

Response Form

Duty to Cooperate and Consultation Background Paper

What is the purpose of this consultation, and this background paper?

The purpose of the Duty to Cooperate and Consultation background paper is to identify the “strategic matters” that we believe at this stage a new Luton Local Plan will need to address which are likely to fall under the duty to cooperate. The paper also aims to identify bodies with whom cooperation will be necessary and describes consultation that has taken place to date.

We particularly welcome the views of duty to cooperate authorities or other relevant bodies on this background paper. Comments will be used to inform the approach we take to meeting the duty to cooperate throughout the production of our new local plan.

This is part of a wider Issues and Options consultation for the new Local Plan which can be viewed at <https://www.luton.gov.uk/newlocalplan>

How can I comment on this document?

Consultation will take place between 12 December 2024 and 7 February 2025 at 5pm.

To complete an electronic version of our comment form, please visit our planning policy consultation portal at <https://luton.objective.co.uk/kse/>. This is our preferred method of receiving comments.

Alternatively, if you cannot use the Objective portal, you can download and provide a completed scanned response form which should be emailed to localplan@luton.gov.uk. Or send your printed hard copy response in an envelope to:

Freepost Luton Borough Council

Planning Consultation

You can also drop the form off at the Council Offices at the town hall marked for the attention of the Planning Policy Team, 2nd Floor, Luton Town Hall, George Street, Luton, LU1 2BQ.

Please email us at the address above, or leave a message for us on 01582 548528, if you would like to ask for a paper copy of this response form to be sent to you.

Before sending your response, it is important that you review and agree to the Privacy Notice (shown at the end of this document) by answering “yes” to the mandatory question in the “Your Details” form (otherwise we cannot process your responses or legally hold your name and address on our database). You must ensure that the “Your Details” form is completed along with the rest of

the response form so we know who is responding and that you have reviewed and agreed to the Privacy Notice.

You can also, optionally, choose to be kept updated as work on the new Local Plan for Luton progresses by being added to our consultation database.

What are the next steps?

After the consultation closes we will analyse the responses received and will make changes to the document.

This document is one of the first steps in meeting the duty to cooperate in Luton's local plan process. This process is ongoing up until the point of submission of the plan and potentially beyond. This document will be updated and reviewed as the new local plan progresses, as discussions advance, as evidence is produced, and if new issues emerge.

As preparation of the plan progresses additional matters may be identified and added to those set out in this document. It may become apparent that some of the potential topics identified are no longer strategic matters to be addressed under the Duty to Cooperate, including through the collection of evidence base for the new local plan. The strategic matters currently identified as relevant to the bodies set out within this document may also change.

How we will use your information

Your information will be processed and handled in accordance with the council's [Privacy Notice](#) and Planning Service specific [Privacy Notice](#).

All comments submitted, via the online portal or otherwise, will be publicly available.

Information provided, including the names / organisations of those making submissions, will also be made publicly available. Submissions cannot be made and will not be accepted anonymously. Personal information such as addresses, phone numbers and email addresses will not be made publicly available in accordance with the Privacy Notice (see below). You are expected to review and agree to the Privacy Notice in order to submit a response.




Duty to Cooperate and Consultation Background Paper – Response Form

Your Details

Your Name (Required)	Charlotte Morris
Your Organisation (Optional)	Buckinghamshire Council
Your Address (Required)	Council Offices, [REDACTED] [REDACTED]
Your Phone Number (Optional)	
Your Email Address (Required)	[REDACTED]
Would you like to be added to our planning policy database, to be notified of future consultations? (Required)	Yes / No-
Please review our Privacy Notice and confirm that you agree to it in order for us to process and publish your responses and hold your contact details privately which won't be published (Required).	Yes / No

We are aiming to receive responses from a wide range of people, and would be grateful if you would provide the following information – all questions are optional (and answers will be held in strict confidence):

	Please tick if prefer not to say? <input type="checkbox"/>
Age:	[REDACTED]
Date of birth:	[REDACTED]
What is your gender?:	[REDACTED]
Is the gender you identify with the same as your gender registered at birth?	[REDACTED]
What is your ethnicity?:	[REDACTED]
Do you consider you have a disability (please specify)?:	[REDACTED]
What is your sexual orientation?:	[REDACTED]

	Please tick if prefer not to say?
What is your religion or belief?:	
Are you currently pregnant or on maternity or parental leave?:	
Are you married or in a civil partnership?:	

Questions

1. Do you agree that the correct strategic matters have been identified?

The following strategic matters have been identified:

- Housing
- Gypsy and Traveller
- Employment Needs
- Green Belt
- Chiltern Beechwoods SAC
- Transport infrastructure
- Luton Airport and other airport / airspace impacts

Buckinghamshire Council agrees the correct strategic matters have been identified at this stage as agreed in the meeting which took place on 30th January.

2. Should any additional strategic matters be added to the list?

No – unless new evidence identifies other strategic matters which impact on Buckinghamshire.

3. Do you agree that the council has identified the correct relevant authorities and bodies to cooperate with on each strategic matter?

Yes – we do not have any other suggestions on who to engage with for duty to cooperate matters.

4. Do you agree with the proposed methods of engagement for your organisation?

Yes – we welcome the opportunity to engage with you as we have done so do date with the latest meeting taking place on 30th January 2025.

5. Do you have any suggestions for how the council could encourage or improve cooperation on strategic matters?

None

PRIVACY NOTICE

We are committed to protecting your privacy when you use our services. This privacy notice explains how we use your information you and how we protect your privacy.

A planning service specific privacy notice is also included below and explains what we do with your data within the planning service, where it is different to the main policy below. We'll also provide information about who we may share your information with and why.

