

# COSBEDCL4021

## Prepare and present evidence on disputes in planning, conservation and building control



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### Overview

This unit concerns investigating information relevant to a dispute. It also involves preparing and presenting evidence in cases involving disputes.

You will need to gather and collate relevant evidence, including examples from similar cases and precedents. You will need to prepare and present written submissions. You will need to be able to present a case to a legally constituted body.

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### Performance criteria

#### Prepare evidence for submission

- You must be able to:*
- P1 investigate **sources of information** that are relevant to the **dispute** and summarise valid and reliable information which supports the case
  - P2 interview people involved in the **dispute** and witnesses use a questioning style which encourages honest and accurate responses
  - P3 advise people involved in the **dispute** and witnesses on the procedures, appropriate responses and their roles in hearings, interviews and legal proceedings
  - P4 develop a presentation strategy, which is most likely to be successful, and agree the strategy with people involved in the **dispute** and witnesses
  - P5 assess documents for relevance, confirm that they are valid and summarise them accurately
  - P6 examine existing cases and precedents, select relevant examples and include them into the background materials and evaluation criteria
  - P7 consult with specialists by providing them with accurate summary information in cases where more information and expertise is needed
  - P8 produce case materials which are complete and contain valid, reliable and accurate information
  - P9 follow agreed procedures and meet time limits for submitting written materials and responses
  - P10 prepare written submissions which are accurate, contain valid and relevant information and follow reasoned arguments which present the case in the most favourable manner

#### Present evidence to legally constituted adjudicating bodies

- You must be able to:*
- P11 make **presentations** relating to the **dispute** which are complete, accurate, clear, concise and objective, using a pace, style and manner which are appropriate to the level of formality of the hearing and maintain the goodwill and trust of all the people involved
  - P12 present the case clearly and concisely, identify the relevant points of the supporting argument and avoid any additional information and opinions which are not directly relevant to the case
  - P13 respond to **presentations** and ask questions which are designed to present and interpret the evidence in the best interests of the case
  - P14 respond to questions on **presentations** in a way which presents and interprets the evidence in the best interests of the case
  - P15 present final summaries which identify the relevant points of the supporting argument and the major weaknesses in the opposing submission
  - P16 assess the results following a formal case **presentation**, and identify key issues which are likely to be relevant in any **further action**

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P17 recommend appropriate **further action** to settle the **dispute** where cases are unsuccessful

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### Knowledge and understanding

#### Prepare evidence for submission

*You need to know and understand:*

- K1 how to summarise documents and confirm that they are valid (application)
- K2 how to include relevant examples from existing cases and precedents into the background materials and evaluation criteria (application)
- K3 how and why to assess documents for relevance (analysis)
- K4 how and why to examine existing cases and precedents (analysis)
- K5 how and why to select relevant examples from existing cases and precedents (evaluation)
- K6 how to summarise valid and reliable information which supports the case (application)
- K7 how to produce case materials (application)
- K8 how to follow agreed procedures and meet time limits for submitting written materials and responses (application)
- K9 how to prepare written submissions (application)
- K10 how and why to investigate **sources of information** that are relevant to the **dispute** (analysis)
- K11 how and why to interview people involved in the **dispute** and witnesses (analysis)
- K12 how and why to develop a presentation strategy (synthesis)
- K13 how and why to advise people involved in the **dispute** and witnesses on the procedures, appropriate responses and their roles in hearings, interviews and legal proceedings (synthesis)
- K14 how and why to agree a presentation strategy with people involved in the **dispute** and witnesses (evaluation)
- K15 how to consult with specialists (application)

#### Present evidence to legally constituted adjudicating bodies

*You need to know and understand:*

- K16 how to make **presentations** relating to the **dispute** (application)
- K17 how to **present** the case and avoid presenting any additional information and opinions which are not directly relevant to the case (application)
- K18 how to present final summaries which identify the supporting argument and weaknesses in the opposing submission (application)
- K19 how and why to identify the relevant points of the supporting argument (synthesis)
- K20 how to respond to **presentations** and ask questions which are designed to present and interpret the evidence in the best interests of the case (application)
- K21 how to respond to questions on **presentations**
- K22 what to identify as key issues which are likely to be relevant in any

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- further action** (understanding)
- K23 how and why to assess the results following a formal case **presentation** (analysis)
- K24 how and why to recommend appropriate **further action** to settle the **dispute** where cases are unsuccessful (synthesis)

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### Scope/Range

#### Prepare evidence for submission

- 1 Sources of information:**
  - 1.1 application documents
  - 1.2 guidance policy
  - 1.3 records
  - 1.4 advice from experts
  - 1.5 correspondence
  - 1.6 case summaries
  - 1.7 research and test sources
  - 1.8 technical reports
  - 1.9 standards and codes of practice
  - 1.10 witnesses
- 2 Dispute (Performance in 2 of the following and knowledge and understanding of the rest):**
  - 2.1 appeals
  - 2.2 determinations
  - 2.3 construction
  - 2.4 conditions attaching to a decision
  - 2.5 enquiries

#### Present evidence to legally constituted adjudicating bodies

- 3 Presentations:**
  - 3.1 written representations
  - 3.2 hearings
  - 3.3 inquiries
  - 3.4 legal process
- 4 Dispute (Performance in 2 of the following and knowledge and understanding of the rest):**
  - 4.1 appeals
  - 4.2 determinations
  - 4.3 construction
  - 4.4 conditions attaching to a decision
  - 4.5 enquiries
- 5 Further action:**
  - 5.1 appeals
  - 5.2 legal action
  - 5.3 evaluation and review

# COSBEDCL4O21

## Prepare and present evidence on disputes in planning, conservation and building control

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**Developed by** ConstructionSkills

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**Originating organisation** ConstructionSkills

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**Relevant occupations** Town planners; chartered surveyors (not quantity surveyors); building inspectors; construction project manager and related professions

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**Suite** Town Planning, Conservation and Building Control

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**Key Words** Disputes; evidence

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