

## LANDOWNER DEPOSITS REGULATIONS – FEE CRITERIA

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### Fee Requirements

1. Regulation 2 (d) of the Regulations states an application must be accompanied “*by such reasonable fee (if any) specified by the authority for an application of that type*”
2. DEFRA’s “*Guidance to Commons Registration Authorities in England on Sections 15A to 15C of the Commons Act 2006*” version 2 dated August 2013 advises as follows:

#### **“Fees**

51. *Applications must be accompanied by the appropriate fee, if any is specified by the authority. The 2013 Regulations do not provide any fee amounts: instead the authority has the power to set fees. A fee specified by the authority must be reasonable for the application of that type. The power allows different fees for different types of application. The following are examples of why the authority may wish to consider setting different fees for different purposes:*

- *applications which relate to **either** highways deposits or the deposit of a green statement*
- *applications which relate to deposits under **both** highways and greens regimes*

52. *The authority is advised to keep fees under review to ensure that amounts are commensurate with the authority’s costs.”*

3. The specific example given above is not considered to be relevant in Oxfordshire’s circumstances as the work involved to deal with either one or both regimes together is unlikely to be significantly different. However, it is considered that the number of land parcels included in any application is a material factor affecting costs.
4. It should be noted that the 2013 Act effectively reserves powers for government to set a fee direct in future regulations if required.

### Estimated work and costs

5. The processing of applications involves four defined stages: 1) initial checks, 2) acknowledgement of application, 3) serving notice of the application, and 4) recording the deposit in the register.
6. Stages 1, 2 and 4 are largely administrative. It is estimated that on average these will take a total of about 4 officer hours per application. In addition to staff time there will be computer, stationery, scanning, digitisation and indexing costs.

7. Stage 3 is more complex. Notice must be publicised:- i) by publication on the authority's website, ii) by email to all who have requested notification of applications and iii) by posting a copy of the notice and map at or near at least one obvious entry point to the land for at least 60 days.
8. Therefore in addition to administrative costs this stage will involve travel costs and journey time to post and remove notices. It is estimated on average to take around 3.5 hours where only 1 – 2 parcels of land are involved, increasing where there are more land parcels as this will necessitate additional work.

### Proposed Schedule of Fees

9. The following table sets out a proposed scale of charges, based on the number of land parcels included in any single application:

a) Standard fee per application (including up to 2 land parcels)	£180
b) Fee per application (3 - 4 land parcels)	£200
c) Fee per application (5 - 7 land parcels)	£220
d) Fee per application (exceeding 7 land parcels)	£220 + £19.80 <i>per additional land parcel</i>

### Cost calculations

10. The costs proposed above are derived by multiplying the number of estimated hours' work per category by an hourly rate and then adding estimated average mileage costs.
11. The category (a) fee is assumed to take 7.5 hours on average, category (b) 8.5 hours, category (c) 9.5 hours, and category (d) 9.5 hours' work + one hour per additional land parcel.
12. An hourly rate at £19.80 has been applied to include staff overhead (based on Grade 10 officer) plus supervision costs and other overheads, i.e. scanning, printing, digitisation and indexing costs.
13. Mileage costs have been applied at £32 per application. This represents two return trips of an average one-way journey of 17.8 miles, i.e. 71 miles at 45p per mile. Average derived from distance from Eynsham to locations of deposits made October 2012 to September 2013.