



Privacy Notice Planning and Development Control

All of the information you give us will be kept safe and secure whether it is written or on a computer system. We will treat any personal information confidentially and will comply with the Data Protection Act 2018. This means that, if we keep any of your personal data we must:

- tell you what information we need to collect from you
- only use the information for the reason we have agreed with you
- not ask for more information than we need to provide the services
- let you see any information we have collected about you, on request
- keep the information safe, secure and confidential
- personal information will be deleted in accordance with council policy

About Us

We are Cumbria County Council's Development Control Team. We manage land-use planning related to minerals, waste and County Council developments. This privacy notice explains how we use information in the course of our work as a local planning authority. This work includes:

- making decisions and providing advice on planning applications;
- making planning policies;
- working with neighbouring authorities on strategic policies;
- responding to allegations of unlawful development;
- enforcement of planning control;
- monitoring development;
- entering legal agreements; and
- promoting the best use of land

Data Collection

Applicant information is either supplied to us directly (via email and/or post) or we receive it from the national Planning Portal website: planningportal.co.uk/. In either case the information is often submitted via a professional planning agent commissioned to act on the applicant's behalf. We also receive comments, representations, allegations and questions via email, letter, and through our website: Cumbria.gov.uk/planning-environment/DC/dc.asp

Data Categories

The following data is required to meet legal obligations and to enable officers to reach informed and robust recommendations and decisions on the use of land in the public interest.

- land use
- land condition
- land ownership
- names
- addresses
- contact details i.e. telephone numbers, email addresses
- signatures

We may also collect, store and use the following 'special categories' of more sensitive personal information:

- health

Legal Basis for Processing Data

Cumbria County Council is a Local Planning Authority and we use the information provided to us to make decisions about the use of land in the public interest. This is known as a "[public task](#)" and is why we do not need you to "opt in" to allow your information to be used.

To allow us to make decisions on their applications individuals must provide us with some personal data (*e.g. name, address, contact details*). In a small number of circumstances individuals will provide us with "[special category data](#)" in support of their application.

Some information provided to us we are obliged under the regulations to make available on the planning register which is accessible and open to the general public. The planning register is a permanent record of our planning decisions that form part of the planning history of a site.

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- **GDPR Article 6(1)(c)** processing is necessary for compliance with a legal obligation to which the controller is subject (see [Relevant Legislation](#) below),
- **GDPR Article 6(1)(e)** processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority

When we collect your 'special categories of personal data', (such as health, race, ethnicity, sexual orientation) we rely on the following legal bases:

- **GDPR Article 9(2)(b)** processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller

Relevant Legislation

These legal bases above are underpinned by acts of legislation that dictate what actions can and should be taken by local planning authorities, including:

- [The Town and Country Planning Act 1990](#)
- [The Town and Country Planning General Regulations 1992](#)
- [The Town and Country Planning \(Prescription of County Matters\) \(England\) Regulations 2003](#)
- [Planning and Compulsory Purchase Act 2004](#)
- [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)
- [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)
- [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)

Redaction

We operate a policy where we routinely redact the following details before making forms and documents available online:

- contact details for the applicant and/or their agent - e.g. telephone numbers, email addresses
- signatures
- Special Category Data
- information agreed to be confidential or commercially sensitive

Sometimes we might decide it is necessary, justified and lawful to disclose data that appears in the list above. In these circumstances we will let you know of our intention before we publish anything.

If you are submitting supporting information which you would like to be treated confidentially or wish to be specifically withheld from the public planning register, please let us know as soon as you can - ideally in advance of submitting the application. The best way to contact us about this issue is via email to developmentcontrol@cumbria.gov.uk.

Data Sharing

We may share your information with other local authorities, government agencies (such as Natural England and the Environment Agency), and statutory consultees.

We do not sell your information to other organisations. We do not move your information beyond the UK. We do not use your information for automated decision making.

We will make details of planning applications available online so that people can contribute their comments. We will sometimes need to share the information we have with other parts of the council or other public bodies or organisations.

Data Security and Retention

The information you supply will be kept on a secure council system and can only be accessed by authorised employees within the Planning and Development Control Team. This includes professionals who are working with applications, where there is a valid reason for them to do so.

Your personal information will be deleted, if appropriate, in accordance with the council's Retention and Disposal Schedule.

Complaints

If you have any concerns about the information contained in this Privacy Notice please contact: developmentcontrol@cumbria.gov.uk.

If you have concerns about the way the council has processed your data please contact our Data Protection Officer via dataprotection@cumbria.gov.uk.

Last Updated: May 2020

