



23<sup>rd</sup> September 2019

Dear South Hams District Councillors

## **ICO ruling on Pre-application discussions and enquiries**

We are attaching, in case you haven't seen it, a ruling by the Information Commissioner instructing SHDC to release a planning document whose content it had previously refused to disclose.

The South Hams Society has for several years been pressing the council for greater transparency in pre-application planning matters. In 2017 we asked for an internal review of a refusal to release information on a pre-application enquiry (also relating to the Crofts). It found the council had been wrong to refuse the request and we were told that officers had been given training in the regulations. We were however unable to get any confirmation that councillors would get a similar briefing.

As you may know, the Environmental Information Regulations of 2004 require public bodies, if asked, within 20 working days to release to the requester any information they have on proposals for land. The rules cover pre-application discussions and any other less formal enquiries. The request needn't be in writing: it can be oral, for instance to a councillor in or out of a meeting. There are of course certain defined circumstances in which information can be withheld.

We believe the best method of dealing with pre-application information is simply to publish it from the outset. The unitary council in Cornwall seems to do it well. Subject to some defined exceptions pre-application enquiries are published automatically, just like actual planning applications. They are on its website, together with references to any policies or other factors that might affect the proposal. Members of the public cannot comment at this stage, but they are able to see exactly what is being proposed: they don't have to rely on rumour, and they can of course ask the would-be developer about the proposal. And they can also see what the council has said about the idea, so by the time any application is published the conversation is much more focused and better informed.

Here is an example: <http://planning.cornwall.gov.uk/online-applications/applicationDetails.do?keyVal=PJZ8RYFG0IS00&activeTab=summary> Click on Constraints for the factors involved, and on Documents for the informal advice given.

Could such a system be adopted by SHDC? Public participation and the credibility of the planning system would be greatly enhanced, and an enormous amount of officer time currently spent in answering queries would be saved.

Yours sincerely

Didi Alayli, Chair