



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
COUNCIL
13 SEPTEMBER 2018**

NAMING OF RESPONDENTS IN PLANNING REPORTS

1. PURPOSE OF THE REPORT

- 1.1 Members have raised the issue that Area Planning Committee reports currently exclude the personal details of respondents commenting on Planning Applications. This paper highlights the issues regarding the potential inclusion of name details and seeks Member views on the appropriate process to be adopted by Maldon District Council.
- 1.2 This report also provides a copy (in **APPENDIX 1**) of an email regarding the view of the then Director of Planning regarding the issue, for information.

2. RECOMMENDATION

That Members agree to one of the following options:

- a. Continuation of the practice of anonymised comments within Planning Reports;
- b. To include the location and number (e.g. Southminster (4)) within the reports, but not personal details;
- c. To include number of responses and the address, but not the name of the respondent in Planning Reports;
- d. To include personal details of respondents commenting on Planning Applications, subject to the addition of suitable guidance to respondents to the letters to neighbours and on the Council website, ensuring compliance with the General Data Protection Regulations (GDPR).

3. SUMMARY OF KEY ISSUES

- 3.1 In the past Officer reports to Area Planning Committees included the name and address details of individuals responding to consultations on Planning Applications. This practice was changed earlier this year.
- 3.2 Members have raised issue with the practice of anonymised comments and requested that the Director of Planning and Regulatory Services review the practice in July 2018. A copy of the Directors response is presented in **APPENDIX 1**. Subsequently Members requested the opportunity to debate the way comments are presented in future Planning Reports.

- 3.3 In considering the appropriate practice Members should note:
- 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.
 - The practice in our nearest neighbouring Councils was reviewed for comparison and found that of the eight Councils that were reviewed, five state the number of responses received only, 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.
- 3.4 Members have raised concerns that if they are unaware of whom the respondents to planning applications are, then they could be criticised for not declaring some form of interest. However, it is the Officer view 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, not to who made that response. If Members have not been informed of the name of the individual, they cannot be seen to be influenced by who the individual is.
- 3.5 Under Planning Law, the key issue regarding comments received is the merit of the planning issue raised, and the weight accordingly then given to it. The merit of the issue and the weight applied to it should not be dependent on who made it or where that person lives.

4. CONCLUSION

- 4.1 Whilst there is no clear best practice published regarding the inclusion of respondent details within Planning Reports, the professional view of officers is that it is not necessary to inform a balanced decision and detailed consideration of the planning merit of comments and the weight then applied to them.
- 4.2 Members have a range of options within the recommendations and are asked to make a decision accordingly.

5. IMPACT ON CORPORATE GOALS

- 5.1 Good planning decision making contributes to the Corporate Goal of **Protecting and shaping the District**.

6. IMPLICATIONS

- (i) **Impact on Customers** – Clarity for customers on the planning decision making process.
- (ii) **Impact on Equalities** – None noted.

- (iii) **Impact on Risk** – None noted.
- (iv) **Impact on Resources (financial)** – None noted.
- (v) **Impact on Resources (human)** – None noted.
- (vi) **Impact on the Environment** – None noted.

Background Papers: None.

Enquiries to:

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