

## **Powys decision not to publish third party comments on planning applications**

In December 2018, Powys County Council decided to stop publishing third party comments on the planning applications website. Officers said Powys had already been reprimanded by the Information Commissioner and the risk of data-protection breaches outweighed the public interest in data-access. There have been many complaints about this hugely unpopular decision.

On 11<sup>th</sup> July 2019 a public question to a Full Council Meeting asked if it would be better to improve staff training to avoid data breaches rather than withhold public comments. The (then) Portfolio-holder answered with the risk of breaching data-protection regulations and lack of staff. He cited the fines of over 90 million pounds imposed on BA and Marriott Hotels. In these cases, millions of customers had identity details, including bank details, stolen. The scale and nature of these risks bear no relation to the small risks for Powys Planning which could be mostly avoided by better training.

A Freedom of information request to Powys revealed there had been 8 incidents between June 2014 & Nov.2018, of which 3 were website disclosures reported to the ICO. Residents' data was revealed about (1) holiday dates, (2) personal family information and (3) email addresses. The ICO concluded that the data should have been redacted but no harm was done. Advice was given but no fine was imposed. The severe reprimand from the ICO has been exaggerated.

PCC claimed that they have insufficient staff to redact public comments for web-site viewing and that ceasing publication helped "mitigate" the loss of one full-time equivalent temporary staff member. There is no clear evidence about staff roles and work loads to support this.

Powys said that it is possible to view planning files at Powys County Hall in Llandrindod Wells (or Neuadd Maldwyn in Newtown which is closed). Recently, when people have asked to see a planning application file, they have been denied a viewing and sent emails containing redacted public comments from which some public comments have been missing. Besides, anyone wanting to see all public comments for a particular application would have to ask repeatedly until the application is determined.

The FOI request showed that Powys Planning has no protocols addressing the handling of documents in a paper-free or paper-lite environment. A Powys website search also drew a blank.

**All the large rural Local planning authorities surrounding Powys: Monmouthshire, Carmarthenshire, Ceredigion, Gwynedd, Denbighshire, Shropshire and Herefordshire publish public comments freely with names and addresses.** Some LPAs publish a sensible warning notice to the public that their comments on planning applications will be published unless there is a specific request to the contrary.

Powys is by far the largest LPA in Wales. We have poor public transport and residents living up to 65 miles from County Hall. Yet Powys has unilaterally decided to deprive the public of internet access to the high volume of public comments on planning applications **without any consultation with the public.**

These comments require a huge investment of research and effort from the public and well respected environmental organisations. They contain detailed knowledge of local factors and the kinds of evidence which must be taken into account in planning decisions and yet they do not see the light of day. Nor can they be easily accessed by Planning Committee Members. The brief summaries in Planning Officer's Reports rarely do justice to the concerns expressed.

**The Powys public deserves the right to participate in a fair and transparent planning system. The Powys Branches of the Campaign for the Protection of Rural Wales have started a petition to ask Powys to reverse their hugely unpopular decision and to reinstate third party comments on planning applications on the Powys planning portal. See [http://www.brecon-and-radnor-cprw.wales/?page\\_id=1840](http://www.brecon-and-radnor-cprw.wales/?page_id=1840)**