



What we do

The service provides a number of statutory council functions under the town and country planning system to regulate development and use of land in the public interest to safeguard and protect against environmental harm.

Our planning service is comprised of the following teams; planning policy, development management, enforcement, trees and conservation.

This statement should be read in conjunction with the Corporate privacy statement: <https://fenland.gov.uk/privacy>

The purposes we use your personal information for

We collect and process your personal information to provide comprehensive planning services to you. We will never ask for more personal information than is necessary to deal with your enquiries. The type of information we collect will depend upon the nature of your contact with us. We use your information in a variety of ways, for example:

- In **planning policy**, we maintain an up-to-date electronic database of consultees who have asked us to keep them informed about of the production of planning documents, including neighbourhood plans. This database also contains consultees with whom we must consult, by law.
- We maintain a register of individuals and groups who wish to acquire serviced plots of land to bring forward both self-build and custom build housing projects. This helps us to identify demand for self build plots.
- In **development management** as part of the process of managing and determining planning and treework applications, we are required by law and in the public interest, to publish planning applications and supporting documents so that they are available to view on our website. We will

also publish comments received on planning applications including names and addresses.

- In **planning enforcement** information provided in respect of allegations of unlawful development, non-compliance with planning conditions, and unauthorised works to trees, will be kept anonymous. We only keep your information to report back to you on the outcome of an investigation into an alleged breach or unauthorised tree works.
- In **conservation** our team provides customers with advice to you. We will only take appropriate personal information sufficient to report back to you.

The personal information we collect and use

We only obtain and use the information we need to provide our services to you. We do obtain and use special category information.

The law we use to process your personal information

Organisations must follow strict data protection principles set out in the General Data Protection Regulations and the Data Protection Act 2018 to ensure compliance when collecting, processing and storing individuals' personal data.

Fenland District Council will be the data controller for the personal information you provide. Personal information can be anything that identifies and relates to a living person. This could be your name and contact details. As data controller we will use your information to provide you with our services.

Statutory legislation

The main legislation that provides us with the statutory basis to deliver our services is as follows:

- The Town and Country Planning Act 1990
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004
- The Planning Act 2008.
- The Climate Change Act 2008
- The Equality Act 2010
- Flood and Water Management Act 2010
- The Localism Act 2011
- Self-Build and Custom Housebuilding Act 2015
- Housing and Planning Act 2016
- The Neighbourhood Planning Act 2017

- Town and Country Planning (Use Classes) Order 1987 as amended
- Town and Country Planning (General Permitted Development) (England) Order 2015.
- Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO),
- The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018
- The Planning (Listed Buildings and Conservation Areas) Regulations 1990
- Environmental Assessment of Plans and Programmes Regulations 2004
- Town and Country Planning (Control of Advertisements) Regulations 2007
- Flood Risk Regulations 2009
- Community Infrastructure Levy (CIL) Regulations 2010 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012
- The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014
- Conservation of Habitats and Species Regulations 2017
- Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The GDPR/DPA conditions we meet

The conditions that we use to process your personal information are:

- **Public task:** the processing is necessary for us to perform a task in the public interest or for our official functions
- **Legal obligation:** the processing is necessary for us to comply with the law (not including contractual obligations)

Special category personal information

Our service also needs to use sensitive personal data also called 'special category data' which requires more protection to keep it safe. This is often information you would not want to be widely known and is very personal to you. It includes:

- **Physical or mental health**

It is required by for circumstances where an individual might be exempt from paying an application fee. We will take extra care of this data.

Who we may share your information with

We may share your information with other departments, for example legal services, creditors, or housing services. We routinely share information to resolve issues and enquiries satisfactorily, within the planning department. This helps us to provide you with a consistently high quality and efficient customer service. We also share your information where necessary with the following: (not an exhaustive list)

- FDC Local Land Charges team
- District Valuation Service (DVS)
- The Planning Inspectorate (PINs)
- Police

How long we keep information about you

The GDPR principle 5 states that data no longer required should be removed. However, the primary legislation requires us to maintain (and not dispose of) a register of planning applications as prescribed under the Town & Country Planning (Development Management Procedure) England Order 2015, Part 9 (Article 40). The statutory register comprises planning decisions, approved plans and planning obligations/legal agreements and there are no specific retention periods. Therefore we keep this information indefinitely.

We are however reviewing our retention and disposal policy to take account of the changes to data protection legislation, particularly in relation to how long we will keep supporting documents, reports and comments received during planning application consultation.

Your rights in relation the personal data we process:

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

Request access to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).

Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal information, or request that we transfer a copy of your personal information to another party, please contact the Monitoring Officer in writing.