STATES OF JERSEY

INDEPENDENT PLANNING APPEALS TRIBUNAL: ESTABLISHMENT

Lodged au Greffe on 12th February 2013
by Deputy J.H. Young of St. Brelade

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

(a) to agree that an Independent Planning Appeals Tribunal should be established with full jurisdiction to determine appeals against decisions of the Minister for Planning and Environment made under the Planning and Building (Jersey) Law 2002 entirely on their planning merits, with the exception of deciding points of law arising from such appeals, with the new Tribunal to replace the present provisions in the Planning and Building (Jersey) Law 2002 which require all appeals to be decided by the Royal Court;

(b) to request the Minister for Planning and Environment to bring forward for approval by the States detailed proposals for the establishment of the new Tribunal by the end of June 2013 and to further request the Minister, if the proposals are adopted, to bring forward for approval the necessary amendments to legislation to give effect to the proposals by the end of 2013 with a view to enabling the Tribunal to be operational by June 2014 at the latest;

(c) to request the Minister for Treasury and Resources to assess the relevant budgets of the Planning and Environment and Law Officers Departments, and those of the Bailiff's Chambers and the Judicial Greffe, in relation to the existing resources allocated to these departments to deal with planning appeals with a view to reallocating these existing resources to the operation of the Independent Planning Appeals Tribunal in 2014, with the Tribunal then being accountable to the Chief Minister for public finance and manpower purposes.

DEPUTY J.H. YOUNG OF ST. BRELADE

REPORT

Introduction

1. Jersey is the only jurisdiction in the British Isles not to have a planning appeal system which is accessible to ordinary people at low cost, which judges appeals on their planning merits, and where decisions are made by people with relevant specialist experience.

2. Guernsey, the Isle of Man, Scotland, Northern Ireland and England and Wales all have such a facility. The Republic of Ireland and New Zealand also have dedicated appeal arrangements.

3. In Jersey our Minister for Planning and Environment announced, on 6th December 2011, that he would introduce a fairer planning appeals system. The Minister promised to consult on a new merit-based planning appeal system that is less expensive for appellants than the current Royal Court-based system. This, he told us, was to ensure greater equity in the planning system and offer greater independent challenge on planning decisions. The Minister has since made many public statements declaring his intention to publish a White Paper, but publication is overdue.

4. The timescale of the required law changes in Jersey, and Guernsey's successful experience in setting up a Planning Appeals Panel accountable to their Chief Minister, suggests this is likely to take us until June 2014 to set up. The purpose of my proposition, which I would expect the Minister for Planning and Environment to support, is to seek States approval to the establishment of such a tribunal in Jersey and impose targets for the Minister for Planning and Environment and the Minister for Treasury and Resources to achieve, thus ensuring that during the life of this States, we achieve this important and very long overdue reform in the interests of ensuring natural justice in planning matters.

5. This is not the first time the States have considered, or given its approval to, the principle of setting up an independent Planning Appeals Tribunal, even if the States have never got as far as establishing the tribunal, as the following brief history shows.

Appeals provision in the Planning Law

6. The Island Planning (Jersey) Law 1964, which was repealed in 2006, historically provided a right of appeal to the Royal Court for applicants refused Planning consent. The statutory basis for appeal being that the decision was unreasonable having regard to all the circumstances of the case. This system has operated in Jersey for nearly 50 years.

7. As part of a major review of the Planning Law in the early 2000s, the appeal arrangements, which had been subject to public criticism, came under detailed review by the Planning and Environment Committee of the day. The Committee researched planning appeal arrangements elsewhere. Their review identified that Jersey's planning appeal provisions needed to be made more accessible to appellants and to enable the merits or otherwise of each appeal case to be judged on these full merits alone.

8. During the preparation of the drafting instructions for the new Planning and Building (Jersey) Law, very extensive public consultation, including the adequacy of the Royal Court appeal system, was undertaken. The drafting instructions and draft Law were both subject to public review. With the possible exception of some lawyers, there was almost universal support for the principle of setting up an independent tribunal system to replace the Royal Court, with the new tribunal deciding appeals based on their planning merits. The draft Law approved by the States during 2001 included such appeals provision being carried out by a new body to be established, entitled the "Planning and Building Appeals Commission".

