

# Planning Applications Online Comment Portal Appropriate Usage Protocol

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## 1. Introduction

The quickest and most convenient way to comment on a planning application is to submit your comments online. When making comments you should ensure that your contribution is constructive, relevant to the planning matter you are commenting on and civil, in accordance with the rules set out in Section 7.

Online comments made via the Council's website are not normally moderated prior to publication, except where the Council has identified that an application may be particularly contentious and/ or give rise to a high volume of comments. However, on applications where comments are not moderated prior to publication, comments that members of the public consider to be offensive can be reported to officers for moderation. Where reported comments do not accord with the rules set out in Section 7 they will be removed from the website.

Comments on applications can also be made in writing or by email or by post, although we strongly recommend that comments are made online via the website wherever possible. Comments received via email or post take longer process and moderate and therefore take longer to be displayed on the council's website. Please see our [Comment on a planning application](#) page for further information.

If you wish to make a complaint about other content on our website or any operational issues, rather than about a particular planning related comment, please see our complaints procedure on our [Complaints](#) page.

## 2. How to make a comment and what to include?

To make online comments you will need to create a [MyWestminster](#) account. We do not accept anonymous representations and therefore as part of the creation of your account you will be required to provide your name and address.

Please do not include your name or address or other information of a sensitive or personal nature, such as any personal telephone numbers or email addresses, in the comments field when making a representation as this will result in them being published on our website. Whilst this information will be removed prior to comments being added to our website where moderation prior to publication is being carried out, in all other cases it will only be removed where it is brought to our attention. If you wish, you can submit such information to the council separately by email or letter.

Only comments relating to relevant planning issues can be considered when assessing and determining planning applications. Relevant considerations include, but are not necessarily limited to:

- the effect on a neighbour's daylight, sunlight or privacy;
- the impact on traffic, road access, parking and servicing;
- the appearance, bulk or height of the proposed development;
- impact like noise generated by the proposal;
- the potential loss of a valued local service or use such as a shop or a residential flat.

Other issues, such as those in the following list, are not considered to be valid reasons for objecting to a planning application and you should avoid inclusion of these when making your comments:

- the effect on property values;
- competition between rival businesses;
- private property matters including party wall disputes and fire escape matters;
- moral and religious issues.

### **3. When should I make my comment?**

The date that comments need to be made by is published on the website for each application. Typically, 21 days are provided for interested parties to comment on a planning application, although for some application types and where an application is being reconsulted on 14 days may be provided. Please also note that consultation is not a requirement for all types of application. The date by which comments should be made will also be included in the site notice displayed in the street near to the application site (where a site notice is required) and will be included in the notification letter sent to immediate neighbours (note that you do not need to have received a neighbour notification letter to be able to comment on an application). You can only comment on applications that have not been determined.

### **4. Who will see my comment?**

In the interests of openness and transparency, all representations on planning applications are made available to the public on our website, so anyone can see them. Comments submitted online will be displayed in the 'Comments' tab when viewing an online application record, whilst comments made by email or by post will be included under the 'Documents' tab. Comments displayed online do not include the personal data of the person who made them.

A summary of the comments made will be included in the delegated officer or planning committee report. Due to the high volume of comments received, only comments made online will be acknowledged. Note that by commenting online you are also able to receive ongoing notifications charting the progress of the application towards determination.

In the event an application is refused, and an appeal is subsequently lodged against the council's decision, copies of all comments will be forwarded to the Planning Inspectorate as representations

made at application stage are a material consideration in their determination of the appeal. The Planning Inspectorate do not publish these comments and where copies are circulated to appeal participants these are redacted to remove all personal and special categories data.

## **5. Why isn't my comment on the website?**

Comments made online will appear immediately, except where comments on an application are being moderated prior to their publication. Where an application is being moderated prior to publication, we will aim to publish comments that comply with this protocol within 3 working days.

Where comments are made by email or in writing we will aim to add comments to the website within 5 working days of receipt. Note that we cannot normally publish petitions as they mostly comprise lists of signatures and other personal data.

Comments that contain information unsuitable for publication, such as defamatory comments, offensive comments or sensitive personal information about neighbours or third parties will not be published where moderation prior to publication is in use. In all other cases such comments will be removed as soon as possible where they are brought to our attention (see Sections 6 to 8).

