



Information Governance Team

Postal Address:
Coventry City Council
PO Box 15
Council House
Coventry
CV1 5RR

www.coventry.gov.uk

E-mail: infogov@coventry.gov.uk

Phone: 024 7697 5408

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Dear Sir/Madam

Freedom of Information Act 2000 (FOIA)

Request ID: FOI601704716

Thank you for your request for information relating to Practices in providing refunds under the planning guarantee legislation.

You have requested the following information:

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.

As acknowledged in your request, the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 sets out when an applicant is entitled to a refund. Further information is accessible via the link below:

<https://www.legislation.gov.uk/uksi/2012/2920/regulation/3/made>

Coventry City Council apply it in accordance with the legislation, with the fee being refunded where the application was not made valid.

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?

Regarding Questions 2/2a, in respect of the Planning Guarantee, the Government Guidance on this sets out when an applicant is entitled to a refund and this can be viewed on the following link:-

<https://www.gov.uk/guidance/fees-for-planning-applications#refunds-and-adjustments>

Coventry City Council has not created its own policy and guidance as we apply the national guidance/legislation.

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.

Regarding Questions 3 to 6, we note you are seeking a legal opinion and/or explanations around rationales. Requests made under FOI/EIR are for recorded information, hence we advise that the Council is not obliged to create new information in order to respond to a request, or give judgement or opinion that is not already recorded.

To assist you, we advise Planning colleagues are not aware of any requests for a legal opinion on fee refunds.

When applications are withdrawn before becoming valid, we will send a refund to the applicant which demonstrates a proactive approach. If somebody believes they are entitled to a refund and they have not received it, they can email the Planning team in order for an officer to investigate further.

The email address is: planning@coventry.gov.uk

Further details of how to contact the Planning Team are all accessible on our website at:-
<https://www.coventry.gov.uk/planningapplications>

7. Please provide the contact information for the authority's Monitoring Officer, as their

oversight may be relevant to my inquiries.

The Monitoring Officer for Coventry City Council is Julie Newman.

Email: Julie.Newman@coventry.gov.uk

The supply of information in response to a FOI/EIR request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email icocasework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance