

From: _____
To: _____
Subject:
Date:

Dear Mr Troughton

Thank you for your enquiry regarding fees for an application for development consent.

Unfortunately we are unable to estimate the potential cost in total at this stage, as some of the calculations will depend upon the scale and complexity of the application, potential issues (determined after the acceptance stage) and the number of days the Examining authority will require to examine the application.

Below I have set out the relevant information you should have regard to when estimating the cost of an application, I hope you find this useful:

Fees:

Attached are the Infrastructure Planning (Fees) Regulations 2010 (the fees regulations): http://www.legislation.gov.uk/uksi/2010/106/pdfs/uksi_20100106_en.pdf ; and

Guidance on fees: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/infrastructurefeesguidance.pdf>

The fees regulations and Planning Act 2008 (PA 2008) should be used to estimate the potential fees, however below is a summary of how fees relate to the process based on the regulations.

Pre-application:

At the pre-application stage, it is the applicant's duty to undertake appropriate consultation and prepare the application. Fees to the IPC at this stage would be applicable if our authorisation to obtain information about interests in land were requested (see section 52 of the PA 2008, link below) or authorisation to gain rights of entry for land (see section 53 of the PA 2008). Regulation 3(1) of the fees regulations state that the Commission must charge a fee of £1,000 in relation to each request under section 52 and 53. We have also produced Advice Notes on these sections of the Act:

PA 2008 - http://infrastructure.independent.gov.uk/wp-content/uploads/2009/08/ukpga_20080029_en.pdf

Advice Note 4 - Section 52 - <http://infrastructure.independent.gov.uk/wp-content/uploads/2010/05/Advice-note-4-s52.pdf>

Advice Note 5 - Section 53 - <http://infrastructure.independent.gov.uk/wp-content/uploads/2010/05/Advice-note-5-s53.pdf>

Application submission/examination:

Fees are payable at the following stages:

1. Upon submission: £4,500. The Commission has 28 days in which to decide whether to accept the application for examination (see section 55 of the PA 2008).
2. If we accept the application, a fee is payable in regard to the initial choice of a Panel or single commissioner forming the Examining Authority: £13,000 for single commissioner, £30,000 for panel of three, £43,000 for panel of more than three. This decision is made by the Chair of the Commission and the fee is payable within 28 days of notification.
3. Application handling fee: this will depend on the number of relevant Commissioner(s) days and how many Commissioners will handle the application. There is an initial payment based on the estimated number of days and a final payment. Regulations 8 and 9 of the fees regulations set this out in detail.

With regard to the total cost of an application, the examination stage is allocated a maximum of six months, it is possible to calculate estimated costs using the information set out above and with reference to the table in page five of CLG Guidance on the Infrastructure Planning (Fees) Regulations 2010 :

Application stage	Fees		
	Single Commissioner cases	Normal Panel cases	Large Panel cases
Request for authority to serve a notice requiring information to be provided on interests in land (section 52)	£1,000 per request		
Request to authorise right of entry to land (section 53)	£1,000 per request		

Fee when submitting an application to the IPC		£4,500 per application		
Fee once application accepted		£13,000	£30,000	£43,000
Examination	<i>Daily fee (per working day2)</i>	£1,230	£2,680	£4,080
<i>(Typical length of examination)</i>	<i>(47 working days)</i>	<i>(65 working days)</i>	<i>(85 working days)</i>	
<i>Typical overall fee3 (rounded)</i>	£58,000	£174,000	£347,000	
Decision		Costs incorporated into examination day-rates		
TOTAL FEES PAID FOR TYPICAL CASE (application, examination and decision fees) (rounded)		£75,000	£209,000	£394,000

The decision concerning the allocation of Commissioners per project, is made by the Chair of the Commission, after an application has been accepted. This allocation is based solely on the scale of the proposal, the level of public interest and case complexity.

As an example, the Rookery South Energy from Waste facility is currently undergoing examination by a panel of three Commissioners. The examination stage is timetabled to begin the day after the Preliminary Meeting (held on 17 January 2011) and the deadline for the close of the examination stage for this particular proposal is 15 July 2011.

A project's examination timetable is greatly dependent on the initial issues raised during the relevant representation period and the need for further examination and discussion of matters through issue specific and open-floor hearings .

I hope this information is helpful, when you are in a position to discuss the scheme in more detail we will be happy to hold a meeting with yourself and members of our case team.

Best regards,

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The IPC gives advice about applying for an order granting development consent or making representations about an application (or a proposed application). The IPC takes care to ensure that the advice we provide is accurate. This communication does not however constitute legal advice upon which you can rely and you should note that IPC lawyers are not covered by the compulsory professional indemnity insurance scheme. You should obtain your own legal advice and professional advice as required.

We are required by law to publish on our website a record of the advice we provide and to record on our website the name of the person or organisation who asked for the advice. We will however protect the privacy of any other personal information which you choose to share with us and we will not hold the information any longer than is necessary.

You should note that we have a Policy Commitment to Openness and Transparency and you should not provide us with confidential or commercial information which you do not wish to be put in the public domain.