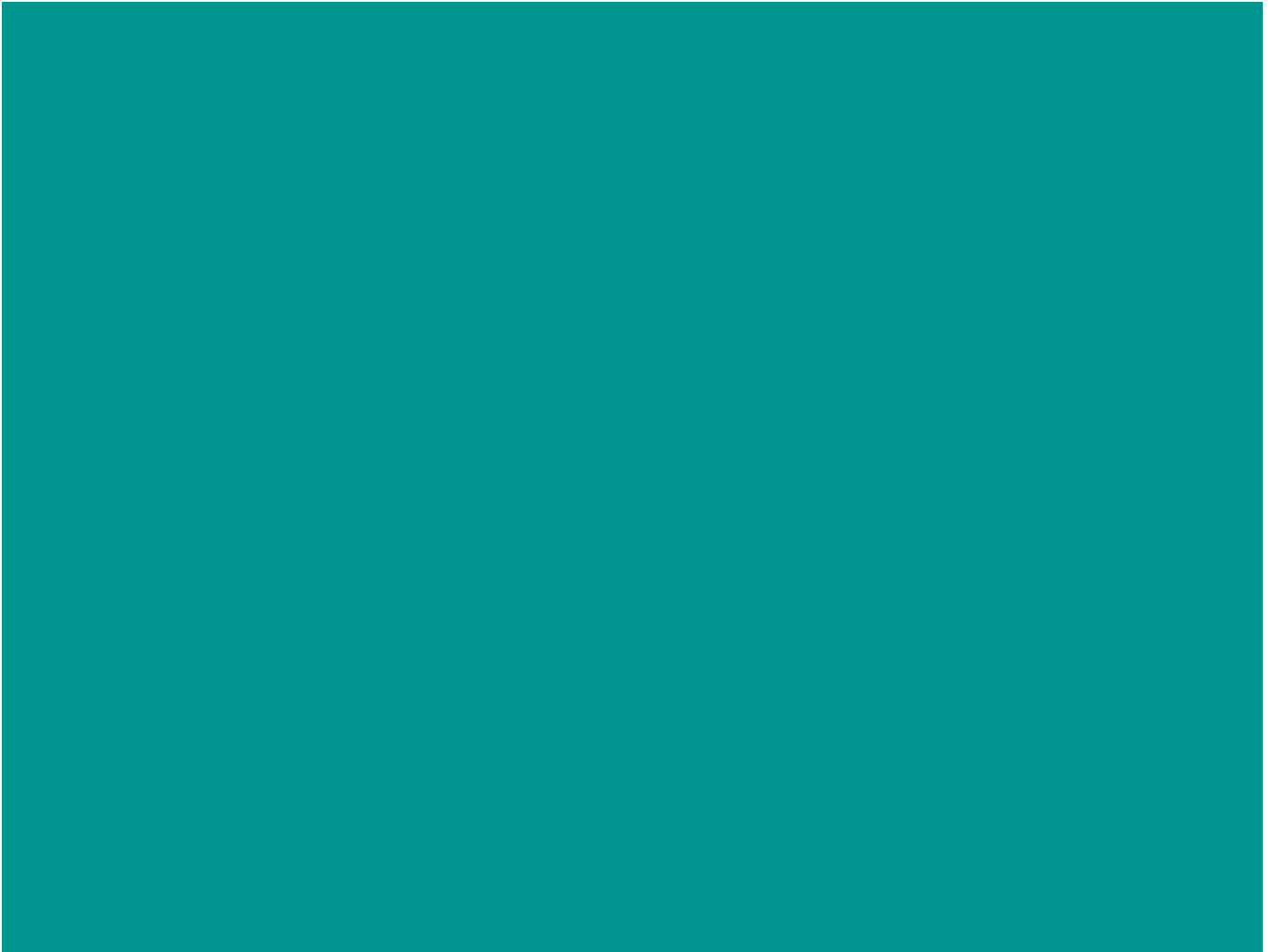




The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# Costs





## **Award of costs**

1. The Development Management Manual Section 12 Annex: Award of costs provides guidance on the awards of costs for planning related appeals and applications before the Welsh Ministers. This guidance revokes and replaces existing Welsh Office Circular 23/93' *Awards of Costs incurred in Planning and Other (including Compulsory Purchase Order) Proceedings*'.

### **Why costs are awarded**

2. An award of costs is an order which states that one party shall pay to another party the costs, in full or in part, which have been incurred by the receiving party during the process by which the Welsh Ministers or Inspector's decision is reached. The costs order states the broad extent of the expense the party can recover from the party against whom the award is made. It does not determine the actual amount, which remains subject to settlement between parties.
3. Parties are expected to meet their own costs. An appellant or applicant is not awarded costs simply because their appeal or application succeeds and similarly, a local planning authority is not awarded their costs because their position or decision is upheld.
4. The aim of the costs regime is to:
  - To encourage all those involved to behave in a reasonable manner, instil a greater sense of discipline and follow good practice in terms of timeliness and in the presentation of full and detailed evidence to support their case;
  - To encourage local planning authorities to exercise properly their development management responsibilities, to rely only on reasons for refusal that stand up to scrutiny on the planning merits of the case and not to add to development costs through avoidable delay; and
  - Not to deter people from exercising their statutory right of appeal.

### **Circumstances in which costs can be awarded**

5. All parties are expected to behave reasonably to support an efficient and timely process, for example in providing all of the required evidence and ensuring that timetables are met. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal or application process, they may be subject to an award of costs.
6. Awards for costs can cover two types of behaviour: Procedural and Substantive.
7. Full guidance including definitions and examples of the above can be found in the Development Management Manual sections 2&3.

## **Parties who may be subject to an award of costs**

8. LPA's, appellants and interested parties who have taken part in the process, including statutory consultees, may apply for costs, or have costs awarded against them. Generally, costs either in favour or against third parties will only be made in exceptional circumstances.
9. All parties must apply for an award of costs at the earliest opportunity. This applies to all proceedings dealt with by way of written representations, hearings, inquires or combined procedures. Page 19 of the Development Management Manual contains full guidance reference submission dates.
10. The Development Management Manual can be found at :  
<http://gov.wales/topics/planning/appeals/costs/?lang=en>