



# Presenting your evidence: Good practice from inspectors

Presented by: Rebecca Phillips and Richard Schofield



Planning Inspectorate

# Agenda

- Introduction to the Planning Inspectorate
- Appeals Process Overview
- Statements of Common Ground
- Statements of Case
- Proofs of Evidence
- Being a Good Witness
- Q&A Session

**To ask questions, please use the Q&A feature in Microsoft Teams Webinars. We'll address questions at the end of the session.**



# About the Planning Inspectorate

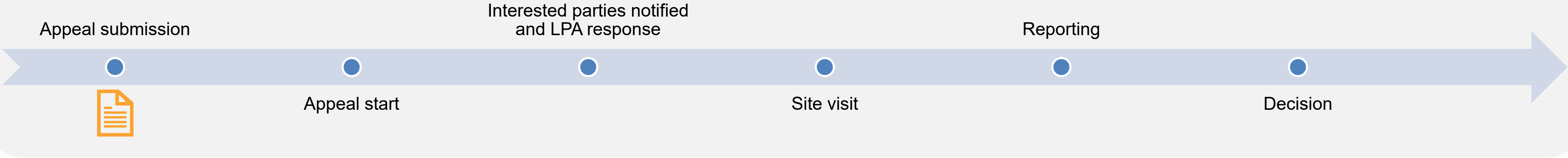


# About the Planning Inspectorate

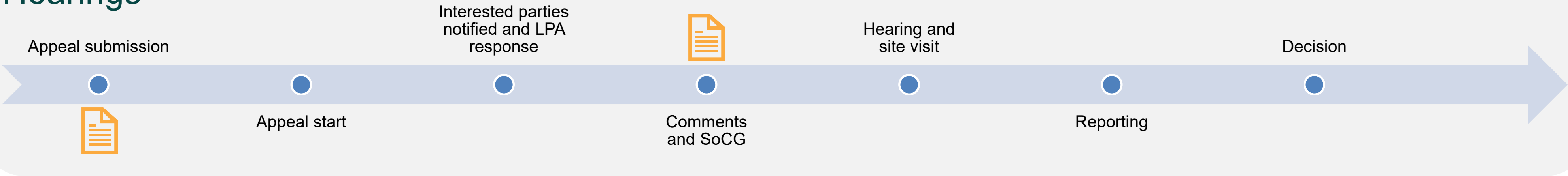
- We deal with planning appeals, nationally significant infrastructure planning applications, local plan examinations and a HUGE range of other planning casework across England.
- Help to maintain a fair planning system, support significant infrastructure development and help communities shape where they live.
- We aim to be Open, Fair, Impartial and Customer-focussed.

# Appeals Process Overview

## Written representations



## Hearings



## Inquiries



The background of the slide is a photograph of a desk. In the foreground, there is a stack of papers and a yellow pen. The papers appear to be official documents or forms. The lighting is soft, and the colors are muted, giving it a professional and slightly aged appearance.

# Statements of Common Ground (SoCG)

# Statements of Common Ground - Overview

- Essential for smooth running of Inquiries
- Focus on areas of disagreement between appellant and LPA
- Helps refine scope of evidence for statements of case and proofs
- Reduces time and effort for parties and Inspectors

# Statements of Common Ground - Overview

## Best practices

- Work proactively with opposing party
- Focus on issues in dispute
- Be concise and avoid duplication
- Use topic-specific SoCGs where helpful
- Avoid stating the obvious

## What to include

- List of agreed plans, drawings, and core documents
- Relevant policies and suggested weight
- Areas of agreement/disagreement on evidence and technical studies
- Suggested conditions (agreed and not agreed)
- Information on draft planning obligations



# Statements of Case

# Statements of Case - Overview

- Contains details and arguments to support your case
- Key questions to consider:
  - **For Councils:** Does the Officer Report say all that's required?
  - **For Appellants:** Are you adding to evidence already submitted?
- Aim for conciseness (typically not exceeding 3000 words)

# Statements of Case - Overview

## Keeping it focused

- Adopt a clear structure
- Focus on main issues in dispute
- Minimize comments on agreed matters
- Address issues raised by interested parties
- For heritage/Green Belt cases, address potential harm findings
- Where HLS is an issue, give details of quantum

## What to leave out

- Extensive policy reproductions
- Detailed site history or scheme evolution
- Reasons for refusal (already in decision notice)
- Lectures on planning law
- Emerging policy that doesn't differ from adopted policy

# Accompanying Evidence

- Don't re-submit documents already before the Inspector
- Don't submit lots of other appeal decisions; they are rarely of any assistance.
- Submit only relevant parts of documents
- Use clear titles and signpost submissions
- Make clear if new documents supersede older ones
- Submit previous appeal decisions only if directly comparable

# Case Conference

- Typically held within 7 weeks of start date
- Virtual meeting with appellant, LPA, and Rule 6 parties
- Inspector prepares agenda/pre-conference note
- Covers procedural matters and potential issues
- Summary note and directions issued after conference

# Proofs of evidence

- Submitted 4 weeks before Inquiry
- Prepared by expert witnesses
- Used for examination in chief and cross-examination
- Include accurate summary if over 1,500 words
- Rebuttal proofs at Inspector's discretion

# Being an effective witness

- Be respectful of the Inspector, counsel and other witnesses
- Know your case and that of the opposing party
- Provide straight answers; don't be evasive or try to dodge questions
- Don't try to defend the indefensible
- Act in accordance with your professional code of conduct

# Q&A session

We will now address any questions submitted through the Q&A feature.

# Closing Remarks and Additional Resources

Thank you for attending. For more resources please refer to:

- Planning Inspectorate Procedure Guidance
- PEBA Good Practice





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