Title: Reforms to Judicial Review: Permission filters for statutory challenges; harmonisation of time periods for challenges; and harmonising procedures for challenges to costs awards	**Impact Assessment (IA)**
IA No: MoJ023/2014	**Date:** 11/06/2014
	Stage: Final
	Source of intervention: Domestic
Lead department or agency: Ministry of Justice	**Type of measure:** Primary legislation
Other departments or agencies: DCLG	**Contact for enquiries:** Admin.justice@justice.gsi.gov.uk

Summary: Intervention and Options

RPC Opinion: Not applicable

Cost of Preferred (or more likely) Option				
Total Net Present Value	**Business Net Present Value**	**Net cost to business per year** (EANCB on 2009 prices)	**In scope of One-In, Two-Out?**	**Measure qualifies as**
N/A	N/A	N/A	No	N/A

What is the problem under consideration? Why is government intervention necessary?

There are currently inconsistencies in the court process for cases brought under the various planning Acts and those of judicial review heard by the planning court. Parties making a Judicial Review challenge must currently apply for permission to proceed (the 'permission filter') before a substantive hearing while other planning challenges go straight to a final hearing. By introducing a permission filter, for all statutory challenges heard in the planning court, we will ensure that weak or unmeritorious cases will be removed earlier in the process. We will also remove the inconsistency between the start points from which the six week challenge periods are calculated. Currently claimants have to bring two separate challenges, where they are challenging the substantive decision by way of statutory review and the costs award by judicial review. We will remove the administrative burden by permitting challenges to cost awards to be brought as part of the statutory challenge.

What are the policy objectives and the intended effects?

The permission filter will ensure weak challenges are disposed of more quickly to enable development that has already been agreed to proceed more promptly. Scarce court resources can then be better focused on stronger cases and allow those with merit to be considered more quickly than at present. It will also ensure consistency in statutory planning appeals with the equivalent permission stage for planning judicial reviews. The start period for the calculation of the six week challenge period will be harmonised to avoid inconsistency in specified cases. The challenge to cost awards relating to planning statutory challenges will be allowed to be brought as part of the statutory challenge, this will remove the additional burden on the claimant of attending two hearings at the high court. These changes to the court procedures will be applied to England and Wales.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1: Introduce a permission filter for statutory challenges brought under the sections 287 and 288 of the Town and Country Planning Act 1990; section 22 of the Planning (Hazardous Substances) Act 1990; section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 113 of the Planning and Compulsory Purchase Act 2004.

Option 2: Standardise the start point from which the six week challenge period is calculated to the day after the date of the decision being challenged, for challenges brought under sections 61N and 106C of the Town and Country Planning Act 1990; sections 13 and 118 of the Planning Act 2008; and section 113 of the Planning and Compulsory Purchase Act 2004.

Option 3: Permit challenges to awards of costs relating to planning and listed building decisions to be brought as part of the substantive section 288 of the Town and Country Planning Act 1990 or section 63 of the Planning (Listed Building and Conservation Areas) Act 1990 challenge.

The Government is implementing options 1, 2 and 3.

Will the policy be reviewed? It will not be reviewed.

Does implementation go beyond minimum EU requirements?			N/A		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	**Micro** Yes	**< 20** Yes	**Small** Yes	**Medium** Yes	**Large** Yes
What is the CO_2 equivalent change in greenhouse gas emissions? (Million tonnes CO_2 equivalent)			**Traded:** NA	**Non-traded:** NA	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:  Date: 18 June 2014

Summary: Analysis & Evidence

Policy Option 1

Description: Introduce a permission filter for statutory challenges brought under the sections 287 and 288 of the Town and Country Planning Act 1990; section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990; ; section 22 of the Planning (Hazardous Substances) Act 1990; and section 113 of the Planning and Compulsory Purchase Act 2004.

FULL ECONOMIC ASSESSMENT

Price Base Year N/A	**PV Base Year** N/A	**Time Period Years** N/A	**Net Benefit (Present Value (PV)) (£m)**		
			Low:	**High:**	**Best Estimate:** NQ

COSTS (£m)	**Total Transition** (Constant Price)	Years	**Average Annual** (excl. Transition) (Constant Price)	**Total Cost** (Present Value)
Low				
High				
Best Estimate	NQ		NQ	**NQ**

Description and scale of key monetised costs by 'main affected groups'

It has not been possible to fully monetise the impacts of this reform as it is unknown how many cases will fail the permission stage in future.

