

HOW WE DEAL WITH INFORMATION SUBMITTED IN CONNECTION WITH PLANNING APPLICATIONS

June 2009

This document explains how we deal with information submitted to us in relation to planning applications and what information we display on our website. The council reserves the right to decide what to display on the website and when. Section 1) explains how we deal with information on our files. Section 2) explains how we deal with information on our website

1) INFORMATION CONTAINED ON OUR FILES

Why is there public access to planning information?

The council, as the Local Planning Authority, has a duty to consider applications for development in the public interest. To do this we invite local people and organisations to comment upon planning applications. This consultation helps to ensure that the right things are built in the right place without causing harm to the environment or people.

If the community is unaware of the information the council will use when deciding whether to grant planning permission, then they are unlikely to become involved in planning decisions that affect the environment around them. For this reason the law requires us to make information submitted in relation to planning applications available for public inspection. This can only be overturned in exceptional circumstances.

What about personal information?

Information relating to planning applications contains information about people. This information is held on our files and often includes the names, addresses and other information of applicants and people who have provided comments and personal opinions.

Such information is essential when deciding whether to grant planning permission because it allows the council to learn and/or determine something about the information and who provided it. It is for this reason that we cannot normally take anonymous comments into account. We acknowledge that this information can be personal to people. However, the community requires access to the information relating to planning applications held on our files in order to help:

- increase public participation in the planning process;
- increase public accountability of council officers, leading to a higher standard of decision making; and
- ensure that all parties involved are accountable for their information, leading to an increase in the quality, honesty, reliability and relevance of information they provide.

What about my privacy?

The council aims to deliver an accessible, informative and accountable service while also protecting the legitimate interests of people. The council will not take anonymous comments into account – a minimum of name and postal address is required so that the reliability and relevance of the information can be assessed. For this reason, names and addresses are included as part of the planning information made available for public inspection on our files.

Can information be withheld from the public?

The council could be open to allegations of maladministration if information is withheld from the public without good reason. We will therefore consider withholding information from public access only where a legitimate and compelling reason is provided or in the following situations:

- Guidance suggests that personal information could be withheld where public access '*has caused, or is likely to cause, someone to suffer loss or harm, or upset and anguish of a real nature, over and above annoyance level, and without justification.*'ⁱ
- There is a risk of an organisation or person suffering injustice if the public were to access 'commercially sensitive' information. The risk must be more than a hypothetical possibility; there must be a '*real and significant risk.*'ⁱⁱ

If you are submitting information you believe should be withheld from public access:

- Please highlight the specific information and tell us why you believe it should be withheld. We will consider your reasons and inform you of our decision.

If you have already submitted information but now want the information to be withheld:

- We will withdraw the information and it will not be taken into consideration. You may still provide your views by either submitting a modified version or asking your local councillor, town council or parish council to present the information for you.

The following information that is kept on our files will normally be kept confidential and will not be made available for public inspection:

- legal opinion received by the council
- personal financial information
- formal complaints and matters relating to breaches of planning control and planning enforcement

2) What about publishing information on the council's website?

To increase public access, the law states that the council must maintain a planning register of proposed applicationsⁱⁱⁱ which can be published on our website.^{iv} The council must also make environmental information, including planning information, increasingly available to the public by '*electronic means which are easily accessible.*'^v

The council therefore uses its website to display information relating to planning applications and aims to do so within ten working days of receipt depending upon the demands on the service at any given time.

The public will normally be able to access the following information on our website:

- planning applications, associated plans/drawings and any revisions;
- comments received from the occupants of neighbouring properties;
- comments copied to us for information;
- formal comments from external consultees;
- formal comments received from internal consultees;
- officer reports
- decision notices.

What about my privacy?

The council aims to deliver an accessible, informative and accountable service while also protecting the legitimate interests of people. The following steps are therefore taken to ensure this balance is maintained when publishing personal information on our website:

- (1) We inform people that all information they provide or have provided will be made available in full on the council's website;
- (2) We invite people to consider the type and volume of personal/sensitive information they include in their correspondence;
- (3) We aim to remove all e-mail addresses and telephone numbers before information is published. However, all information submitted using our online 'Comment on Application' form is automatically placed on our website. If you provide your e-mail address and telephone number on this form they will be available for public viewing;
- (4) We aim to remove signatures before information is published on our website, and accept letters without signatures, in order to help prevent identity theft.

The council will not take anonymous comments into account – a minimum of name and postal address is required so that the reliability and relevance of the information can be assessed. For this reason, names and addresses are included as part of the planning information made available for public inspection on our website. This approach is in accordance with government advice found at the Planning Portal at:

<http://www.planningportal.gov.uk/england/government/en/1115314291647.html>

If you are submitting information you believe should be withheld from our website please highlight the specific information and tell us why you believe it should be withheld. We will consider your reasons and inform you of our decision.

This publication is available in large print, Braille or audio formats on request.

Help is also available for people who require council information in languages other than English.

Please contact 01275 888 811.

ⁱ Information Commission's Data Protection Act 1998 Legal Guidance, p.54.

ⁱⁱ Information Tribunal Decision, reference: EA/2005/0005, John Connor Press V Information Commissioner's Officer, January 2006, p8.

ⁱⁱⁱ Article 25 (Register of Applications) of the Town and Country Planning (General Development Procedures) Order 1995 (SI 419)

^{iv} Paragraph 6 of Schedule 1 of the Town and Country Planning (Electronic Communications)(England) Order 2003 (SI 956)

^v Section 4(1)(a) of the Environmental Information Regulations 2004 (SI 3391)