

SHORT FORMAT RIGHTS OF WAY DECISIONS *(revised 29 October 2008)*

1. Probably best suited to PPO cases, but principles might also be adaptable to DMMO cases.
2. Format follows the concise format used across PINS for most s78 casework.
3. Creates a shorter, and arguably easier to read decision – but not necessarily shorter to write. For most simple PPO cases it should be possible to dispose of the case on not more than 2 sides of paper.
4. Not everything noted on the files is dealt with – only those matters which are central to the issue are aired.
5. No need for lengthy recitals of legal tests – identify only the ‘core’ of the dispute between the parties as the main issue. The main issue(s) should be brief and pithy – it (they) need do no more than outline, in a short sentence, the area(s) where the parties have a difference of opinion.
6. Banner header and detailed bullet points are the same – but no Summary of Decision in the header.
7. The decision should be adequately structured under the following headings:
 - Decision
 - Main Issue
 - Reasons
 - Conclusion
 - followed by your signature
8. The decision is the first substantive point in the text (it may be necessary to include brief Preliminary or Procedural Matters right at the beginning).
9. Do not bother with generalised site descriptions or summaries of the cases of the parties. Deal directly with the matter in dispute and leave everything else to some sort of general ‘round up’ comment, or at least deal with it very briefly.
10. Before you finally conclude it may be appropriate to include a brief ‘catch all’ to show that you have not ignored the duty (if there is one) to consider all aspects of a legal test. Something along the lines of the following should suffice for most situations:

Nothing has been raised in the representations, or what I saw at the site visit, which indicates that [*other aspects of the legislation*], would

not be satisfied. On this basis I consider that the Order would meet the requirements of [*section of the Act*] and I have not addressed these matters in this decision.

11. The decision is not – nor ever could be – a complete record of what has been said or argued, or of every possible nuance of the legislation. That is, it should be specific to the case before you, and need not be regarded as a “model” for what others may claim to be parallel or similar cases.



29 October 2008