

# Planning (Development Control) and Planning Policy

**Including Consultations, Enforcement, Section 106 Agreements, Self-Build / Custom Build Register, Assets of Community Value and Business Support List.**

Planning (Development Control) is the process of managing the development of land and buildings. The information that is required as part of a planning application, consent submission, prior approval submission or certificate of lawfulness is determined primarily by the Town and Country Planning Act 1990 (as amended) and the Town & Country Planning (Development Management Procedure) Order 2015 (as amended).

This legislation requires Oadby and Wigston Borough Council to make details of applicants and proposals for planning permission publicly available. These details include some personal information, such as names and addresses.

You need to be aware that when you make a submission to us, the application, plans and any related documents or comments that you send to us are permanently kept as part of the public record. We have a statutory duty to make them available for any member of the public to see – this is viewable on the Council's website ([www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk)). The website also includes planning application documents and consultation responses received electronically. To request information relating to a specific planning application, please contact the Customer Service Team on (0116) 2888961.

The information that you provide with a planning application (or associated applications) will be processed by Oadby and Wigston Council, which is the 'data controller' for the purposes of the Data Protection Act.

The information that you provide for a planning application (or associated applications), including personal data, will be used to deal with your planning application.

Planning legislation requires Oadby and Wigston Borough Council to make details of applicants and proposals for planning permission available for public inspection. They are available on the Council's website.

The name of the owner of a property or land, plus the address of that property or land, must be publicly available. Oadby and Wigston Borough Council is required to publish any comments (with the name of the person making the comment) received on planning applications, and they may be reported to the Council's Planning Committee in summary form. All comments received are also available for inspection by the public, applicants and Councillors.

Please note: Details such as signatures, personal telephone numbers and personal email addresses are redacted before being published on the internet.

The retention of the data that is provided to the 'Planning' section will be determined by Oadby and Wigston Borough Councils retention policy. A copy of the retention schedule is available on the Council's website.

**Information collected:**

- Name
- Address
- Contact details
- Signature
- Details relating to the planning application - As set out in the local and national policy guidelines

**Agencies we might share the information with:**

- Police / Fire
- Other Local / County Council authorities
- Regulatory bodies
- National government bodies
- Local groups of interest – IE Local cultural Society, Community groups.
- Internal departments
- Judicial Agencies e.g. Courts
- Contractors/ partners providing services on our behalf
- Funding bodies

**Purpose for processing:**

- To adequately deal with the processing of an application
- Service delivery
- Legislative compliance

**Lawful basis for processing:**

- Contract
- Legal Obligation
- Public Task

## **Consultations**

The Public Consultations that the Council undertakes where there may be personal information submitted and / or collected and held, in general, relate to planning applications (and other related submissions), Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement. The information collected and held by the Council is that required to be held by national government Act, legislation, policy and guidance.

The information obtained by the Council in relation to any of the consultations set out above will be held confidentially and will not be used or shared without explicit permission from the person or organisation that submitted the information to the Council originally.

The Council will hold and retain information submitted and / or collected in accordance with the Council's Retention Policy and will be reviewed at regular intervals. A copy of the retention schedule is available on the Council's website.

The information that is provided and / or obtained will be processed by Oadby and Wigston Council, which is the 'data controller' for the purposes of the Data Protection Act.

### **Information collected:**

- Title
- First Name
- Surname
- Site Address
- Postal Address
- Telephone number(s)
- Email address

### **Agencies we might share the information with:**

- Judicial Agencies e.g. Courts and Police
- Government departments
- The general public (personal data would be redacted)

### **Purpose for processing:**

- Statutory National Government Acts, legislation, policy and guidance

### **Lawful basis for processing:**

- Consent

## **Enforcement Cases and Register**

An Enforcement case is a response to a suspected breach of Planning. An Enforcement Register is a Borough wide register that is publicly available and contains details of formal Enforcement action taken by the Council as the Local Planning Authority against breaches of planning. When a complaint is made, it will be investigated and if a breach exists that cannot be addressed through negotiations and/or Planning application submission, formal action will be taken against the owner of the land in question. The process of an Enforcement register is determined by the Town and County Planning Act 1990 (as amended) and the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

Enforcement provisions require Oadby and Wigston Borough Council to keep details of the Enforcement case confidential, except where a formal notice is served (which is required to appear on the Enforcement Register), where an appeal is lodged against the notice or where legal action is taken in respect of the notice(s) served.

