

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.

In accordance with the legislation and national planning practice guidance, that being that if the applicant has not exercised their right of appeal, and the application remains undetermined after 26 weeks for major applications or 16 weeks for non-major applications, then the fee paid by the applicant will be refunded to them (unless a longer period for the decision has been agreed).

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.

(Regulation 9A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012) (as amended) and the related online national planning practice guidance (as amended), particularly at the following link in respect of the latter:

- 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?

[Determining a planning application - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The Council has not prepared any additional internal guidance or processes, and is not under any obligation to do so.

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.

The Limitation Act 1980 applies in respect of refunds.

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?

See response to Q5.

- a. If the answer to 4 is no, could you explain the rationale behind this approach?

N/A

5. Has your authority been proactive in refunding applicant's fees when they become eligible?

Yes. The Council has no outstanding planning application fees due to be refunded to an applicant.

a. If the answer to 5 is no, could you explain the rationale behind this approach?

5a, 5b, 5c. Not applicable.

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.

Team: Development Management
Email: Planning@wigan.gov.uk
Phone: Not applicable

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

The Council's Monitoring Officer's email address is Janet.Davies@wigan.gov.uk who has had oversight of this matter and the replies herein.