To the Councillors of Bath and North Eastern Somerset

From Andrew Jones

I have a comment on the Planning web site and 2 questions regarding process for the Council

---

BANES planning website – a trap for the unwary – please change it.

The current BANES website, despite significant recent changes to make the Council Infrastructure Levy more prominent, still does not prominently inform ratepayers that they must submit a notice of commencement in advance of starting works or they will be fined 20% of the infrastructure levy as a surcharge. For a small 2 bedroom property of 80 square meters this represents a fine of over £1,100.

Could I suggest on the CIL home page (one click from the Planning homepage) that you have an illustrative table of the fine payable if the forms are not submitted on time, say for 40, 80,100, 120 sqm developments?

When should fines (surcharges) be applied for the Infrastructure Levy?

I would like to ask the Council if as a matter of process to consider the circumstances when the surcharge (fine) is applied. The levy should be paid within 3 months of the commencement of the works. Provided payment is received within 3 months, the Council has suffered no loss. Could the Council consider instructing its offices as a matter of process not to apply the surcharge unless payment is received late, in the interest of fairness?

Should fees charged to discharge planning conditions that are successfully appealed be refunded?

Where an individual successfully appeals planning conditions should the Council, as a matter of process not refund any fees paid by the applicant to discharge the conditions?

It is worth noting that many planning conditions require discharge before the building is occupied and the time lag in receiving a decision on an appeal is such that it is not practical or desirable to delay the development and so application for discharge until the decision is known.