You will need to be aware that when an Enforcement case is being processed by the Council as the Local Planning Authority, any related documents or comments are stored in databases with hard copies until they are confidentially destroyed. They will be destroyed 3 years after compliance with the Enforcement notice and retention policy. Any relevant documents or comments that you send to us are permanently kept.

The Enforcement Register is only available to view by appointment at Oadby and Wigston Borough Council. To request an appointment relating to an Enforcement register, please contact the Customer Service Team on (0116)2888961.

The information that is provided with the Enforcement case and register will be processed by Oadby and Wigston Council, which is the 'data controller' for the purpose of the Data Protection Act.

The information provided for the Enforcement cases and registers will be used to deal with the event of criminal proceedings when requested.

The retention of the data that is provided to the 'Enforcement' section will be determined by Oadby and Wigston Borough Council's retention policy. A copy of the retention schedule is available on the Council's website.

### **Information collected (not an exhaustive list):**

- Name
- Address
- Telephone number(s)
- Email address
- Photographs

### **Agencies we might share the information with:**

The main agencies / organisations we may share information with are, but it is not limited to, the following:

- Judicial Agencies e.g. Courts
- Police
- Government departments
- Internal departments
- Educational providers
- Other local authorities
- Resilience forum
- Fire and rescue services
- Elected members
- The general public (via public registers)
- Contractors/ partners providing services on our behalf
- Funding bodies
- The environmental agency

### **Purpose for processing:**

- Statutory requirements e.g. reporting to Government, public registers.
- Service improvement and planning.
- Regulatory, licensing and Enforcement function
- Prevention and detection of Crime Financial transactions
- Research Inc. consultations
- Communications and Marketing

### **Lawful basis for processing:**

- Legal obligation
- Vital Interest
- Public Task

## **Section 106 Agreements**

Section 106 (S106) Agreements are legal agreements usually agreed between Local Authorities and developers; these are linked to planning permissions and comprised of planning obligations. Section 106 Agreements are drafted and agreed when it is considered that a development will have significant impacts upon the local area that cannot be mitigated by means of conditions attached to a planning decision. Oadby and Wigston Borough Council is required to keep all details of the agreement confidential, including personal information of individuals, such as names and addresses.

Applicants, developers and / or interested third parties must be aware that when Section 106 Agreements are required as part of the application process, all related documents and / or comments relating to the agreement are kept by Oadby and Wigston Borough Council in a confidential database in conformity with the Council's Retention Policy. The Council has a statutory duty to keep all retained information confidential.

The information that is provided will be processed by Oadby and Wigston Borough Council, which is the 'data controller' for the purposes of the Data Protection Act.

Retention of data provided to the 'Planning' section will be determined by Oadby and Wigston Borough Council's retention policy. A copy of the retention schedule is available on the Council's website.

### **Information collected:**

- Name
- Address

### **Agencies we might share the information with:**

- Judicial Agencies e.g. Courts
- Police
- Government departments
- Educational providers
- The Environmental Agency

### **Purpose for processing:**

- Statutory National Government Acts, legislation, policy and guidance

### **Lawful basis for processing:**

- Legal Obligation

## **Self-build and Custom Housebuilding Register**

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) requires each 'relevant authority' to keep a register (the Register) of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. Oadby and Wigston Borough Council is a 'relevant authority' therefore is required to hold a Register. The information that Oadby and Wigston Borough Council holds on the Register is determined by relevant national government acts, legislation, policies and guidance.

The information that Oadby and Wigston Borough Council holds on the Register is confidential unless explicit consent is obtained from the individual or association of individuals that made the initial application (the applicant).

Any individual or association of individuals that applies for their information to be held on the Register should be aware that the Council will hold the information permanently. The Council will however review all information held at regular intervals. All information is stored on an internal Database which is not available to the public.

