



Further to your information request FOI/EIR 24/25-001, please find your question and our response below.

Request:

I am writing to request information under the Freedom of Information Act in relation to your authority's policies and practices in providing refunds under the planning guarantee legislation (Regulation 9A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012) and more recent iterations.

1. Please detail how the authority determine an applicant's eligibility for a refund in accordance with the legislation.
2. Can you provide any official documentation, policies, or guidelines that outline the process and criteria for refund eligibility under the planning guarantee legislation? This would include any procedural steps that applicants must follow to initiate a refund request.
 - a) If the authority does not have any official documentation, policies or guidelines and has not sought to create this since the inception of the legislation can you provide an explanation why?
3. Are there circumstances, such as the statute of limitations, under which refunds would not be provided? If so, what are these circumstances? Any supporting written advice from your legal department would be of interest.
4. Has your authority been proactive in informing applicant's that they are due a refund of their planning application fees paid when they become eligible?
 - a) If the answer to 4 is no, could you explain the rationale behind this approach?
5. Has your authority been proactive in refunding applicant's fees when they become eligible?
 - a) If the answer to 5 is no, could you explain the rationale behind this approach?
 - b) If refunds are not proactively made, can you advise what happens to the funds from the unclaimed refunds, since the legislation was implemented.
 - c) Can you advise how much has the authority 'earned'/received in funds for planning applications from applicants that was due to be returned but has not been.
6. Please provide the contact information for submitting refund requests i.e. the relevant person/team, contact telephone number and contact email address.
7. Please provide the contact information for the authority's Monitoring Officer, as their oversight may be relevant to my inquiries.

Response:

1. The Council confirm eligibility for a refund using the criteria as set out in Article 9A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended).
2. The council do not have an official procedural documentation for this process as it is clearly set out in the Article listed in 1. However, we have an Access report which highlights those applications that meet the criteria.

3. N/A

4. The council has not previously been proactive in refunding due to resourcing issues; however, this council is moving towards a proactive approach following the refund of those historic applications that met the criteria.

5. No

- a) The council has not previously been proactive in refunding due to resourcing issues; however, this council is moving towards a proactive approach following the refund of those historic applications that met the criteria.
- b) The funds remained in the council's accounts.
- c) All refunds have now been actioned and therefore the council have no outstanding refunds.

6. The Planning Department, 01353 665555, plservices@eastcambs.gov.uk

7. Maggie Camp, Director (Legal Services)

This concludes your request FOI/EIR 24/25-001.

If information has been refused, please treat this as a Refusal Notice for the purposes of the Act.

If you disagree with our decision or are otherwise unhappy with how we have dealt with your request in the first instance you may approach foi@eastcambs.gov.uk and request a review. A request for review must be made in no more than 40 working days from the date of this email.

Should you remain dissatisfied with the outcome you have a right under s50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.