9. The political debate on the draft Law included the benefits of extending these improved appeal arrangements to third-party objectors to applications to allow them to appeal against approvals on neighbouring properties as is done in Ireland and the Isle of Man. An amendment to the draft Law was adopted from former Deputy C. Scott-Warren, affording limited appeal rights to third-party objectors having an interest in land within 50 metres of the application boundary. In 2001, the Planning and Building (Jersey) Law 200- was approved by the States to replace the previous Law, subject to an Appointed Day Act to be approved by the States.

10. Before the Appointed Day Act was enacted by the States, uncertainties over the expected cost of the Planning and Building Appeals Commission led to a political debate when the appeal arrangements were revisited. This led to 4 years' delay in introducing the new Planning Law, which was not done until further amendments to the Law were approved by the States. It was successfully argued by the proponents of the amendments that the Planning and Building Appeals Commission would become an "expensive planner's court" and that the Royal Court Jurats were more than able to carry out this task with no additional expense.

11. The Planning and Building Appeals Commission with full jurisdiction to decide appeals based on their full planning merits never happened. The Royal Court and 1964 grounds for appeal on the grounds of unreasonability were substituted in the new Planning and Building Law. This allowed the new Law to come into force in July 2006, initially with first-party appeals only and in 2007 for third-party appeals.

12. At the same time it was recognised that the Royal Court appeal process needed to be adapted to make it more accessible to appellants. A modified procedure for planning appeals was enacted as part of modification to the Royal Court Rules and a new Practice Direction was introduced by the Royal Court. This provided protection to planning appellants against costs being awarded against them in such cases, and a truncated court procedure was adopted.

Problems with the Royal Court Appeals system

13. We have had 6 years' experience of the Royal Court appeal provisions as enacted in the Planning and Building (Jersey) Law 2002. The statistics show the following –

First-Party Appeals		*Number Successful*	*Number of Applications*
2006	3		2,237
2007	8	1	2,224
2008	9		2,018
2009	11		1,901
2010	10	1	1,630
2011	8	2	Not published
2012	5		Not published
TOTAL	**54**	**4**	

Third-Party Appeals	*Number*	*Successful*	*Did not go to Court*
2007	6	0	6
2008	6	1	3
2009	5	2	2
2010	8	0	6
2011	12	4	4
2012	6	1	1
TOTAL	**43**	**8**	**22**

Of the 97 appeals lodged, 55 cases did not go to court; appellants either withdrew their appeal, or did not have their appeal decided by the Court. Of those appeals which did proceed, a small proportion was successful. These figures are cause for concern and question the adequacy of the Royal Court appeal system for the following reasons –

(a) The proportion of planning applications being appealed is extraordinarily low. For comparison, Guernsey handles a similar number of planning applications. Its published performance statistics show 1,514 applications for the third quarter 2012–13, compared to 1,630 in Jersey for the last reported year (2010). Yet Guernsey's Independent Appeals Panel reported statistics which show between 4 and 5 times the number of appeals in Jersey. This could suggest greater consistency of planning decisions in Jersey and hence a much greater level of satisfaction with Jersey's planning system. Personally I doubt it. The reason is the greater accessibility of the appeal system in Guernsey.

Number of Appeals		*Number Allowed*
2009	8	1
2010	46	8
2011	42	11
2012	44	12
TOTAL	**140**	**32**

The Isle of Man has an independent appeal system including third-party appeals. In their independent review of their planning system of 2008, I&DEA reported that 11% of their decisions are appealed, 3% of decisions are appealed in Guernsey, 8% in Ireland. In Jersey our rate of appeal is only 0.6%.

(b) The statistics also show a very low rate of successful appeals in Jersey, In Guernsey 23% planning appeals are successful, in the Isle of Man 50% and in the U.K. 35%. In Ireland 47% of decisions are varied and 30% are reversed. Only 12% of appeals are successful in Jersey. This suggests our legal ground for appeal of unreasonability compared with "on its merits" is far too restrictive and too high a bar.

(c) These statistics are symptomatic of underlying problems inherent in the Royal Court system, which I have considered further based on my personal experience in helping several appellants prepare documents for appeal, albeit unsuccessfully.

Problems reported by third-party appellants

14. The changes made to the Royal Court Rules and Practice Directions introduced at the time of the new Law in 2006 have been only partly successful in simplifying procedures for planning appellants.