## **6. Reporting a comment**

If you think a comment made on our website breaks the rules set out in this protocol you can alert officers by clicking on the 'Report Comment' button displayed below to the comment (note that you will need to be logged into your MyWestminster account to report a comment). Reporting a comment will temporarily remove the comment pending moderation by officers. Officers will then decide whether to remove it permanently or reinstate it depending on whether the comment has breached the rules in Section 7. Once a comment has been moderated it cannot be reported again for further moderation.

Please note that comments will not be removed in situations where the person reporting a comment and the person making a comment disagree about the interpretation of facts relevant to a planning application.

## **7. Relevance, civility and decency of comments**

When composing a planning representation, you must ensure that it is written in English and that it accords with the rules set out in this section. The contents of your representation (comment) must not:

- a) Contain any personal names, please use words such as applicant, neighbour, etc.
- b) Contain any personal information such as you're living on your own, you're on holiday next week etc.
- c) Contain any information relating to medical data for yourself or others; this is unlawful for us to process.
- d) Contain any material which is defamatory of any person.

- e) Contain any material which is obscene, offensive, hateful or inflammatory.
- f) Promote sexually explicit material.
- g) Promote violence.
- h) Promote discrimination based on race, sex, religion, nationality, disability, sexuality orientation, or age.
- i) Infringe any copyright, database right or trademark of any other person.
- j) Be likely to deceive any person.
- k) Be made in breach of any legal duty owed to a third party, such as a contractual duty or a duty of confidence.
- l) Promote any illegal activity.
- m) Be threatening, abusive, invasive of another's privacy, or cause harassment or needless anxiety.
- n) Be used to impersonate anyone, or to misrepresent your identity or affiliation with anyone.
- o) Give the impression that they emanate from us, if this is not the case.
- p) Advocate, promote or assist any unlawful act such as (by way of example only), copyright infringement or computer misuse.

In addition to these rules it is good practice to ensure that your representation is written in a way that is respectful of others, avoids the overuse capital letters (this is regarded as "shouting"), is concise, and avoids speculation. You should also avoid making duplicate or repetitive comments. Where multiple comments are necessary these should not be repetitious.

## **8. Action we may take**

Representations that fail to accord with the rules in Section 7 will not be published where moderation prior to publication is in place and will be removed as soon as practicably possible in all other cases. The decision of officers as to whether to remove a comment is final and will not be subject to debate or discussion. Comments will only be moderated once and will not be subsequently re-moderated.

Where your initial comment has been removed due to a breach of the rules in Section 7 you may make an updated comment. However, you must ensure that your updated comment is edited so that it complies with the rules.

In instances where a comment contains personal information or special categories data about the commenter and/ or another party, the Council may decide to edit the online version of the comment to remove the personal information or special categories data (rather than delete the whole comment) or alternatively may invite the commenter to resubmit the comment without its inclusion.

Repeated or serious breaches of the rules in this protocol may result in the Council resolving to block contributions from your email address or suspend your 'My Westminster' account.

Please note that in accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) copies of all representations will be retained, even where they have been removed from the

website, and will be taken into account when assessing and determining the planning application to which they relate.

## 9. Privacy, confidentiality and data protection

Where moderation is undertaken, either prior to initial publication or in response to a report of an allegedly offensive comment, the moderation is undertaken by Council officers and your details will not be passed to a third party as part of the moderation process. Your details will therefore remain confidential and secure, in accordance with the council's [Privacy Policy](#) and [Planning Privacy Notice](#).

To make a comment online or to report an offensive comment using the 'Report Comment' button, you will need to be logged into your 'My Westminster' account. The details provided in your MyWestminster account are kept confidential and will be used by the council for the purposes set out in our planning privacy notice. We will not pass on your details to anyone else without your express permission, except in exceptional circumstances as identified in our [Fair Processing Notice](#).

All comments made are retained and publicly displayed for a minimum of four years on our website in order to comply with our statutory obligations under the Openness of Local Government Bodies Regulations 2014. On request all comments, including the commenter's name and other personal information, may be made available for public inspection at our offices.