Other key non-monetised costs by 'main affected groups'

There will be additional costs for claimants in preparing for the permission stage of a challenge, but we expect these to be minimal.
Defendants will face additional costs in preparing for the permission stage although these may be offset by a reduced need to prepare for final hearings as weaker cases will be filtered out earlier in the process.

BENEFITS (£m)	**Total Transition** (Constant Price)	Years	**Average Annual** (excl. Transition) (Constant Price)	**Total Benefit** (Present Value)
Low				
High				
Best Estimate	NQ		NQ	**NQ**

Description and scale of key monetised benefits by 'main affected groups'

It has not been possible to fully monetise the impacts of this reform as it is unknown how many cases will fail the permission stage in future.

Other key non-monetised benefits by 'main affected groups'

Claimants with a meritorious case may reach a final hearing quicker as judicial resource will be freed up by filtering out unmeritorious cases at the permission stage.
Claimants and defendants will save on legal fees for unmeritorious cases, or parts of cases, that are filtered out earlier. They will not pay legal fees for the final hearing which would have been paid otherwise.
Planning cases should be dealt with more quickly allowing development that has already been agreed to proceed.

Key assumptions/sensitivities/risks **Discount rate (%)** NA

It is assumed that there would be no change in case volumes or outcomes.
It is assumed that meritorious cases would be heard quicker in the planning court due to a realignment of judicial resource as more cases are filtered out at the permission stage.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			**In scope of OITO?**	**Measure qualifies as**
Costs: n/a	**Benefits:** n/a	**Net:** n/a	No	Zero net cost

Summary: Analysis & Evidence

Policy Option 2

Description: Standardise the start date for the six week challenge period to the day after the decision date for challenges brought under sections 61N and 106C of the Town and Country Planning Act 1990, sections 13 and 118 of the Planning Act 2008, and section 113 of the Planning and Compulsory Purchase Act 2004.

FULL ECONOMIC ASSESSMENT

Price Base Year N/A	PV Base Year N/A	Time Period Years N/A	Net Benefit (Present Value (PV)) (£m)		
			Low:	**High:**	**Best Estimate:** NQ

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low				
High				
Best Estimate	NQ		NQ	**NQ**

Description and scale of key monetised costs by 'main affected groups'

There are no anticipated costs as a result of harmonising the time limits from bringing a statutory challenge in the planning court.

Other key non-monetised costs by 'main affected groups'

There are no anticipated non-monetised costs.

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low				
High				
Best Estimate	NQ		NQ	**NQ**

Description and scale of key monetised benefits by 'main affected groups'

It has not been possible to fully monetise the impacts of this reform.

Other key non-monetised benefits by 'main affected groups'

Harmonising the time limits from bringing a statutory challenge in the planning court will reduce uncertainty and reduce the scope for dispute over late challenges.

Key assumptions/sensitivities/risks **Discount rate (%)** NA

It is assumed that there would be no change in case volumes or outcomes as a result of harmonising the time limits for lodging a statutory challenge at the planning court.

It is assumed that harmonising the time periods will not lead to any additional burdens on HMCTS, defendants or claimants.

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs: n/a	**Benefits:** n/a	**Net:** n/a	No	Zero net cost

Summary: Analysis & Evidence — Policy Option 3

Description: Permit challenges to awards of costs relating to planning and listed building decisions to be brought as part of the substantive section 288 of the Town and Country Planning Act 1990 or section 63 of the Planning (Listed Building and Conservation Areas) Act 1990 challenge.

FULL ECONOMIC ASSESSMENT

Price Base Year N/A	PV Base Year N/A	Time Period Years N/A	Net Benefit (Present Value (PV)) (£m)		
			Low:	**High:**	**Best Estimate:** NQ

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low				
High				
Best Estimate	NQ		NQ	**NQ**

Description and scale of key monetised costs by 'main affected groups'

It has not been possible to fully monetise the impacts of this reform as it is unknown how many cases will challenge the award of costs in statutory challenges in the future.

Other key non-monetised costs by 'main affected groups'

There are no anticipated non-monetised costs.