15. The Royal Court Rules impose very lengthy and complex procedures requiring the preparation of extensive legal documents. This requires the preparation of a notice of appeal, a sworn affidavit in response to the Minister's own affidavit, a reply to any additional affidavits lodged by the Minister and first parties who join such appeals, a written submission of the case proposed to be argued at the hearing identifying the points at issue between the parties and responses to requests from the court for further particulars after a hearing.

16. The modified appeal procedure allows insufficient hearing time to refer to all these documents. This prevents important matters from being adequately considered, as experience shows they are usually not referred to in the hearings. Most of the prepared material seems to provide background reading for the court. There are quite short time-limits for the preparation and service of these documents and they do require some expertise in drafting. It is not necessary to be legally qualified to do so, but some experience does help. This leads most applicants to incur considerable expense in obtaining professional help.

17. Experience has shown that the costs of preparing the required appeal documents by a law firm are prohibitive for third parties. I have heard of figures being quoted of cost from £10,000 to £20,000 to prepare documents, and from £30,000 to £50,000. This very high cost was quoted at the Construction Industry Council seminar last year, which I attended, where there was overwhelming support for the establishment of an Independent Planning Tribunal. Most applicants cannot afford such sums. Therefore they have no choice if they decide to appeal, but to attempt a DIY job as a litigant in person, and they may also seek help in drafting from volunteers who have experienced this process but who are not permitted to assist them in court.

18. Qualified architects and surveyors who are permitted by the court to represent appellants may be less expensive than lawyers, but those in professional practice are likely to be inhibited in their presentation of appeals. This is because of the risk of not wanting to upset the Minister and Planning Officers on whom their professional practice depends receiving a fair hearing on their future applications. The Royal Court Rules also restrict the persons who can represent appellants to lawyers and persons with appropriate professional qualifications. They do not permit a friend of the appellant or an elected member from representing their constituents.

19. It is recognized that not all Jersey lawyers in practice have specialist knowledge and experience of planning law and practice, and I have heard reports of clients incurring large costs which have turned out to be largely unnecessary.

20. The Royal Court has case law available on the interpretation of the legal grounds for appeal, unreasonability. In my view and in the view of others more qualified than I, Royal Court judgments in planning appeals frequently show inconsistent and contrary interpretations of planning policy compared with other judgments in similar circumstances. I can only conclude that this reflects the differing views of presiding judges. The Planning and Building (Jersey) Law 2002 sets the appeal test as being "unreasonable having regard to all the circumstances of the case". This is an unnecessarily high bar. It should be sufficient only that the decision was wrong to succeed in an appeal.

21. These judgments are technically open to review by the Court of Appeal. This is only likely in the case of a developer challenging a successful third-party judgment. The Attorney General has informed the Assembly that the modified court procedure for planning appeals does not apply. No matter how much a third party appellant felt aggrieved by a Royal Court judgment against them which they considered to be unjust, they would face the risk of financial ruin if they challenged it.

22. Despite these shortcomings, the Royal Court seems at their best in identifying administrative failures or breaches of fair Planning process. However, much of the Court's judgment seems to boil down to judging opinion on the interpretation of planning policies. Experience has shown that, in hearing appeals, too much weight is given to the Planning Officer's subjective opinion. It is the only expert opinion available to the Minister, and although it may be challenged by third parties, it is untested by peers or professionals at the time of the original planning decision.

23. In Royal Court appeal proceedings, the Planning Officer's opinion is therefore usually permitted to override the opinions of others who are equally well qualified outside the Planning Department. This is because appeal considerations are limited to information presented by Planning Officers at the time to the Minister. This prevents evidence being considered in support of the appellant and does not allow professional witnesses to challenge planning evidence on technical grounds, e.g. design reviews. In reality, the Minister never appears at hearings, it is the Planning Officer's opinion as documented in affidavits, which counts. Planning Officers are not required to appear in person, and their evidence is not even subject to challenge by cross-examination. The limited duration of the court hearings prevents this.

24. Planning appeals are usually heard by a judge and 2 Jurats. Jurats are generalist and are unlikely to have up-to-date and detailed knowledge of the Island Plan policies or the procedures of the Planning Department; neither are they property specialists, nor do they usually have a property professional background, e.g. architects, surveyors, etc.

25. The presentation of a Royal Court case even under the modified procedure in a courtroom is intimidating for appellants. My experience has been that appellants are highly stressed by the formality of court processes, and this seriously affects the presentation of their case. I believe this deters many people from exercising their appeal rights.

