

## FEES FOR THE DISCHARGE OF PLANNING CONDITIONS (INCLUDING REQUESTS THAT CONDITIONS HAVE BEEN COMPLIED WITH)

### The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008

Please be aware that from 6th April 2008, new procedures apply nationally with regard to requests made to the Council to discharge conditions imposed on planning approvals or requests seeking confirmation that such conditions have been complied with. Full details can be seen in the Statutory Instrument 958 issued by the Government on 2nd April 2008 ([www.opsi.gov.uk/legislation](http://www.opsi.gov.uk/legislation)).

When planning permission is granted it is often granted conditionally, and the conditions are set out on the decision notice. Some of these conditions (called conditions precedent) require the submission of further details to the Council or works to be carried out before development can commence on site. Examples might include the submission of drainage details, or details of external facing materials, or that works to improve the highway access are carried out in advance of the development itself. You should be aware that if development is commenced without compliance with the terms of such conditions having been met, the planning permission itself may be at risk of being invalidated.

With the introduction of national planning application forms (1APP) the Government has provided a form to be used for the submission of details to discharge a planning condition, and we request that these forms are used for all such requests in the future to ensure all the necessary details are provided and so that requests can be dealt with consistently. The form can be found on the District Council's web-site [www.malvernhillsgov.uk](http://www.malvernhillsgov.uk) under the Planning Applications (Development Control) tab.

In addition, from the 6th April 2008 the Government has introduced a charge for such requests, which for 2008/09 is £85.00 per request, (or £25.00 for conditions relating to 'householder' application types). This fee must be submitted at the same time the request is made.

Please note that all conditions can be discharged at once - resulting in a single fee. Alternatively they can be discharged individually, with the fee being applied each time.

The Council will endeavour to handle all such requests speedily, aiming to respond to most requests that are straight forward and do not require additional consultation, within 21 days, but in any event we will endeavour to reply within the statutory time limit of 8 weeks. If a response is not received within 12 weeks, the fee will be refunded.

The fee is payable for each request made after 6th April 2008, (a single request may be for more than one condition to be discharged) and is payable each time a condition is discharged even if details have previously been provided and these are merely being revised.

Requests to confirm whether or not conditions precedent have been discharged (for example, from Solicitors or prospective purchasers) will be handled under the same arrangements.

You should also note that the Council is now undertaking active monitoring of development sites to achieve compliance with the terms under which planning permissions have been granted, to prevent future problems emerging and to secure an improvement in the overall quality of development in Malvern Hills District.

Duncan Rudge  
Development Control Manager  
April 2008