

P&G Bid 22 & 24 - Appeal Costs

Estimating 10 appeals per year.

Base budget consultancy - £350k to fund all legal and specialist advice (£300k for appeals and £50k for other specialist advice).

Example of legal quotes

- | | | |
|---------------------------|-----------------------------------|--|
| • Example 1 QC
£4,000) | Brief £20,000
Hourly rate £350 | Refresher (2nd day of inquiry onwards: |
| • Example 2 QC
£4,000) | Brief £20,000
Hourly rate £350 | Refresher (2nd day of inquiry onwards: |
| • Example 3 QC
£4,000) | Brief £20,000
Hourly rate £350 | Refresher (2nd day of inquiry onwards: |
| • Example 4 QC
£4,000) | Brief £20,000
Hourly rate £350 | Refresher (2nd day of inquiry onwards: |
| • Example 5
£2,000) | Brief £7,500
Hourly rate £200 | Refresher (2nd day of inquiry onwards: |
| • Example 6
£1,750) | Brief £6,000
Hourly rate £175 | Refresher (2nd day of inquiry onwards: |
| • Example 7
£1,750) | Brief £7,500
Hourly rate £175 | Refresher (2nd day of inquiry onwards: |
| • Example 8
£1,500) | Brief £5,000
Hourly rate £150 | Refresher (2nd day of inquiry onwards: |

Gold

Senior QC support and 2 additional senior appeal staff

- £700k Legal costs to fund senior QC costs (plus consultancy budget £300k)
- £130 k staff costs – 2 senior appeal officers

Silver

Experienced junior barrister (50 % current legal cost per appeal). Based on 10 appeals (£50k per appeal) = £500k

- £300k Supplementary Estimate (plus consultancy budget £300k)
- £70 k - 1 senior appeal officers

Risk - political and public pressure to put forward the best team/approach and reduced in-house expertise to address planning appeals or resource redirected from applications and enforcement action

Bronze

Using Junior Barristers and no additional appeal officers.

- Supplementary estimate £300k for legal costs (plus consultancy budget £300k)

Risk - political and public pressure to put forward the best team/approach and limited in-house expertise to address planning appeals or resource being redirected from applications and enforcement action

Enforcement officers

- 2 enforcement officers = £125k (supplementary Estimate)
- 1 enforcement officer = £65k (supplementary Estimate)
- 0 enforcement officer = £0

Risk – lack of resource to investigate and address new enforcement complaints and defend existing notices at appeal and through the courts

Note

Enforcement and planning application and appeal work is spread throughout the team. Processing applications is a statutory function but there is no legal requirement to take enforcement action. In the event of staff reduction then enforcement work would be reduced due to its discretionary nature.

In respect of appeals, the Council does not have to defend these but if it does not put forward a case, costs are more likely to be awarded and the Council will be liable to pay the appellants costs. The only way to overcome this risk is to approve those applications that the Council would normally refuse.

Planning Fees

Increasing Planning Application Fees

These are set nationally and cover 2/3 of the cost of the DM service (excluding the policy making, appeals and enforcement processes). Recent publications report that 61% of MPs broadly agree that planning application fees should increase and ministers have announced they will consult on allowing well-performing planning departments to increase their fees in line with inflation but the rate of inflation is very low and the impact will be low.

Press reports have also referred to ministers considering local authorities being able to set local application fees but there is no further information available at the moment about the likelihood of this proposal becoming a reality.

Fast track planning service- at present over 50% of applications are determined at the end of the 21 day consultation period. We could levy a charge for this but it is current practice

Validation checking service – Previous discussion with applicants indicated low take up but could be introduced in conjunction with levying costs for invalid applications (£10k)

Pre-apps for houses.

(see proposal)

- The Government is about to introduce a whole raft of additional prior approval applications. The fees for these have not yet been published.

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