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Mr Ian McCulloch
Bircham Dyson Bell
50 Broadway
London
SW1 OBL

Your Ref: IHM/Y061740
Our Ref: TR040001
Date: 12 July 2012

Dear Mr McCulloch

Re Infrastructure Planning (Fees) regulations 2010
Application for Development Consent by Network Rail for the proposed North
Doncaster Rail Chord.

I refer to your letter dated 9 July 2012 which has been passed to me for reply.

To clarify the methodology for the calculation of the fee, this is set out in regulation 9 (3) of the Infrastructure Planning (Fees) Regulations 2010 (as amended) and in related guidance referred to in paragraph 9 of The Infrastructure Planning (Fees) Regulations 2010 Guidance (February 2010). This also has an accompanying impact assessment which details the way in which fees should be calculated. The method of calculation is set out in page 13 of the impact assessment which states

“Once the IPC estimates the number of “working days” (i.e. the total number of days from examination start to end, normally excluding weekends and public holidays) needed to undertake its examination, this is multiplied against the relevant day-rate to provide an estimated overall cost. The applicant pays 50% at the start of examination and the remaining costs at the end of examination – this provides a degree of flexibility, both in terms of not overcharging promoters where cases are handled quicker than expected but also for recovering additional costs where they take longer”.

From this information the distinction is clear in that the calculation is based on working days and not worked days. The examination fee takes into account other costs borne by the inspectorate in relation to staff resources, accommodation and other support costs incurred in supporting the Examining Authority, and hence the daily rate is set out to reflect this.

I have attached a link to the explanatory memorandum and the impact assessment which I trust provides the clarity you need on how the calculation has been



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reached. In the light of this I do not believe that it is necessary to refer to the number of days (or parts thereof) Dr Lane spent on the project as this is not used in the costs calculation and thus the details would not alter the method of fee calculation.

Explanatory memorandum and impact assessment can be found at

http://www.legislation.gov.uk/uksi/2010/102/pdfs/uksiem_20100102_en.pdf

I trust that you find this helpful.

Yours sincerely

Janet Wilson
Head of Case Management
National Infrastructure Directorate

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.