



30 April 2024

**INFORMATION REQUEST REFERENCE 24-013**

Thank you for your information request, received on 1 April 2024. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*"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.*

*If these questions are outside FOI scope, kindly direct me to the correct department who can handle my request.*

*I appreciate your assistance and look forward to your response within the statutory 20-day timeframe."*

I can confirm that the Legacy Corporation holds information which falls within the scope of your request. The information relevant to your request is below and follows your order:

Q1. Please detail how the authority determine an applicant's eligibility for a refund in accordance with the legislation.

The Legacy Corporation relies on the Regulations referenced in your request (Regulation 9A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012)

Q2. 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?

The LLDC relies on the above Regulations and these Regulations are clear where a refund under the planning guarantee applies and therefore LLDC does not feel it needs to add anything further by way of policy or guidelines.

Q3. 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.

We have not provided any refund nor has any been requested so have not sought advice from legal advisors on this matter.

Q4. 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?

The Legacy Corporation relies on extension of time request and Planning Performance Agreements to ensure that applications are mainly determined within a period agreed with the applicant if this is not within the statutory period. We have not to date refunded a fee under the planning guarantee.

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

The Legacy Corporation seeks to provide a positive planning service working with applicants and will always look to manage planning applications within statutory periods or by EOT/PPA.

Q5. Has your authority been proactive in refunding applicant's fees when they become eligible?

Please see the answer to Question 4.

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

Please see the answer to Question 4.

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

Income received from planning application fees from part of the budget required to run the LLDC's statutory planning function.

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.

The Legacy Corporation does not hold this information.

Q6. Please provide the contact information for submitting refund requests i.e. the relevant person/team, contact telephone number and contact email address.

The relevant contact email is [planningenquiries@londonlegacy.co.uk](mailto:planningenquiries@londonlegacy.co.uk).

Q7. Please provide the contact information for the authority's Monitoring Officer, as their oversight may be relevant to my inquiries.

The Legacy Corporation is not one of the relevant authorities required to have a Monitoring Officer, as set out in the Local Government and Housing Act 1989.

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If you are unhappy with our response to your request and wish to make a request for an internal review of our response, you should write to:

Deputy Chief Executive  
London Legacy Development Corporation  
Level 9  
5 Endeavour Square  
Stratford  
E20 1JN

Email: [FOI@londonlegacy.co.uk](mailto:FOI@londonlegacy.co.uk)

Please note: requests for internal reviews received more than forty working days after the initial response will not be handled.

If you are not content with the outcome of the internal review, you may appeal directly to the Information Commissioner at the address given below. You should do this within two months of our final decision. There is no charge for making an appeal.

Further information on the Freedom of Information Act 2000 is available from the Information Commissioner's Office:

Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Telephone 08456 30 60 60 or 01625 54 57 45

Website [www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely

FOI / EIR Co-ordinator  
London Legacy Development Corporation