidentiality:** In the early stages, developers may not want their approach publicised or sensitive information shared. Parish and town councils should respect this and seek advice from the LPA on commercial confidentiality and data protection.
- **Lobbying:** Developers may attempt to lobby individual councillors outside of formal settings. As outlined earlier, this should be avoided.

**Support and Further Information**

Parish and town councils in Northamptonshire can seek support and further information from the following sources:

- **Planning Services Departments of North Northamptonshire Council and West Northamptonshire Council:** For advice on planning policy, technical matters, and specific development proposals. Contact details can be found on their respective websites.
- **Ward Councillors:** For community leadership, local intelligence, and as a link to Planning Services.
- **Northants CALC:** For training, guidance, and general advice on planning matters.
- **The Monitoring Officer of North Northamptonshire Council or West Northamptonshire Council:** For advice on the Members' Code of Conduct and potential conflicts of interest.

## **Conclusion**

Engaging in pre-application discussions with developers is a valuable opportunity for parish and town councils in Northamptonshire to represent their communities and influence development proposals from an early stage.

By adhering to the principles of transparency, openness, impartiality, and collaboration with the Local Planning Authorities, parish and town councils can maximise the benefits of this process, ensure probity, and contribute to shaping sustainable and well-considered development within their area.

Remember that the pre-application stage is about understanding, informing, and influencing, not about making formal planning decisions.

It is strongly recommended that parish and town councils adopt their own pre-application protocol, incorporating the principles outlined in this guide and any specific guidance from North Northamptonshire Council and West Northamptonshire Council. This will help ensure a consistent and transparent approach to engaging with developers.

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