

Appendix 1 to the 19th June 2018 Minutes

Question

Concern has been expressed by Dickleburgh and Rushall residents that, if they give an opinion in favour or against a particular development site around the villages, their name and their opinion are visible to all online. Since residents very often know the landowners involved, the result has been – and will be – a chilling effect on comments. Is it a legal necessity for anyone who gives an opinion to be publicly named and are there any implications for data protection?

Answer

The Local Plan Team has sought legal advice on whether there is a necessity to publish the names of consultation respondents.

Recent case law and guidance do not provide a clear cut answer. Generally and historically, councils have required consultation responses to not be anonymous and each must state the name, contact details and comments when submitted to the Council.

This not only relates to the fact that the Council has duties under the Local Government (Access to Information) Act 1985, but it is also required to ensure public transparency and, for instance, the same person or organisation does not submit repeat objections/representations.

Consultation responses will be part of the Local Plan submission which will be examined by the Planning Inspectorate and subject of public hearings. Consultees' names are likely to be in the public domain at some point therefore, so we see no reason to not publish them on the consultation website.

In respect of the data protection aspects of this, we include a statement on our consultation webpage that respondents' comments are attributable, so individuals can then decide whether they want to make representations or not.