

## Preparation of evidence for virtual inquiries



**Anjoli Foster**

## Overview

- Virtual inquiries – shorter, more focussed sessions and no direct physical interaction with the Inspector and other parties
- What does this mean for the preparation of evidence?
- Proofs of Evidence and Appendices
- Core Documents
- Preparation for giving oral evidence during the inquiry
- Proper preparation from the outset is key!

## Proofs of Evidence and Appendices: overview

- Written Proofs of Evidence your qualifications, expertise and your judgment on the matters in issue – to be submitted to the Inspector and exchanged with the other parties 4 weeks before the start of the inquiry
- There has not been any formal guidance or directions from PINS yet about the preparation of Proofs of Evidence for virtual inquiries
- Of the inquiries that have proceeded virtually so far, evidence has submitted and exchanged before it was agreed that the inquiry would be heard virtually
- But this will inevitably come – for inquiries that I am instructed on we have been asked for views on proceeding virtually where our evidence has not been exchanged yet

## Proofs of Evidence and Appendices: good practice

- As Richard will explain, the nature of virtual inquiries is that sitting times are much shorter and the evidence is much more focussed – it is more difficult to concentrate over a screen for long periods
- This should be reflected in the Proofs of Evidence
- Shorter and more concise, rather than long-winded
- Focussing on the key issues
- Not replicating the Statement of Common Ground
- Not simply copying large swathes of planning policy, but rather extract the relevant part of the policy and explain how it applies to your case
- Advisory word limit currently – will Inspectors start to strictly enforce a word limit?

## Proofs of Evidence and Appendices: good practice

- In terms of presentation and referencing in Proofs, it is imperative to make things as easy and seamless as possible for the reader – no better way to annoy a decision-maker than to have documents in a mess!
- When making references to other documents do not simply copy a link to the internet – even though electronic, Inspectors will still not browse the internet – still need to attach all relevant documents in Appendices
- Use hyperlinks or electronic bookmarks within the Proof which can take the reader directly to the relevant page of the Appendices
- Ensure Proofs and Appendices are immaculately presented and check that all text, photos or plans appear properly sized and orientated on screen – even more important with virtual inquiries as you cannot simply hand up a document to the Inspector

# Proofs of Evidence and Appendices: good practice

- Summary Proofs of Evidence – a separate document, or at the start or end of the main Proof of Evidence
- Examination in Chief – often depends on the style of the witness and the advocate – sometimes read out the Summary Proof or the main Proof, sometimes cover certain topics – and can be very long
- However, because of shorter timescales in virtual inquiries, long and extensive Examination in Chief likely less appropriate
- Likely that reading from the Summary Proof (expanding where appropriate) will become more regular – helps to keep the evidence succinct and, given the lack of physical interaction, makes it easier for the Inspector to follow along
- Useful to bear in mind when writing the Summary Proof of Evidence

## Core Documents

- Core Documents will contain all the relevant documents for the inquiry
- Same points apply about these being well presented and easy to navigate – very useful to have a hyperlinked index so you can move straight to the relevant document
- Important lesson from the virtual inquiries so far...
- Have an electronic library of all the Core Documents (accessible on the Council's website) which can be updated regularly throughout the inquiry if new documents are introduced
- Cooperation between the parties is vital on this – in everyone's interest

## Preparation for giving oral evidence at the inquiry

- Practical matters: can you be in a different location or a different room from the rest of your team whilst giving evidence? Wifi? No light directly behind you? Noise?
- “Virtual style”: lack of physical interaction means it is much more difficult to engage – useful to do a practice run with the video technology with a colleague to see how you come across on screen, e.g. eye contact, not moving around too much – little things can make a difference
- More info on this see joint blog post: [www.davidlock.com/living-in-a-virtual-inquiry-world-top-tips/](http://www.davidlock.com/living-in-a-virtual-inquiry-world-top-tips/)

Thank you for listening

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**London**

180 Fleet Street  
London, EC4A 2HG  
+44 (0)20 7430 1221

**Birmingham**

4th Floor, 2 Cornwall Street  
Birmingham, B3 2DL  
+44 (0)121 752 0800

**Contact us**

✉ [clerks@landmarkchambers.co.uk](mailto:clerks@landmarkchambers.co.uk)  
🌐 [www.landmarkchambers.co.uk](http://www.landmarkchambers.co.uk)

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