26. The court's consideration of points arising from technical drawings is difficult to follow, and from my observation at hearings one wonders how the court could form an accurate opinion of such matters. The application drawings are not on open display in the courtroom, nor are modern audio-visual aids available to look at drawings or to enable either party to refer to them to explain points.

27. Planning Officers are bound to be strongly influenced by developers and their agents with whom they regularly work and have well-established working relationships. Well-resourced developers do not face the inequality of resources which third-party appellants face. Such first-party appellants may launch complex appeals against the Minister's decision which are not considered under the modified procedure for planning appeals. This may be because points of law are at issue or the case is complex. The possible risk of a share of costs being awarded against the third party in the event of the Minister losing such an appeal effectively prevents third parties from applying to join the appeal.

28. There has been a recent case where changes have been made to the application which was previously the subject of the judgment in favour of a third party appellant, and the development has now been approved. In another case, the process failures which were previously cited by the court as reason for judgment in favour of a third party is subject to token compliance and later approved. This illustrates the artificiality of unreasonability as a basis for appeal, bringing the appeal process into disrepute. If the judgment was solely on the planning merits, such aberrations could not happen.

29. First-party applicants are treated more favourably than third parties, as they have 2 bites of the appeal cherry. The Planning Department provides an informal appeal process to applicants whose applications are refused. This provides a full planning merits appeal to the Planning Applications Panel meeting. This may go some way to explain the low numbers of first-party appeals. However, no such process is afforded to third parties wishing to appeal against an approval given to a neighbour. They only have the statutory appeal open to them.

30. There are long delays in the court processes, and judgments take too long to deliver.

Problems for first-party appellants in the current system

31. The problems also affect first parties appealing against refusals, particularly modest applications.

32. In the event of a third-party appeal, first-party applicants have their consents frozen until the appeal is decided, and suffer very substantial delays created by the complexity and over-formality of the current appeal process. Experience has shown it usually takes many months for the Royal Court to conclude a third-party appeal.

Other problems of the current system

33. Other problems of the current system affecting the Court include –

    (a) There is insufficient court time to deal adequately with each case.

    (b) A backlog of cases arises.

    (c) The court are frequently having to assist litigants who are unrepresented and not used to legal and court procedures.

    (d) The nature of the cases is essentially administrative and does not really fit in the type of work to which the court is well suited.

    (e) The costs of court administration are high, and priority for the valuable court resources should go to criminal matters and significant civil disputes.

Effects of the current appeals system on the Planning Department

34. It is submitted that resources would be better applied seeking consistent timely planning decisions and quality outcomes. Such improvements require a wider review of the Planning Department, but it should be recognized that the presence of a Royal Court appeal regime has a significant effect on the Department. I believe the appeals process has encouraged a tendency towards compliance, tick-box process-bound regime in the Planning Department, where the process being followed may become more important than the outcome of the application.

Resources and cost

35. The Planning Department has 2 full-time qualified Planning Officers handling appeals. I have been advised that the annual cost of appeals to this Department is approximately £231,133, comprising staff costs of £166,647, overheads of £37,889, and an average annual cost of compensation payments £26,381. The States MTFP also included provision in 2011 for costs awarded against the department of £180,000.

36. I have been advised by the Law Officers' Department that their time-recording system was replaced in September, and therefore comprehensive case costs on planning appeals are not yet available. Two members of the Law Officers' Department staff appear for the Minister in planning appeals. The Department estimates this takes up 10% of H.M. Solicitor General's time, and 25% of the time of a solicitor. On this basis, direct staff costs, including £8,072 staff overheads, total £46,514, non-staff overheads, including support staff, amount to £11,708. Total costs are £58,222.

37. The Bailiff's Chambers have advised me that in 2012 the direct costs of a Commissioner sitting on 6 planning appeals were £9,510, including case preparation and judgment. In 2011 this cost was £6.340 for 4 appeals; and in 2010 it was £7,140 for 5 appeals. These figures do not include the direct costs associated with the Bailiff and Deputy Bailiff, who sat in 6 appeals in 2012, but I am advised their costs cannot be attributable to planning appeals as they are employed full-time and would be dealing with other court matters in any event.

