

## McMahon, Lucy

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**From:** FOI Responses  
**Sent:** 29 April 2024 11:21  
**To:** [REDACTED]  
**Subject:** [REDACTED] Response

[REDACTED]

Thank you for your Freedom of Information (FOI) request dated 1 April 2024, for information about refunds under the planning guarantee legislation.

Please find below City of Doncaster Council's responses to the questions you have raised.

### **Your 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."

### **Request 1:**

1. Please detail how the authority determine an applicant's eligibility for a refund in accordance with the legislation.

### **Response:**

The FOI Act provides a right of access, subject to certain exemptions, to recorded information held by public authorities. It does not require public authorities to express opinions or comment upon matters. This question requires the expression of comments therefore this information is not held.

In order to be helpful, we are prepared to answer this outside of the FOI Process however please note, this question cannot be included in any appeal that may be made. The information is as follows:

The legislation determines an applicant's eligibility for a refund, however at City of Doncaster Council we adopt a positive engagement approach in relation to development which may require more time to ensure a workable and approvable planning application and applicants are willing to engage in these discussions as opposed to automatically refunding the application fee.

### **Request 2 and 2a):**

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?

### **Response:**

City of Doncaster Council does not hold any official documentation in relation to the above. It is in the applicant's gift to request a refund if they feel positive engagement (as outlined in my response to Question 1) has not taken place. This request is reviewed by the Planning Service Management Team to determine if the request is justified. There can be occasions where the Council has attempted to engage with the applicant and the applicant has not engaged in working together to move the application forward. In these circumstances, it may not be justified to return the fee when it is considered that the applicant has been stalling the progress of the application. The process we

adopt is outlined in the Planning Practice Guidance (PPG) Paragraph: 004 Reference ID: 21b-004-20140306 at: <https://www.gov.uk/guidance/determining-a-planning-application>

**Request 3:**

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.

**Response:**

There are no circumstances under which refunds would not be provided.

**Request 4 and 4a):**

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?

**Response:**

Please see the response to question 1.

**Request 5 and 5a):**

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?

**Response:**

Please see the response to question 1.

**Request 5b):**

b) If refunds are not proactively made, can you advise what happens to the funds from the unclaimed refunds, since the legislation was implemented.

**Response:**

As detailed in the response to question 2 and 2a), If the applicant does not feel as though they are receiving proactive engagement from the Local Planning Authority, they are entitled to claim a refund, and this will be considered. If the applicant is happy with the planning consideration process and has therefore engaged with the Local Planning Authority, the money remains within the planning application fee income, to support the resources needed to continue delivering our planning service and to achieve a positive outcome for all parties.

**Request 5c):**

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.

**Response:**

This information is exempt from disclosure under Section 21 of the Freedom of information Act. Section 21 exempts information from the right of access if that information is reasonably accessible to the applicant by other means. Details of planning applications, including the date the application was valid, the associated target determination date and the date the application was determined is published via the Council planning register: [www.doncaster.gov.uk/planningapplicationsonline](http://www.doncaster.gov.uk/planningapplicationsonline) Members of the public can use this register to determine if an application exceeded the Planning Guarantee threshold with no agreed extension being in place.

Alongside this, the fees associated to such applications is also publicly available via the following link:

[The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2023/1200/contents/part-1)

**Request 6:**

6. Please provide the contact information for submitting refund requests i.e. the relevant person/team, contact telephone number and contact email address.

**Response:**

City of Doncaster Council do not hold this information. The applicant would contact the relevant planning case officer.

**Request 7:**

7. Please provide the contact information for the authority's Monitoring Officer, as their oversight may be relevant to my inquiries.

**Response:**

The Monitoring Officer's Details are as follows:

Name: Scott Fawcus, Service Director – Corporate Resources.

Email: [Scott.fawcus@doncaster.gov.uk](mailto:Scott.fawcus@doncaster.gov.uk)

I hope that this information is useful to you.

City of Doncaster Council estimates that it has cost £46.00 to respond to this request for information.

**Reviewing any decisions made:**

If you are not happy with this reply you can ask us to review our response. To do this write to us within 40 working days of receiving your response at the address below or email [FOIAppeals@doncaster.gov.uk](mailto:FOIAppeals@doncaster.gov.uk)

If you do not agree with the review decision you can apply to the Information Commissioner's Office (ICO) for a decision about our compliance or otherwise with the Freedom of Information legislation. Contact details for the ICO are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. [www.ico.org.uk](http://www.ico.org.uk) Telephone 0303 123 1113.

Yours sincerely,

**Lucy McMahon**

Freedom of Information Officer

Corporate Resources

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