

Dear Cllrs

Members have raised with me the issue that Planning Committee reports currently exclude the personal details of respondents commenting on Planning Applications.

I have now had an opportunity to discuss the matter with the Council's Data Protection Officer, Ian Phillipson, and whilst there is a need to be conscious of GDPR, provided the correct warnings are placed on the neighbour notification letters and the Council's planning web pages there is no need for the introduction of GDPR to preclude the inclusion of the names of respondents being included within the Committee report.

However, your enquiry encouraged me to have a look at how neighbouring authorities deal with the matter within their committee reports. Of the eight Councils that were reviewed, five state the number of responses received, whilst the other three state the number and provide the address of the respondent; none of the eight provided the name of the respondent as Maldon has done historically.

I have discussed the matter with Matt Leigh, Group Manager Planning Services, to see if there is a 'best practice' around the matter. Whilst Matt is unaware of any 'best practice' guidance, he does raise an interesting point in relation to the rationale for seeking the inclusion of names within committee reports. The weight attributed to a consultation response should not be affected by who the individual is but by the value and planning merit of the comment contained within the response. Planning applications should be determined on policy unless material considerations indicate otherwise and for this reason the letters received from neighbours are summarised alongside an officer comment; this is aimed at assisting Members in the weight that they should attribute to any comments received. Alongside this, when there is an anomaly or something unusual, such as a suite of templated responses, these will be highlighted to members within the officers report.

I am aware that previously Members have raised concerns that if they are unaware of who the respondents to planning applications are, then they could be criticised for not declaring some form of interest. However, it is my opinion that by expressly not stating who the individual is, Members are protected to a greater degree, as they will only be attributing weight to the planning merit of the response and, as they have not been informed of the name of the individual, cannot be accused of being influenced by who the individual is.

Given the consideration outlined above, I would be reluctant to revert back to the old process and would encourage the retention of the current one. However, if Members felt that there is a benefit to knowing that responses, either for or against a proposal, are from local residents it would be possible to include, within committee reports, the location and number (e.g. Southminster (4)) within the reports.

It should be noted that this is different to Planning Policy matters where there is a duty to include the names of respondents and it is my understanding that Ian Butt explained this to Members recently.

**Paul Dodson | Director of Planning & Regulatory Services**