

SCHEDULE 1

Regulation 3

CASES IN WHICH NO FEE IS PAYABLE

1. No fee shall be payable in respect of a request where, on the date of such request, there is in effect a written agreement between the undertaker and the authority under which the undertaker agrees to make a financial contribution to the authority's costs incurred in handling requests.

2. In paragraphs 3, 4, 5 and 6 below:

“deemed refusal” means deemed refusal of a request pursuant to paragraph 32(3) of the Schedule, and “deemed to be refused” shall be construed accordingly;

“operation” means any operation, work, matter or scheme (including any arrangements with respect to a matter, any bringing into use of works or any additional details) for which approval is required; and

“similar request” means one further request which is made to the same authority and which relates solely to:

- (a) the whole or part of the same site as that to which an earlier request related (and to no other land); and
- (b) an operation which is, in the opinion of the authority, of the same character or description as that which was the subject of the earlier request.

3. Where a request for which the prescribed fee has been paid is withdrawn, and within a period of 12 months beginning with the date of the receipt by the authority of the request, a similar request is made, no fee shall be payable in respect of that similar request.

4. Where:

- (a) a request for which the prescribed fee has been paid is refused by the authority or is deemed to be so refused;
- (b) no appeal is made in respect of the refusal or deemed refusal; and
- (c) within a period of 12 months beginning with the date of such refusal or deemed refusal, a similar request is made—

no fee shall be payable in respect of that similar request.

5. Where:

- (a) a request for which the prescribed fee has been paid is refused, and an appeal is made in respect of it;
- (b) the appeal is dismissed; and
- (c) within a period of 12 months beginning with the date of the dismissal of the appeal, a similar request is made—

no fee shall be payable in respect of that similar request.

6. Where:

- (a) a request for which the prescribed fee has been paid is deemed to be refused, and an appeal is made in respect of it;
- (b) within a period of 12 months beginning with the date of the expiry of the appropriate period mentioned in paragraph 32(4) of the Schedule, a similar request is made; and
- (c) the appeal has not, on or before the date of making of that similar request, been determined in favour of the appellant—

no fee shall be payable in respect of that similar request.