

Discharge of Conditions

August 2008

Version 1

A brief guide to our new policy on charging for discharge of conditions on planning applications

This covers both the discharge of conditions or details reserved by condition as part of the application process, and also subsequent requests for confirmation of the discharge of a condition.



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Discharge of Conditions

As the Local Planning Authority, Epping Forest District Council is now required to treat the **Discharge of Conditions** (or **Submission of Details Reserved by Condition**) as a formal application and must collect a fee. This is in accordance with the amendments made on April 2008 to the planning legislation (Circular 04/08).

What do the charges apply to?

Charges apply to all requests for approval of details to discharge conditions attached to planning permissions. Charges will also apply to requests for confirmation that conditions have been complied with, regardless of when permission was granted.

These charges will apply to all new requests for the discharge of conditions, or for confirmation of discharge/compliance of a condition that we receive on or after 8 September 2008.

What is the fee?

The fees have been set nationally by the Government, and are common across all Local Planning Authorities

A fee of £25 will be charged for discharge of conditions relating to householder applications.

A fee of £85 is payable for any other type of application.

For applications that did not originally attract a fee (for example Listed Building) there is no charge for the Discharge of conditions. This does not include a 'free-go' application if it is a resubmission within 12 months of a previous similar application – in these cases a fee will be required.

How do I apply to discharge a condition?

You must submit a written application using the "Application for approval of details reserved by condition" form that is available to download from our website, alternatively you can apply online at the Planning Portal.

Accordingly it is no longer sufficient to leave material samples at Planning Reception without a covering application. A formal written submission will be required giving contact details, together with the condition number, make and type of the brick, along with the required payment. If an appropriate payment has not been received, samples and documents will not be accepted.

What if I have more than one condition to discharge?

Where more than one condition must be discharged on a planning application you can submit the necessary samples/documents in a single application.

However, if conditions relate to two (or more) different planning applications, they must be submitted on separate applications and a fee paid for each application.

What happens if I don't provide the fee, or pay the incorrect fee?

The Council will write to you to advise you that a fee is required. If it is not received, no response will be provided.

Will I be charged again if you do not approve details submitted for discharge of conditions and I submit revisions or further information?

The answer to this question will vary between cases

- Where exchange of information/correspondence is ongoing to address outstanding issues a further fee will not be required.
- To revise details already approved for discharge of conditions a further fee will be required.
- If the submitted information is not sufficient to allow for the condition to be discharged, and the exchange of information/correspondence is not progressing to allow the discharge of the condition the condition will not be discharged and a further fee will be required
- If the condition cannot be discharged (or discharged in full) at this time owing to the need for further time to be allowed for compliance (for example with a landscaping condition that requires replacement of plants within a time period if that period is not yet completed) a further fee would be required for confirmation of compliance once the period has expired.

It is important to note that unlike with Planning Applications, there is no “free go” if your application is refused.

Can I avoid paying a fee?

Informal advice may be given; this will not attract a fee but will not provide you with written confirmation that the condition has been discharged. Requests for informal advice may

require a site visit; this will be at the convenience of the relevant Development Control Officer. You should contact the case officer who dealt with the original application if you require informal acceptance.

What happens if I don't discharge my conditions?

It is important that all conditions that are required to be discharged before the commencement of the development are undertaken, as failure to do so may render the development unlawful and could lead to formal enforcement action by the Council.

When will I receive a reply

This is largely dependent upon the complexity of the conditions that require discharge. More straightforward conditions that do not require a site visit (for example approval of materials) will be able to be dealt with more speedily than complex ones that require site visits or consultation with third parties such as the Highways Authority.

The procedure for requests for confirmation of discharge of or compliance with a condition is broadly similar and is detailed below:

How do I apply for written confirmation of discharge of or compliance with a condition?

You must submit a written application using the “Confirmation of discharge of Condition” form that is available to download from our website,

What if I have more than one condition that requires confirmation of discharge?

Where confirmation is required for more than one condition on a planning application you can submit one form for all the conditions. If the conditions are on more than one application you must submit a separate form for each application, along with the correct fee for the number of forms you are submitting.

What happens if I don't provide the fee, or pay the incorrect fee?

The Council will write to you to advise you that a fee is required. If it is not received, no response will be provided.

When will I receive a reply

If the condition has been discharged already it should be a fairly quick process for us to confirm this in writing. If the condition has not been formally discharged previously, the time required for a reply will be largely dependent upon the complexity of the conditions that require discharge.