|  |
| --- |
| UPPER TRIBUNAL (LANDS CHAMBER) |
|  |

**LP/../20..**

**TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007**

**AN APPLICATION UNDER**

**SECTION 84 OF THE LAW OF PROPERTY ACT 1925**

# BETWEEN:

|  |  |  |
| --- | --- | --- |
|  |  | **Applicant** |
|  | **and** |  |
|  | 1. **…** 2. **…** | **Objectors** |

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**The tribunal has considered the application and the notices of objection and the following directions will apply to this application:**

**Date of the final hearing**

1. By [three weeks] the applicant and each objector must provide the tribunal with details of any dates during the period from [**a period of three months beginning three months after paragraph 4**] which the tribunal should avoid when listing the application for a final hearing.
2. The final hearing is provisionally estimated to last not more than **two** days (including the time required by the tribunal to conduct a site visit). If any party considers that more time should be allowed they should inform the tribunal and explain why.

**Filing documents with the tribunal**

1. Professional representatives must make use of the tribunal’s E-Filing service when filing documents with the tribunal. Unrepresented parties are also encouraged to do so, but they may communicate by email if they prefer. Further information and guidance about the operation of the E-Filing service can be found at: <https://www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals>

**Evidence at the final hearing**

1. The notices of objection filed by the objectors, including the grounds of objections which accompanied them, may stand as their evidence. If the applicant or any objector wishes to rely on any further factual evidence they may do so, provided it is contained in a witness statement filed with the tribunal and sent to the other parties or their solicitors by not later than **[*two months*]**. Each witness statement must include the words “I believe that the facts stated in this witness statement are true” and must be signed by the person making the statement.
2. If they wish to do so the applicant and the objectors (collectively) may also rely on the evidence of one expert witness, provided a copy of the expert’s report has been filed with the tribunal and sent to the other parties by not later than **[*four months*]**. An expert’s report must comply with paragraph 19.14 to 19.18 of the tribunal’s Practice Directions (2024 edition).
3. If compensation is claimed by any objector, or if it is said that the value of any property would be diminished if the application is successful, the tribunal is likely to be assisted by evidence of the current value of the properties affected by the proposed modification or discharge of the restriction.
4. All parties must inform the tribunal and the other parties by **[*two months*]** if they intend to rely on the evidence of an expert witness.
5. All parties must allow an expert appointed by the other party to have reasonable access to their own land for the purpose of preparing their evidence.
6. If the applicant and the objectors each instruct an expert witness the following additional directions will apply:
   1. Before preparing their reports the experts should undertake a joint inspection of the application land and any relevant land belonging to the objectors; during or after their inspection they should agree a photographic record of relevant views of the application land and the land of any objectors, discuss the application on a without prejudice basis, identify the issues which are likely to arise, and agree such matters of fact or opinion as they can agree at that stage.
   2. After exchanging reports the experts shall communicate with each other again to narrow the issues between them.
   3. The experts must prepare a joint statement recording the principal issues on which they agree and disagree and concisely summarising the reasons for their disagreement, which they shall file with the tribunal and provide to the parties at least **two weeks** before the date fixed for the final hearing.

**Preparation for the final hearing**

1. The parties must agree which documents the tribunal will use at the final hearing (referred to as the hearing bundle).
2. The applicants must send a draft index of the proposed hearing bundle to the objectors or their representative not later than **six weeks** before the date fixed for the hearing. The hearing bundle should contain a single copy of any document to which any party wishes the tribunal to refer.
3. The applicants must file two hard copies of the hearing bundle (which must be included in a robust file, paginated and indexed) for the use of the tribunal not later than **two weeks** before the date fixed for the hearing.
4. If the parties also wish to prepare an electronic version of the hearing bundle (in addition to the hard copy) for use at the hearing they may do so, provided it is made available to all participants and to the tribunal. Electronic bundles must comply with paragraph 20.13 of the tribunal’s Practice Directions (2024 edition).
5. Not later than **two weeks** before the date fixed for the hearing the applicants must deliver as many copies of the hearing bundle to the objectors as they may request. The applicants’ solicitors are not required to provide more than one copy of the bundle unless the objectors have first agreed to pay the reasonable cost of additional copies. The applicants’ solicitors must also provide an index to the hearing bundle (without charge) to each objector who does not wish to receive a copy of the hearing bundle itself.
6. A represented party must, and an unrepresented party may, file and exchange a skeleton argument not later than **seven days** before the date fixed for the hearing. Skeleton arguments must comply with paragraphs 20.13 to 20.17 of the tribunal’s Practice Directions.
7. The parties may apply for further directions if required.

…..

…..