If you have any concerns or questions about how we look after your personal information, please contact us at dataprotection@luton.gov.uk.

***Please note:** the above email address is for data protection queries and subject access requests only.

Data controller

Luton Council
Luton Council, Town Hall, George Street, Luton, LU1 2BQ

Data protection officer

Donna McLeod
Luton Council, Town Hall, George Street, Luton, LU1 2BQ

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As the planning department for Luton Council, we deal with:

- planning policy
- planning applications (including minerals and waste, listed buildings, trees and high hedges)
- planning enforcement and appeals

Personal data

Personal data we will hold, include:

- name
- address
- email address
- telephone number
- land ownership/ interest details
- signatures
- special category data (such as health conditions, disabilities, bank statements, tenancy agreements etc.)

We receive application information either directly from the application or via a planning agent on their behalf. Information is provided to us via:

- the Planning Portal
- email
- paper copy
- online form
- direct secure access to our document management system
- consultation portal

We also receive comments, representations, allegations, requests and questions via our online planning register planning consultation portal, email, letter and online forms and payments via the planning portal online payment portal, our own online payment portal, via BACS and cheques. The planning service will also be using a drone to improve our information gathering in the Borough to aid our Planning Enforcement investigations, our assessment of planning applications, our monitoring of developments, existing uses and the survey of sites for the potential for site designation for planning policy purposes.

The planning department your personal data to:

- make decisions and provide advice on planning applications
- make planning policies
- work with neighbouring authorities on strategic policies
- respond to allegations of unlawful development
- monitor development
- enter legal agreements, serve notices and promote the best use of land

Lawful basis

Personal data

Article 6 (c) - processing is necessary for the compliance with a legal obligation to which the controller is subject

Article 6(e) - processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

Special category data

Article 9(g) – reasons of substantial public interest (with a basis in law). Condition met under paragraph 6 of Schedule 1 of Data Protection Act 2018 – “statutory etc. and government purposes”.

Supporting information

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires that public consultation be carried out as part of the decision-making process for planning applications.

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the procedure for the adoption of a local plan, which too requires various stages of consultation.

To allow us to make decisions, we must be provided with relevant personal data. In a small number of circumstances individuals will provide us with “special category data” in support of their application (e.g. evidence of medical history). Processing of personal data is necessary to allow us to evaluate the impact of any development or policies in the Local Plan when undertaking its planning functions. For example, the address of a representor’s property may be relevant in this context. We are unable to consider the harm or otherwise from a scheme to the representor's property or amenities where the representation is anonymised and the location of the property is not disclosed.

We are obliged under the regulations to make some information available on our planning register. This is a permanent record of our planning decisions that form part of the planning history of a site, along with other facts that form part of the “land search”.

Your contact details and comment are recorded on our secure planning system. If you have requested to be entirely anonymised, only your comment will be recorded. If you have submitted an anonymous comment, we will not be able to inform you of any committee and/or appeal details.

Information on Planning Enforcement cases will be reviewed case by case to see what can be disclosed to the public. Any data or information that may be used in future formal litigation will be retained and not disclosed under legal privilege.

Any personal and private information obtained by drone use will only be used internally and not shared publicly or externally unless consented by the individual.

Please see the [Planning Advisory Service's Planning and GDPR guide](#) for more information.

Who we share your information with:

- other teams and services within Luton Council where law permits, or it is necessary to do so
- the Planning Inspectorate
- planning committees
- external consultees (e.g. fire service, water companies, the police, the environment agency, natural England, historic England, active travel England etc.)

Why we share your information

We are obliged to consult within the council, with external agencies and with residents depending on the nature of your application.

We will make details of planning applications available online so that people can contribute their comments, this will include the applicant/agent's name and address.

We apply redactions to personal contact details e.g. telephone numbers, email addresses and signatures from public view. However, we will continue to hold the unredacted version on our planning system and this can be viewed by planning staff when necessary.

Please note: agent's details are not normally classed as personal data.

We also redact special category data e.g. supporting statements that include information concerning your health and any information deemed confidential e.g. bank statements, tenancy agreements etc.

We will sometimes need to share the information we have with other teams within the council, to receive comments related to the decision-making process.

If you are submitting supporting information which you would like to be treated confidentially or wish to be specifically withheld from the public register, please label this appropriately. You can do this by contacting developmentcontrol@luton.gov.uk.

Planning Enforcement

We will keep completely confidential any details received about a planning enforcement complaint, including the details of the person making the complaint.

Further details regarding this is provided in the Council's adopted [Planning Enforcement Charter](#).

We will update the complainant on process with an enforcement complaint (as per the Planning Enforcement Charter).

Any automated decision making or profiling

None

Transfer of data to another country

No information within planning is transferred to another country. None of the systems we use are hosted abroad.

The majority of personal information is stored on systems in the UK. But there are some occasions where your information may leave the UK either in order to get to another organisation or if it's stored in a system outside of the EU.

We have additional protections on your information if it leaves the UK ranging from secure ways of transferring data to ensuring we have a robust contract in place with any third party who may transfer it out of the EU.

If we need to send your information to an 'unsafe' location we'll always seek advice from the Information Commissioner first.

Retention ('how long we keep your information for')

The data will be kept in accordance with our retention schedule. We only keep information for as long as it is needed. This will be based on either a legal requirement (where a law says we have to keep information for a specific period of time) or accepted business practice.

Exercising your rights

You have the right to ask us to amend or delete your data as well transfer or limit its use.

Each request will be considered individually. Where we are required to keep your data by law, we may be unable to action your request. In all circumstances we will explain our decision making in writing to you.

Please see our main privacy statement using the green button below if you want more information on how:

- we keep your data safe
- to request a change to the records we hold
- to make a complaint