APPENDIX 2

NLCs suggested changes to the provisions in the draft DCO in respect of fees for the discharge of Requirements. The Council's suggest changes are shown in bold with deletions shown in red and struck through.

Fees

4.—(1) Where an application is made to the relevant planning authority for written consent, agreement or approval in respect of a requirement, a fee is to apply and must be paid to the relevant planning authority for each application.

(2) **Subject to sub-paragraph (5), the** ~~The~~ fee payable for each application under sub-paragraph (1) is as follows—

(a) a fee of £2,578 for the first application for the discharge of each of ~~the~~ requirements **3 (phasing of the authorised development and date of final commissioning)**, 6 (detailed design approval), 7 (battery safety management plan), 8 (landscape and ecology management plan), 10 (soil management), 11 (surface water and foul drainage), 12 (archaeology), 14 (construction environmental management plan), 15 (operational environmental management plan), 16 (construction traffic management plan), **17 (operational noise)**, ~~and~~ 19 (decommissioning and restoration) **and 20 (public rights of way)**.

(b) a fee of £588 for each subsequent application for the discharge of each of the requirements listed in sub-paragraph (a) and any application under requirement 6 (detailed design approval) in respect of the requirements listed in paragraph (a); and

(c) a fee of £298 for any application for the discharge of—

(i) any other requirements not listed in paragraph (a);

(ii) any application under requirement 5 (approved details and amendments to them) in respect of requirements not listed in paragraph (a); and

(iii) any approval required by a document referred to by any requirement or a document approved pursuant to any requirement.

~~(3) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of—~~

~~(a) the application being rejected as invalidly made; or~~

~~(b) the relevant planning authority failing to determine the application within the relevant period in paragraph 1(1) unless—~~

~~(i) within that period the undertaker agrees, in writing, that the fee is to be retained by the relevant planning authority and credited in respect of a future application; or~~

~~(ii) a longer period of time for determining the application has been agreed pursuant to paragraph 1(1)(c) of this Schedule.~~

~~(4)~~ **(3)** The fees specified in sub-paragraph (2) shall be adjusted on each anniversary of the date this Order comes into force by a percentage equal to the index value of the Consumer Price Index (I) most recently published prior to that anniversary~~, provided that in no event shall any annual adjustment exceed 5%~~.

(4) On and from 8 June 2026, the relevant planning authority became entitled pursuant to the Infrastructure Planning (Fees) Regulations 2010 (as amended from time to time) ("the Fees Regulations") to charge fees for providing relevant services in relation to applications for development consent.

(5) Nothing in this Order fetters the ability of the relevant planning authority to charge a fee for –

(a) charging an additional fee where any fee mentioned in sub-paragraph (2) does not cover the cost of the relevant planning authority providing the service related to that fee; or

(b) providing a relevant service pursuant to the Fees Regulations which is not mentioned in sub-paragraph (2) and which is not recoverable under another provision of this Order.