

**TITLE: Planning Charges**

Committee: Finance & Assets

Date: 24 September 2026

Author: David Morren

Report number: AB73

Contact officer: David Morren, Strategic Planning & Development Management Manager, [david.morren@Eastcambs.gov.uk](mailto:david.morren@Eastcambs.gov.uk), 01353 656337 Room 008 The Grange, Ely

**Issue**

1. This report relates to the introduction of a new charging regime to cover the expenses of dealing with National Significant Infrastructure Projects (NSIP) in line with recent changes to legislation.

**Recommendations**

2. Members are requested to note the report and to authorise the changes in the Fee Structure as advised.

**Background/Options**

3. On 15 May 2026, the Government published regulations enabling host local authorities involved in NSIPs to recover the costs of providing relevant services to project promoters, subject to establishing and publishing a charging schedule. The regulations came into force on 8 June 2026.
4. The primary legislation enabling host local authorities to recover costs for Nationally Significant Infrastructure Projects ("NSIPs") is [The Infrastructure Planning \(Fees\) \(Amendment\) Regulations 2026](#)
5. The regulations amend Schedule 2 of the *Infrastructure Planning (Fees) Regulations 2010* to officially add "host local authorities" to the list of prescribed public authorities permitted to charge project applicants. They allow local councils directly affected by an NSIP to fully recover reasonable costs for services provided during the Development Consent Order (DCO) process. Cost recovery spans the entire lifecycle of an NSIP, including pre-application discussions, examination participation, and post-consent monitoring. To use these powers, councils must first establish and publish a transparent fee-charging schedule
6. Historically, there has been no fee received for NSIP applications and the cost to facilitate responses and to undertake the Inquiries have been borne in the main by Local Authorities. Some applicants appreciate this and sign Planning Performance Agreements ("PPAs") to ensure Councils are not heavily impacted, as this work is laborious, complex, and resource intensive; however, there is no legal requirement to do so.

7. In defining reasonable costs, and in line with the Planning Act 2008 and associated regulations, cost recovery is limited to the reasonable costs of providing relevant services, meaning advice, information or other assistance provided in relation to the NSIP.
8. For such PPAs, the Council uses the adopted charging schedule for pre-application advice, as it is designed to ensure Cost Recovery for such work. Due to the nature of NSIPs, the work is often complex, often at short notice and with short timescales. There is a shortage of skilled workers around the country who have experience dealing with such matters; therefore, resourcing for such projects is often expensive and relies on contractors. The fees set out in the tables below reflect this and align with the Council's charging for similar works.
9. It is intended that the charging schedule covers any work that the Council undertakes on such projects, not just Planning Officers. This could include, but is not limited to, Arboricultural officers, Conservation officers, Ecologists, Environmental Protection Officers, etc. The fees for such officers will be recorded and passed on to the relevant teams as appropriate.
10. The fee table as shown below uses the existing pre-application advice costs as a guide, linking the usual level of officer allocated to each type as a clear guide as to the commensurate charge per hour that should be made for their time.
11. In addition to the above, Legal advice will be required at various stages of the DCO process. Given the specialist nature of the Planning Act 2008 and that in-house experience in many councils will be limited, both internal legal team time and external legal representation are costs that should be factored in. For example, legal support may be required where:
  - the draft DCO includes complex Requirements, powers or Protective Provisions.
  - novel legal, environmental or procedural issues arise (for example, related to habitats, compulsory acquisition, or environmental assessment).
  - the applicant raises legal arguments or proposes drafting that requires specialist scrutiny; or
  - the host local authority wishes to ensure that Statements of Common Ground, Local Impact Reports or other examination documents it produces are robust and defensible.
  - Specialist legal advice can streamline the examination, improve drafting accuracy within the DCO and Requirements and help resolve issues early, contributing to a more efficient and cost-effective process overall.
12. For clarity, it is also proposed to have a statement on the charging schedule in relation to any work that is required to be contracted out, such as landscaping, urban design or other such advice or reports. There will be a requirement for the Council to obtain between 2-3 quotes for such work, with the applicant being able to have input (to avoid any conflicts of interest) on the final chosen supplier, who would be

instructed and managed by the Council, with any invoices then passed over to the applicant.

13. It is proposed that, due to the need to ensure that resources are in place at an early stage for the advantage of the applicant and the Project team, an upfront charge of £20,000 is proposed. This amount will be in effect as an advance payment to be used against costs incurred and recorded by the Council. The Council will bill either monthly or bi-monthly (in agreement with the applicant) with a statement of hours spent with associated details, which will be available upon request.
14. Officers consider that the additional charges will ensure cost recovery, resource availability and minimal impacts on our day-to-day operational and service requirements whilst ensuring that we are best positioned to be able to robustly engage with the NSIP process to the benefit of our residents.

#### 15. FEE TABLE

| <b>Officer Level</b>                                                                                                              | <b>Hourly Rate/Charge</b> |
|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <b>Major Projects Officer / Strategic Planning &amp; Development Management Manager / Team Leader(s)/Legal Officer(s)</b>         | <b>£107.65</b>            |
| <b>Senior Planner / Specialists i.e Conservation Officer/Arboricultural Officer/Ecologist/Environmental Protection Officer(s)</b> | <b>£80</b>                |
| <b>Planning Officer / Assistant Planner</b>                                                                                       | <b>£58.45</b>             |
| <b>Legal Services Fees:<br/>Director Legal Services:</b>                                                                          | <b>£192.14</b>            |
| <b>Legal Assistant</b>                                                                                                            | <b>£156.83</b>            |
| <b>Senior Legal Assistant</b>                                                                                                     | <b>£166.66</b>            |
| <b>Land Charges &amp; Paralegal</b>                                                                                               | <b>£63.40</b>             |
| <b>Information Officer</b>                                                                                                        | <b>£69.29</b>             |

#### 16. Additional Implications Assessment

| <b>Financial Implications</b>           | <b>Legal Implications</b>             | <b>Human Resources (HR) Implications</b>        |
|-----------------------------------------|---------------------------------------|-------------------------------------------------|
| <b>Yes</b>                              | <b>No</b>                             | <b>No</b>                                       |
| <b>Equality Impact Assessment (EIA)</b> | <b>Carbon Impact Assessment (CIA)</b> | <b>Data Protection Impact Assessment (DPIA)</b> |
| <b>No</b>                               | <b>No</b>                             | <b>No</b>                                       |

## **Appendices**

None

## **Background documents**

Current Pre-App Fee Schedule