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low				
High				
Best Estimate	NQ		NQ	**NQ**

Description and scale of key monetised benefits by 'main affected groups'

It has not been possible to fully monetise the impacts of this reform as it is unknown how many cases will challenge the award of costs in statutory challenges in the future.

Other key non-monetised benefits by 'main affected groups'

Claimants will benefit from the time saving of no longer make two separate applications to the High Court. Claimants will achieve administrative cost saving from no longer having to pay separate issue fees.

Key assumptions/sensitivities/risks — **Discount rate (%)** NA

It is assumed that there would be no change in case volumes or outcomes as a result permitting the challenge of cost awards to be brought as part of the substantive challenge.

It is assumed that permitting challenges to cost awards to be brought as part of the substantive challenge will not lead to any additional burdens on HMCTS, defendants or claimants.

BUSINESS ASSESSMENT (Option 3)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs: n/a	**Benefits:** n/a	**Net:** n/a	No	Zero net cost

Evidence Base

1. Introduction

Background

1. 2 The planning court was established on the 6th April 2014 and is responsible for hearing judicial review cases and statutory challenges relating to planning matters. Judicial review proceedings and challenges under section 289 (appeals against an enforcement notice) of the Town and Country Planning Act 1990 must be commenced by filing at Court a claim form, which sets out the matter the claimant wants the Court to decide and the remedy sought. The Court's permission is required for a claim for judicial review or a section 289 challenge to proceed. Decisions on permission are normally considered on a review of the papers filed. Permission may be granted in full, or limited to certain grounds set out in the claim. Where permission is granted, the Court may make directions for the conduct and management of the case.

1. 3 Statutory challenges brought under sections 287 and 288 of the Town and Country Planning Act 1990; section 22 of the Planning (Hazardous Substances) Act 1990; section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 113 of the Planning and Compulsory Purchase Act 2004 are able to go straight to a hearing and do not have to go through the permission stage in the planning court.

Town and County Planning Act 1990

1. 4 Challenges under section 61N are to neighbourhood development orders. Challenges under section 106C are to development consent obligations. Challenges under section 287 question the validity of development plans and certain schemes and orders. Section 288 challenges arise where (for example) an aggrieved person wishes to obtain an order quashing the decision of the Planning Inspectorate or the Secretary of State on a planning appeal.

Planning (Listed Buildings and Conservation Areas) Act 1990

1. 5 Section 63 relates to challenges to the validity of orders, decisions or directions relating to listed building consents.

Planning (Hazardous Substances) Act 1990

1. 6 Section 22 relates to hazardous substances and the validity of decisions as to applications.

Planning Act 2008

1. 7 Challenges brought under section 13 are to national policy statements. Section 118 challenges relate to applications for orders granting development consent for nationally significant infrastructure.

Planning and Compulsory Purchase Act 2004

1. 8 Section 113 relates to the validity of strategies, plans and documents.

Problem under consideration

1. 9 Currently there are inconsistencies in the court process for dealing with judicial reviews and statutory challenges in the planning court. Judicial reviews and section 289 statutory challenges are subject to a permission filter. However, statutory challenges brought under the sections 287 and 288 of the Town and Country Planning Act 1990; section 22 of the

Planning (Hazardous Substances) Act 1990; section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 113 of the Planning and Compulsory Purchase Act 2004 go straight to a final hearing. There is therefore inconsistency between court processes followed by the various planning challenges heard in the planning court.

1. 10 The permission filter seeks to prevent unmeritorious cases, or parts of cases, going through to a final hearing. Weak cases are filtered out allowing scarce judicial resources to be focused on stronger cases. Under current rules, weak statutory challenges proceed straight to final hearing, using up valuable resources which could be better directed at stronger cases.

1. 11 Most planning challenges must be brought within six weeks of the decision or other action that is being challenged. However, the day from which the six week period begins to run is not consistent across the planning Acts. Some include the day on which the decision is taken, whereas others start from the day after. These inconsistencies can cause confusion to claimants in determining the deadline for lodging their challenge.

1. 12 Currently, where an award of costs is made in planning and listed buildings cases which may be challenged via section 288 of the Town and Country Planning Act 1990 or section 63 of the Planning (Listed Building and Conservation Areas) Act 1990 respectively, the award of costs can only be challenged through a separate application for judicial review. This situation places additional burden on the claimant by requiring the party to make two separate applications to the High Court and pay two separate filing fees.