The Council has a statutory duty to make applicant information available to the applicant that submitted the information when requested to do so by that applicant. The Council will not release other applicant information unless the other applicants give explicit permission to do so. To request information relating to the Self-build and Custom Housebuilding Register that the Council holds, please contact the Council's Customer Service Team on (0116) 2888961.

The information that is provided as part of the Register by the applicant will be processed by Oadby and Wigston Council, which is the 'data controller' for the purpose of the Data Protection Act.

The information that is provided for the Register by the applicant will only be used for the purpose of the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

The retention of the information held on the Register will be determined by Oadby and Wigston Borough Council's retention policy. A copy of the retention schedule is available on the Council's website.

### **Information collected:**

- Title
- First Name
- Surname
- Address
- Telephone number(s)
- Email address
- Date of Birth
- Nationality
- Citizenship

### **Agencies we might share the information with:**

- Judicial Agencies e.g. Courts
- Government departments

### **Purpose for processing:**

- Statutory requirements
- Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)
- Housing and Planning Act 2016
- Self-build and Custom Housebuilding Regulations 2016
- Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016
- National Planning Practice Guidance

### **Lawful basis for processing:**

- Consent
- Public Task



## **Assets of Community Value**

Local groups now have the right to nominate a building or land for listing by Oadby and Wigston Borough Council as an 'asset of community value'. In accordance with Section 88 of the Localism Act (2011), a building or land in the Borough of Oadby and Wigston is an asset of community value if the Council considers that the main use furthers the social wellbeing or social interests of the local community, or has recently done so, and is likely to do so in the future. Legislation requires Oadby and Wigston Borough Council to keep details of nominating groups and proposals for assets of community value, confidential. These details often include some personal information about nominating individuals, such as their names and home addresses.

Therefore, you need to be aware that when you submit a nomination for an asset of community value, all submitted evidence that the Council receives supporting each nomination will be kept in a confidential database and reviewed at regular intervals by Oadby and Wigston Borough Council..

The information that is provided to the Council when nominating asset will be considered and used to inform the Council's overall decision, in accordance with Section 88 of the Localism Act (2011). The retention of the data that is provided to the 'Planning' section will be determined by Oadby and Wigston Borough Council's Data Retention Policy. A copy of the retention schedule is available on the Council's website.

The information that is provided as part of the Register by the applicant will be processed by Oadby and Wigston Council, which is the 'data controller' for the purpose of the Data Protection Act.

### **Information collected:**

- Name
- Job title
- Address
- Telephone number(s)
- Email address
- Signature

### **Agencies we might share the information with:**

- Judicial Agencies e.g. Courts
- Police
- Government departments
- Elected members

## **Purpose for processing:**

- Service improvement and planning.
- Regulatory, licensing and enforcement function

## **Lawful basis for processing:**

- Consent
- Public Task

## **Business Support List**

Oadby and Wigston Borough Council hold data on businesses within the Borough so that the Economic Regeneration Team can make them aware of opportunities which they can benefit from including:

- General Business Support
- Business Events
- Funding Opportunities
- News

This data has been gathered over a period of time from public sources and by information being provided by businesses voluntarily. In preparation for GDPR a data cleansing exercise was undertaken on behalf of the Council in September 2017.

The primary method of contact from the Council will be by e-mail, but address and telephone contact details are also held on the list and businesses will only be contacted where they have expressly agreed to receive information from the Council.

Any personal data on the Business Support List is held securely and will not be used or shared without express permission from the person or business organisation that submitted the information to the Council originally.

The Council will hold and retain information submitted and/or collected in accordance with Oadby and Wigston Borough Council's retention policy and will be reviewed at regular intervals. A copy of the retention schedule is available on the Council's website.

The information that has been provided and/or obtained within the business support list will be processed by Oadby and Wigston Council, which is the 'data controller' for the purposes of the Data Protection Act.

### **Information collected:**

- Name
- Job title
- Business address
- Business telephone number(s)
- Business e-mail address
- Business type
- Turnover

### **Agencies we might share the information with:**

- Judicial Agencies e.g. Courts

- Police
- Government departments
- Educational providers
- Other local authorities
- Funding bodies

**Purpose for processing:**

- Business development
- Service improvement and planning
- Communications and Marketing

**Lawful basis for processing:**

- Consent
- Public Task