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Lisa Walton  
Sent by email

Our Ref: APP/Z0835/W/17/3168678

Date: 20 February 2018

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Dear Ms Walton

## **HOLY VALE FARMHOUSE, HOLY VALE LANE, HOLY VALE, ST MARY'S TR21 0NT**

Thank you for your request to the Planning Inspectorate (the Inspectorate) for an ex gratia payment dated 1 December 2017 and the additional information received thereafter.

I understand your claim for £6,028.80 has been submitted on the basis of costs incurred due to the Local Planning Authority (the LPA) having to comply with a flawed costs decision. I refer to the response you received from my colleague dated 22 November 2017 acknowledging and apologising for the Inspector's error. An assessment of your claim has been completed and I have obtained the necessary financial approval to make a formal offer.

### **Our ex gratia policy**

The Inspectorate's scheme for financial redress is set out in the guidance document *Claims for Repayment of additional costs (ex gratia scheme)*<sup>1</sup>. Where we are unable, through alternative means, to return the affected party or parties to the position that they would otherwise have been in before an error occurred, we will consider claims for payment under this scheme. In the absence of any legal requirement, we aim to determine claims in a consistent manner but the decision as to whether or not we make a payment is discretionary and rests solely with the Inspectorate. We will only consider making payments under this scheme as a last resort and where there has been an acknowledged error or a failure on our part.

### **Assessment**

Under paragraph 2.2 of our ex gratia policy, we have discretion to consider making a goodwill payment where a claimant clearly establishes substantial distress or inconvenience caused by our error or failure.

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<sup>1</sup> [www.gov.uk/government/publications/planning-inspectorate-claims-for-repayment-of-additional-costs-ex-gratia-scheme](http://www.gov.uk/government/publications/planning-inspectorate-claims-for-repayment-of-additional-costs-ex-gratia-scheme)

It is acknowledged that the Inspector's error was a significant one. Ordinarily costs decisions are a matter of judgment for the Inspector; however, in this case the complaint investigation found that the Inspectorate did not support the Inspector's findings in this costs decision. It is extremely uncommon to declare that we consider such an error on a matter which is for the Inspector's judgment, and having done so is demonstrative of the significance of the error.

We are willing to pay the claim in full as a goodwill gesture, on the basis of exceptional circumstances due to the significance and impact of the acknowledged error and the LPA operating with limited financial resources.

## **Offer**

For the reasons set out above, our full and final offer is for the sum of £6,028.80.

Please confirm that you are prepared to accept the sum of £6,028.80 in full and final settlement of this claim. If this offer is not accepted within four weeks of the date of this letter, we will treat it as lapsed. Payments are made directly into payees' bank accounts by automated bank giro credit. If you accept our offer, please provide confirmation and the following information to enable us to process payment:

- a) the name, address and sort code of the bank into which funds should be paid;
- b) the name and number of the relevant account.

These details will be held securely by us, in accordance with the principles set out in the Data Protection Act.

If at any point it becomes evident that any information submitted in respect of your ex gratia claim was fraudulent or misleading, the Inspectorate reserves the right to recover any monies paid and the associated costs incurred by the Inspectorate of determining the claim and recovering the monies.

Yours sincerely

*Gina Hendore*

Gina Hendore  
Senior Customer Quality Manager