Policy objective and policy options

1. 13 The policy objective is to ensure that unmeritorious cases are filtered out earlier, allowing resources to be focused on stronger cases. Focusing resources on more meritorious cases, including those with large impacts on economic development will allow those to be resolved more quickly and efficiently. It will also ensure there is consistency of court process for cases heard in the planning court, making the processes for challenging planning decisions more consistent for court users. Statutory challenges brought under sections 287 and 288 of the Town and Country Planning Act 1990; section 22 of the Planning (Hazardous Substances) Act 1990; section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 113 of the Planning and Compulsory Purchase Act 2004 will be subject to the same permission filter prior to being heard in the planning court.

1. 14 In addition, the start point from which the six week challenge period is calculated will be standardised to the day after the decision being challenged was made. This slight change will affect challenges brought under sections 61N and 106C of the Town and Country Planning Act 1990 and sections 13 and 118 of the Planning Act 2008.

1. 15 Challenges to cost awards relating to planning and listed building decisions will be allowed to be brought as part of the substantive section 288 of the Town and Country Planning Act 1990 or section 63 of the Planning (Listed Building and Conservation Areas) Act 1990 challenge. Challenges to such costs awards must currently be made by way of a separate judicial review claim. The policy objective is to remove the additional burden on the claimant, in these circumstances, of being required to of being required to make two separate applications to the High Court.

Option 1: Introduce a permission filter for statutory challenges brought under the sections 287 and 288 of the Town and Country Planning Act 1990; section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990; ; section 22 of the Planning (Hazardous Substances) Act 1990; and section 113 of the Planning and Compulsory Purchase Act 2004.

1. 16 Under option 1 a permission filter will be brought in for challenges made under sections 287 and 288 of the Town and Country Planning Act 1990; sections 22 of the Planning (Hazardous Substances) Act 1990; section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 113 of the Planning and Compulsory Purchase Act 2004 will be subject to the same permission filter prior to being heard in the planning court.

Option 2: Standardise the start date for the six week challenge period to the day after the decision date for challenges brought under sections 61N and 106C of the Town and Country Planning Act 1990, sections 13 and 118 of the Planning Act 2008, and section 113 of the Planning and Compulsory Purchase Act 2004.

1. 17 Under option 2 the time limits for challenges brought under sections 61N and 106C of the Town and Country Planning Act 1990, sections 13 and 118 of the Planning Act 2008 and section 113 of the Planning and Compulsory Purchases Act 2004 will be amended so that the start point for calculating the six week challenge period will be the day after the decision or order being challenged was made.

Option 3: Permit challenges to awards of costs relating to planning and listed building decisions to be brought as part of the substantive section 288 of the Town and Country Planning Act 1990 or section 63 of the Planning (Listed Building and Conservation Areas) Act 1990 challenge.

1. 18 Under option 3 challenges to cost awards relating to planning and listed building decisions will be allowed to be brought as part of the substantive section 288 of the Town and Country Planning Act 1990 or section 63 of the Planning (Listed Building and Conservation Areas) Act 1990 challenge.

Economic rationale

1. 19 The economic rationale for intervention relates to improved efficiency. There would be efficiency gains if statutory challenges are resolved more quickly and with fewer resources whilst achieving the same outcomes. Unmeritorious cases are likely to be refused permission to proceed thereby freeing up judicial resources to hear meritorious cases more quickly.

Main affected groups

1. 20 The proposals are likely to affect the following groups:

a. Claimants, at the High Court in England and Wales.

b. Defendants at the High Court in England and Wales.

c. Her Majesty's Courts and Tribunals Service (HMCTS)- administers the Administrative Court (which forms part of the High Court of Justice) in England and Wales as well as other courts and tribunals.

d. Legal services providers.

e. Third parties- businesses and individuals.

2. Costs and Benefits

2. 1 This IA identifies, where possible, the monetised and non-monetised costs and benefits for individuals, groups and businesses in England and Wales with the aim of understanding what the overall impact might be on society from implementing these proposals.