38. The Judicial Greffe has provided comprehensive information on direct and indirect staff costs. The staff members involved with planning appeals are: the Master of the Royal Court, who decides the mode of appeal and may determine an appeal on the papers; the Deputy Judicial Greffier and Assistant Judicial Greffier, who provide procedural advice to unrepresented appellants; the Greffier Substitute, who attends and records the court decisions; and the Master's secretary, who provides clerical support. The estimated staff cost is £17,439 or 0.95% of the total staff costs of the Department. The proportion of overhead costs is £4,884. Total costs are £22,193 per annum.

39. The combined annual cost for dealing with the present number of planning appeals advised by all 4 departments totals £321,058 per annum. The information provided also indicates that if the number of appeals were significantly increased under our current system from the present 11 appeals in 2012, there would be a commensurate substantial increase in this annual cost.

40. This annual cost compares unfavourably with the published annual cost of Guernsey's Planning Appeal Panel, which amounts to less than £100,000 per annum in dealing with a very much greater number of appeals (Source Annual report 2011).

Guernsey Appeals Panel's Expenditure and Income 2009–2011

	2009 £	2010 £	2011 £
Interview costs, on-Island training and JSB Course	26,410		
Recruitment of new Professional Members, including advertising and interview costs			8,352
General administration and stationery	960	1,410	1,038
Payments to Panel Members – including monthly retainers, attendance fees for preparing for and sitting on appeal hearings and drafting and reviewing Decision Notices	16,700	48,070	50,867
Travel and accommodation costs for Panel members	210	1,870	1,618
Operational costs (room hire for appeal hearings, etc.)	870	4,050	3,503
Staff salaries	12,550	31,150	32,232
Total Expenditure	57,650	86,350	97,610
Income from Fees	--	--	9,651

The proposed Independent Appeals Tribunal

41. In this report I have made the detailed case for the replacement of the existing planning appeals system. I have not recommended the detailed structure, but set out some principles upon which the Independent Planning Appeals Tribunal should be based. I consider that this task is more appropriately carried out by the Minister for Planning and Environment, using the resources of his Department, who so far have had 14 months to study the detailed options. If my proposition is adopted, the Minister would have ample time to complete this work.

42. I propose the Minister should be required to bring forward for the States' approval details of the best structure to establish an Independent Appeal Tribunal for planning appeals for Jersey.

43. I propose that the Minister's proposals for the Planning Appeals Tribunal should be based on the following principles, which are expanded upon in this report.

    (a) It should provide appeals for both first and third parties.

    (b) It should have full jurisdiction to make binding planning decisions.

(c) It should be independent of the Minister for Planning and Environment, but accountable to the Chief Minister for resources only.

(d) It should employ tribunal members on a part-time basis, ideally including a legally qualified chairman, with a mix of appropriately qualified and experienced persons including local and off-Island, together with local lay members, appointed by the States on the recommendation of the Chief Minister.

(e) Appeals should be decided on their merits judged against the policies of the Island Plan.

(f) It should operate using informal processes, following the practices of the administrative tribunals as followed by the Judicial Studies Board in the U.K.

(g) Hearings should be open and transparent and publicly accessible by lay people, and not require lawyers or professionals by necessity.

(h) Processes should be as simple as possible, consistent with ensuring natural justice for appellants.

(i) Remuneration should not be excessive and should be commensurate with ensuring the minimum cost necessary to secure quality personnel.

(j) It should be supported by a part-time secretariat independent of the Minister.

44. I suggest we learn from the experience of Guernsey, which in 2009 set up its Planning Appeals Panel which is independent of government for first-party appeals only based on their full planning merits. Their Panel originally comprised local members, and has a part-time administrator on their Policy Council staff who shares work with other tribunals in Guernsey. Following recent retirements, they have appointed U.K. qualified planning inspectors to supplement their local members.

45. Full details of the Guernsey Panel are published on their website and may be accessed using the following links.

http://www.gov.gg/article/4345/Planning-Appeals

http://www.gov.gg/CHttpHandler.ashx?id=80936&p=0

46. Guernsey has succeeded in recruiting to its Appeals Panel well-qualified citizens on modest financial arrangements. It is chaired by a Guernsey-based lawyer, has other qualified lawyer members and planning/property professionals.

47. I should disclose that I was reserve member of that Panel and served for 2 years, stepping down early in 2011. My experience convinced me that this system provided access to justice in planning decisions at low cost.

