

11 September 2020

REPORTER GUIDANCE NOTE 24: EVIDENCE TO DPEA – CONDUCT AT INQUIRIES AND HEARINGS

1. The SPF welcomes the opportunity to contribute to this consultation on the Guidance Note relating to the provision of material evidence and conduct of parties in proceedings before DPEA Reporters.
2. We agree with the principles and desired outcomes. The ability to raise relevant policy changes (as per the examples cited in the paper), which may materially affect a case as part of the appeal consideration process is important.
3. It has become common practice in appeals for further information requests to be issued by Reporters. The challenge is that when either appellants or local planning authorities issue further information into the appeal system, there needs to be opportunities for parties to comment on the submitted material. This inevitably prolongs the assessment period.
4. We suggest that the guidance note would benefit from being clearer, especially to appellants, that ‘Reporters only consider evidence placed before them. They do not actively seek evidence and will normally take evidence before them at face value unless significantly unclear, disputed or clearly factually inaccurate.’
5. In a similar fashion to a planning application form that asks what plans and supporting statements are submitted to accompany an application, some of our members have suggested a similar tick box template that could perhaps be devised to accompany an appeal submission. This could ensure that all relevant planning policy material and other ‘material evidence’ is submitted upfront for the Reporters’ consideration. Some of our members have also questioned whether the onus should be upon the local planning authority to furnish the Reporter with all relevant policy documentation in appeal proceedings.
6. In balancing full provision of information, and the risk of undue delay as circumstances change during consideration by DPEA, there comes a point in any appeal consideration proceedings where all information exchange and correspondence between parties has been exhausted. At this point it is for the DPEA to put a stop on further engagement. It remains important and fair for all parties to be able to comment on any additional information submitted as part of the appeal process, and the responsibility of the DPEA to ensure that timescales for responses are adhered to. It should only be in exceptional circumstances that extensions to timescales should be allowed.

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