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**ELMSWELL PARISH COUNCIL**

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**Planning protocol re pre-application approaches from third parties to Council**

When Council's response is sought to a proposed Planning application in advance of a formal application being made to the Planning Authority, either under s44 of the Planning Act 2008 or otherwise, Council may give a, 'minded to', indication, a 'view', which is formulated with express reference to the following points:

- 1 The view is preliminary, it is a first step and not a definitive opinion;
- 2 The view has not been reached by reference to the documents and procedures that would accompany any subsequent formal application;
- 3 The view cannot be relied upon to represent a legitimate expectation with regard to any later view expressed in relation to a subsequent formal application;
- 4 The view cannot be used in support of or in opposition to any subsequent formal application;
- 5 The view has no formal standing unless and until ratified as part of a response to a subsequent formal application;
- 6 The view is in response to information regarding a proposed development which is made in written form rather than orally;
- 7 The Council cannot be required to treat any informal approach for a pre-application view as being confidential unless it accepts custody of information confidentiality of which can be defended under the terms of the Freedom of Information Act 2000;
- 8 The Council is in no way bound by views expressed as part of pre-application discussion with a developer.

**Peter Dow**

**02.05.16**