Option 1: Introduce a permission filter for challenges made under sections 287 and 288 of the Town and Country Planning Act 1990; section 22 of the Planning (Hazardous Substances) Act 1990; section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 113 of the Planning and Compulsory Purchase Act 2004.

Description

2. 2 Option 1 will ensure that before reaching a substantive hearing the claimant will be required to seek permission from the High Court.

2. 3 Administrative Court internal management information indicates that there were around 100 statutory challenge applications made under section 288 of the Town and Country Planning Act in 2012. For cases dealt with in 2012, 9 were allowed and 36 dismissed at a substantive hearing. The average waiting time between lodging and substantive decision was around 52 weeks.

2. 4 Further internal management information from the Administrative Court indicates there were an additional 15 statutory appeals and applications under other Land and Town and Country Planning Topics. The Administrative Court does not record what section of the relevant act is being challenged (with the exception of s.288 and s.289 of TCPA). For cases dealt with in 2012, 6 were allowed and 6 dismissed at substantive hearing. The average waiting time between lodging and substantive hearing was around 47 weeks.

Benefits of Option 1

Benefits to claimants (including individuals, businesses, NGOs, charities, pressure groups, local planning authorities)

2. 5 Some claimants may achieve savings if a case or part of a case, is found to be unmeritorious earlier on in the process. This would avoid the need for legal costs to prepare for a hearing. It has not been possible to monetise the benefits to claimants.

2. 6 Claimants with meritorious cases may benefit as a result of fewer claims going to a hearing. The judicial resource subsequently released should enable meritorious claims to be heard quicker and reduce the current waiting time of between 47 and 52 weeks.

Benefits to defendants

2. 7 Defendants would benefit from quicker resolution of unmeritorious cases or unmeritorious parts of cases, which are filtered out at the permission stage. This would allow decisions to be implemented more quickly in cases where permission is refused. Defendants may save costs if less legal resource is needed in a case that is refused permission. It has not been possible to monetise the benefits to defendants.

Benefits to HMCTS

2. 8 There would be cost savings to HMCTS if fewer cases reach a hearing and are resolved at the permission stage. However, any freed resources may be devoted to speeding up hearings for other cases, to the benefit of court users rather than being realised as cashable savings. HMCTS operates on a full cost recovery basis in the longer run.

Benefits to legal services providers

2. 9 There may be benefits to legal services providers as a result of cases having to go through a permissions stage. Further legal resource will be needed to prepare for submission of papers for permission. However, this may be offset by reduced legal work as a result of fewer cases going to a final hearing as a result of permission being refused.

Benefits to third parties *(including individuals, businesses, NGOs, charities, pressure groups)*

2. 1 Third parties directly affected by a statutory challenge, such as the construction industry, may gain directly from the quicker implementation of planning related public decisions, or from less uncertainty about their implementation. These benefits to third parties have not been monetised as they will vary considerably between projects.

Costs of Option 1

Costs to claimants (including individuals, businesses, NGOs, charities, pressure groups, local planning authorities)

2. 10 There will be additional legal costs for claimants with meritorious cases being required to submit additional papers at the permission stage. It has not been possible to monetise the costs to claimants.

Costs to defendants

2. 11 Defendants would face additional costs if they engage with a case at permission stage although these may be offset by the savings made from fewer cases going through to a hearing. It has not been possible to monetise the costs to defendants.

Costs to HMCTS

2. 12 There would be cost savings to HMCTS in having to administer the additional permission stage although these may be offset by fewer unmeritorious cases going to a hearing. HMCTS operates at full cost recovery in the longer run.

Costs to legal services providers

2. 13 There may be costs to legal services providers as a result of fewer cases being reaching a final hearing. However, these may be offset by the increase in work for the permission stage. It has not been possible to monetise the costs to legal services providers.

Costs to third parties *(including individuals, businesses, NGOs, charities, pressure groups)*

2. 14 The proposal should enable unmeritorious cases to be dealt with more quickly. There is also the potential for meritorious cases to be resolved more quickly as fewer applications

may free up court resources to process remaining cases more efficiently. This may impose costs on all those individuals and businesses that would lose out from quicker implementation of public decisions. These costs to third parties have not been monetised as they will vary considerably between projects.

