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Mr Ian McCulloch  
Bircham Dyson Bell  
50 Broadway  
London  
SW1 OBL

Your Ref: IHM/Y061740  
Our Ref: TR040001  
Date: 10 August 2012

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Dear Mr McCulloch,

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

I refer to your letter dated 24 July 2012 concerning the North Doncaster Project.

The accompanying Explanatory Note to the Fees Regulations states that "The rates set out in these regulations are based on a daily rate which normally accumulates for each day in the examination period (generally excluding weekends and public holidays)..."

Page 16 of the DCLG Fees Guidance, in relation to the final fee payable under Regulation 9, also notes that the "IPC will normally be expected to charge for every working day in that period i.e. every day except weekends and public holidays". The period being referred to is that from the start of the formal examination to its end.

The Explanatory Memorandum to the Fees Regulations (at paragraphs 7.34 and 7.35) makes it clear that the fees are intended to "...cover the IPC's costs of processing applications rather than funding it through taxation" and to enable the recovery of costs "...incurred in the processing of casework (including any related overheads such as accommodation), via the charging of fees to applicants".

Worked tables in the Impact Assessment for the Fees Regulations set out typical estimated casework staff support costs for single commissioner and panel cases. These tables and the accompanying text help explain the level of the fees decided upon, and the policy rationale underlying this.

All of the above underpins our interpretation of what the fees are intended to cover and the basis on which they are to be calculated. i.e. they include staff and other



costs incurred in supporting the Examining Authority, not just the time spent by the Examining Authority alone, and that the fees are based on a daily rate which normally accumulates for each day in the examination period (generally excluding weekends and public holidays).

I note that you refer to the fact that the link provided takes you to the Explanatory Memorandum rather than the Impact Assessment. I would refer you back to the same link where you will find that the Impact Assessment follows on from the Memorandum itself. I have attached it again at the end of this letter.

In closing, I would note that the final fee remains unpaid. I would therefore be obliged if you would make immediate arrangements for your clients to pay the necessary fee which is now overdue.

I have provided again the link to the Explanatory Memorandum at the back of which the Impact Assessment can be found

[http://www.legislation.gov.uk/ukxi/2010/102/pdfs/ukxiem\\_20100102\\_en.pdf](http://www.legislation.gov.uk/ukxi/2010/102/pdfs/ukxiem_20100102_en.pdf)

I trust that you find this helpful, and I look forward to hearing from you at your earliest convenience.

Yours sincerely

**Janet Wilson**  
**Head of Case Management**  
**National Infrastructure Directorate**