48. The original 2001 proposal to establish a Planning and Building Appeals Commission in Jersey included the appointment of a Chairman, a Deputy Chairman and an Executive Officer, together with sessional Commissioners paid at judicial rates. The cost, at that time, was thought to be circa £400,000 per annum, which would increase substantially as a consequence of third-party appeals. This cost was considered by the States to be unacceptable.

49. The actual level of costs now being incurred under the Royal Court appeal system is in the region of £321,000, but dealt with only 11 appeals in 2012. This cost will increase significantly if the number of Royal Court appeals were to increase. Guernsey's Appeals Panel contained the combined cost of 3 years of operation for 2009–2011 to £242,000 per annum, handling 4 times the number of appeals that Jersey handled. In bringing forward new proposals, the Minister should provide greater access to planning appeals in Jersey, which until the consistency of our planning decisions is improved, will result in an increase in the number of appeals, but contain this within the present annual cost of £321,000 annually.

50. The independent appeals panel proposed should ideally be made up of qualified professionals and local lay persons with a planning/property background, served by a part-time secretary who could be shared with other tribunals. There is a strong case for the chairman being a qualified lawyer.

51. Members of the tribunal should receive the training which is provided in the U.K. by the Judicial Studies Board.

52. I believe there will be local people with the right experience who will come forward to serve on a Planning Appeals Tribunal. Unfortunately, a judicial rate of pay would work against the benefits of providing the public with an administrative review tribunal. Because of the importance of planning decisions to our community and the strength of feeling in support of the proposed tribunal, I believe there are altruistic and knowledgeable public-spirited citizens in Jersey who would be prepared to undertake this work at a lower, more sustainable, rate of remuneration.

53. The tribunal should provide an informal hearing with points of law being dealt with by reference to the Royal Court, and tribunal decisions made on their planning merits would be final.

54. Planning appeals would be determined entirely on their merits and be judged on the facts of the application and all available evidence, against the Island Plan policies. Independent judgments by suitably qualified professional persons on planning policies would receive equal weight to subjective opinion of Planning Officers.

55. Hearings would be held in a normal committee meeting room, there being no place for imposing the gravitas of a courtroom in planning appeals.

56. The appellant should be completely free to choose who they want to represent them in planning appeals, and restrictions based on formal qualifications should be removed.

57. There should be no power to award costs against any party.

58. Further information on planning appeal systems elsewhere can be accessed via the following web links. Ireland and the Isle of Man have third party appeals.

http://www.pleanala.ie/

http://www.gov.im/cso/appeals/?menuid=20431

England and Wales, Scotland and Northern Ireland all have variants of the U.K. Planning Inspectorate system for first-party appeals only; the following web links may be helpful.

http://www.planningportal.gov.uk/planning/appeals/planningappeals

http://www.scotland.gov.uk/Topics/Built-Environment/planning/Appeals

http://wales.gov.uk/consultations/planning/planningappeals/?lang=en

http://www.pacni.gov.uk/index/making-appeals.htm

Financial and manpower implications

The Independent Planning Appeals Tribunal would take over the work presently carried out by the Planning Department, the Law Officers' Department, the Judicial Greffe and the Bailiff's Chambers in respect of planning appeals. My proposal is that by 2014 the existing financial resources would be consolidated and redeployed to serve the Independent Planning Appeals Tribunal. I have requested details of present total annual costs from each department, which are detailed in paragraphs 35–39.

	Costs per annum £
Planning Department	231,133
Law Officers' Department	58,222
Judicial Greffe	22,193
Bailiff's Chambers	9,510
Total:	**321,058**

The total annual cost for the present number of appeals is estimated at approximately £321,000 per annum. Guernsey's Planning Appeals Panel handles 4 times the number of appeals as Jersey and has contained their cost to £100,000 per annum. It ought to be possible for the costs of an increased number of appeals in Jersey dealt with by a Planning Tribunal, instead of the Royal Court, to be contained within the States current budget.

I would expect tribunal members to be appointed on a sessional or retainer basis. The number of appeals is likely to increase to a maximum of 50 first-party and 50 third-party appeals annually until the consistency of planning decisions improves. I estimate that based on an average of 3 tribunal members for a one-day hearing plus half-day preparation and follow-up, provision for about 450 person-days will be required, which should be possible from within the present budget. The start-up costs including training required in early 2014 would be in the order of £30,000 – £40,000. Present administrative staff would likely be reallocated from existing roles.