Assumptions and risks for Option 1

2. 15 It is assumed under option 1 that there would be no changes in case volumes and to case outcomes. It is assumed that the introduction of a permission stage will simply filter out unmeritorious cases earlier in the process rather than deter cases from being brought.

2. 16 It is assumed that the reduction in cases reaching a hearing will result in judicial resource being used to speed up hearings for meritorious statutory challenges. There is a risk that if this assumption is wrong and the majority of cases at permission are successful then the permission stage may result in delays to hearings and an increase in time to a successful conclusion of the case. However in some cases the permission filter will remove unmeritorious parts of a case, allowing time to be used more efficiently on a more focused substantive hearing. In addition, of judicial reviews applications that are considered for permission only around 20% are granted permission to proceed. The permission filter for statutory challenges should operate in a similar way, therefore it is unlikely that this risk will materialise.

2. 17 Any shortage of specialist judges with relevant experience of planning law may impact the speed with which the case can be allocated and permission adjudicated with increased delays likely as a result.

2. 18 It is assumed that case durations and waiting times for other cases in the Administrative Court (i.e. planning judicial reviews and section 289 challenges) will remain the same following these reforms. There is a risk that the increased number of permissions requiring adjudication may draw resources away from these cases.

2. 19 It is assumed that the risks above will be mitigated by the fact that there are less than 200 statutory challenges per year which will be required to now go through a permission stage prior to a hearing.

One-in-two-out assessment for Option 1

2. 20 The proposals in this impact assessment are out of scope of the One in Two Out rule as the reforms do not relate to regulation.

Option 2: Standardise the start date for the six week challenge period to the day after the decision date for challenges brought under sections 61N and 106C of the Town and Country Planning Act 1990, sections 13 and 118 of the Planning Act 2008, and section 113 of the Planning and Compulsory Purchase Act 2004.

Benefits of Option 2

Benefits to claimants (including individuals, businesses, NGOs, charities, pressure groups, local planning authorities)

2. 21 The harmonised time periods will provide claimants clarity on when a case needs to be lodged in order to be considered. The clarity will reduce uncertainty and reduce the scope

for dispute over late challenges. In some circumstances this will prevent claimants wasting resources and challenges which are already out of time. These benefits cannot be monetised.

Benefits to defendants

2. 22 Defendants will benefit from reduced uncertainty and reduced scope for dispute over late challenges. In some circumstances this will prevent defendants wasting resources and challenges which are already out of time. These benefits cannot be monetised.

Costs of Option 2

2. 23 There are no costs associated with option 2 for any of the parties outlined in 1.17. The time limit is not being cut for any of the statutory challenges rather the policy is to clarify in law when a case must be lodged in order to be considered for permission at the planning court.

Assumptions and risks for option 2

2. 24 It is assumed under option 2 that there would be no changes in case volumes and to case outcomes as a result of harmonising the time limits for lodging a statutory challenge in the planning court.

2. 25 It is assumed that no additional burdens will be placed on defendants, claimants or HMCTS as a result of harmonising the time limits.

One-in-two-out assessment for Option 2

2. 26 The proposals in this impact assessment are out of scope of the One in Two Out rule as the reforms do not relate to regulation.

Option 3: Permit challenges to awards of costs relating to planning and listed building decisions to be brought as part of the substantive section 288 of the Town and Country Planning Act 1990 or section 63 of the Planning (Listed Building and Conservation Areas) Act 1990 challenge.

Benefits of Option 3

Benefits to claimants (including individuals, businesses, NGOs, charities, pressure groups, local planning authorities)

2. 27 Claimants will benefit from the time saving of no longer make two separate applications to the High Court. Claimants will achieve administrative cost saving from no longer having to pay separate issue fees.

Costs of Option 3

Cost to legal services providers

2. 28 There are no costs associated with option 2 for any of the parties outlined in 1.17.

Assumptions and risks for Option 3

2. 29 It is assumed under option 3 that there would be no changes in case volumes and to case outcomes as a result of permitting challenges to costs awards to be made by statutory challenge.

2. 30 It is assumed that permitting challenges to cost awards to be part of the substantive hearing will not lead to any additional burdens on HMCTS, defendants or claimants.

One-in-two-out assessment for Option 3

2. 31 The proposals in this impact assessment are out of scope of the One in Two Out rule as the reforms do not relate to regulation