



Mr Strangeway
Via email

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Dear Mr Strangeway

I am writing to respond to your recent correspondences to Mr Richard Flinton and to set out the Council's position following our efforts to facilitate access to documents on the Council's online planning register from your location in Nepal.

Firstly I would like to take the opportunity to advise you that the planning application was withdrawn from the Thirsk and Malton Area Planning Committee agenda following discussion between the Head of Development Management, IT and legal colleagues in order to ensure that we had explored all reasonable options to seek to assist you in accessing the documents and in order for further review of the planning application to be undertaken before progression of the application.

We had hoped that we would be able to send the documents associated with the Brookes Garage planning application to you by email. Following further work with IT colleagues, however, due to the number and size of the associated documents, the current limits set within the Council's mail system will prevent this from being sent as a single email. Whilst the Council could temporarily increase the various limits within the mail system to theoretically allow the sending of an email with attachments of this size there is no guarantee that the mail systems outside of our control would not have similar limits in place. We would therefore be unable to guarantee that the mail would be delivered.

In addition, information sent in this way requires each file to be downloaded from the online planning register. During this process, the file name changes to a series of numbers so although each document would be readable, the document titles would be lost.

We do not consider that it would be a reasonable expectation to send the files individually or as multiple emails to overcome the size limitations, or to increase our mail limits permanently and for there to be an expectation for us to continue to do this on an ongoing basis as further information is added to the online planning register.

We have also explored whether direct access is possible. The Council, however, maintains its position regarding blocking access over the internet to the NYC ICT network and internally hosted IT systems from a small number of countries where we have received specific

Government (or similar) advice to do so, or where our own information risk and cyber threat analysis has identified persistent and/or high volumes of suspicious activity. This is known as 'geo-blocking'. Our current NYC geo-blocking list includes Nepal.

Our security posture is to maintain a level of information and cyber security defence that is proportionate in terms of effective security controls delivered against an acceptable level of business risk. Whilst we are keen to enable business service delivery wherever possible, we must balance this specific customer expectation with our overall security responsibilities and so, following review of the risks, and engagement with our Legal team and appointed Data Protection Officer (Veritau), we have resolved not to remove Nepal from our geo-blocking list. We are always keen to make our information available to our customers but our security posture must remain unchanged in this case.

We have previously advised that an option would be the use of a Virtual Private Network (VPN) from Nepal. A VPN is a 'secure tunnel' connection from an IT device (e.g. a laptop, tablet or smartphone) over the internet. This was set out in an email from Ann Rawlinson to you dated 28 September 2023. Whilst we note your concerns with this, we have found no evidence that the use of VPN software is prohibited in Nepal.

For completeness Ann Rawlinson's email dated the 28 September highlighted the use of NYDrive. This is the normal route we would take when trying to share files that exceed the email limit. NYDrive is similar to services such as Dropbox or GoogleDrive but is hosted on the NYC network. Unfortunately, because NYDrive is hosted on our network it is also subject to the geo-blocking policy in place so it is not an option in this case.

Having investigated the concerns you raise regarding your client being unable to access the council's online planning register, we are confident that this has been functioning correctly. However, we have observed that on occasion when users attempt to download individual documents the system can take a little time to respond causing the web interface to timeout and display the error message. Should this happen, if the user refreshes the web page or clicks the link a second time then the document loads successfully. A current upgrade project for this system is expected to resolve this issue.

During the course of our investigations we believe that we may have identified a single document that did not load in the usual way. We have since republished this document and the matter has been resolved. If at any time your client is not able to open and access any of the documents, please contact Ann Rawlinson for advice and assistance.

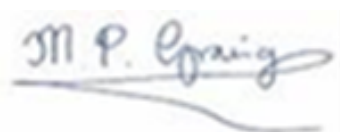
We have discussed this position with our legal colleagues and are satisfied that the Council has fulfilled its statutory responsibilities as a planning authority to make the planning application documents available. The legal requirement under the Town and Country Planning (Development Management Procedure) (England) Order 2015 is for the planning authority to maintain a register of planning applications in its area and associated documents, to be held at its offices. Where the register is kept using electronic storage, the local authority may make the register available for inspection by the public on a website maintained by the authority for that purpose. The Council has discharged this requirement as the application and associated documents are available for public inspection at its offices and have also been placed on a

public access website maintained by the Council. The requirement does not oblige the Council to ensure that the information is thereafter accessible by every member of the public at all times and in all locations – that would go beyond the scope of the legislation and beyond legitimate expectations. Your availability to access or obtain documents on which you wish to advise your client is a matter between you and your client.

The Council's position is that we have fulfilled our obligations with regard to the provision of information and have made reasonable efforts to provide you with requested documents, but we have no further options to offer. It is therefore politely suggested that your client reviews the Council's online planning register in order to make any further representations he may wish to make and/or provide you with any information on which he wants your advice.

I can confirm that the planning application will be presented to the Thirsk and Malton Area Planning Committee on Thursday 21 December, of which your client will be advised of by letter.

Yours sincerely

A handwritten signature in blue ink that reads "M. P. Grainger". The signature is written in a cursive style and is positioned above a horizontal line that serves as a separator.

Martin Grainger
Head of Development Management