

Independent Review of Planning Appeal Inquiries – Action Plan

February 2020 update

FINAL

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Foreword

We have made significant progress in implementing 16 of the 22 Inquiries Review recommendations, with over 120 planning appeal inquiries now following the new inquiries process. All planning appeal inquiries received from April 2019 are being dealt with 'Rosewell style'.

To mark the progress made over the year since publishing the review we held a 'one year on event' on 12 February 2020. This was attended by around 50 professionals representing a broad mix of appellants, legal professionals, local planning authorities, statutory and other interested parties as well as Planning Inspectorate and MHCLG staff. The session reflected on how the changes are working in practice, what can be improved further and what has been learnt so far.

The general consensus at the event and from feedback we have received to date is that the changes have greatly improved certainty in the timing of planning inquiries and have consistently delivered substantially earlier decisions.

Where we have successfully made improvements through implementing the recommendations, the Planning Inspectorate has started to look at how we can apply some of the recommendations to other areas of casework.

A key part of the changes is Inspectors taking control of the process from the start and having a more proactive role through early engagement with appeal parties at the case management conference.

Appeal parties also had to adapt to the demands of the new ways of working, cooperating with ambitious timescales and ensuring their readiness to meet inquiry deadlines. The result is a fantastic example of how all parties can work together to improve the way the planning system works with greater certainty and achieving consistently faster decisions.

With only a few 'pre-Rosewell cases' remaining to be decided, our confidence in maintaining the improvements already achieved has greatly increased. Achieving the full ambitions set out in Bridget Rosewell's Review and to keep improving our services is part of our focus of putting the customer at the heart of everything we do at the Planning Inspectorate.

Sarah Richards
Chief Executive
The Planning Inspectorate

Section 1 – Highlights and progress to date

Introduction

Bridget Rosewell's Inquiries Review included 22 recommendations to speed up decision times for planning inquiry appeals and make the process more proportionate and predictable. One year on from its publication on 12 February 2019, the Planning Inspectorate has successfully implemented over two thirds of the recommendations set out in the review.

This Action Plan is a 12-month milestone following publication of the Review with details of the improvements made so far and what we are looking to introduce over the next four months as the project draws to a close.

Out of the 22 recommendations in the review, the Planning Inspectorate has so far implemented 16, including streamlining the process, reforming the statement of case, earlier inspector engagement and overhauling statements of common ground. The remaining six recommendations are currently in progress, including developments to the new digital portal, reviewing costs of the inquiry venue and improving technology such as exploring the use of live streaming.

Inquiry Inspectors continue to drive the new process from the very beginning with firm, proactive and positive engagement with all appeal parties. Continuing this approach is key, as it allows inquiries to run smoothly and efficiently, with resources focussed on the main issues in dispute.

This Action Plan is a 'live' document and will be followed by a closing report in June 2020.

Recommendation 1 - Improving the submission and validation of appeals

The Planning Inspectorate should ensure the introduction of the new portal for the submission of Inquiry appeals by December 2019, with pilot testing for Inquiry cases to start in May 2019.

Position Statement

The live testing of the new digital service has continued with 27 Local Planning Authorities across three South East England counties. Whilst planning inquiry appeals cannot yet benefit from this new service, it is helping us to understand what is working well for our customers and what areas require further focus and enhancement. As planning inquiry appeals build on the functionality of written representation and hearings appeals, it is necessary that the new digital service works sufficiently well for these types of appeals before scaling it up to planning inquiry appeals.

Whilst overall feedback from customers and users about the new portal has been positive, additional improvements are essential prior to wider roll out. This is affecting the timing for the additional functionality requiring to be built for inquiry appeals and other types of casework.

The Planning Inspectorate is currently firming up release plans before being able to indicate how much functionality it will introduce for planning inquiry appeal customers by summer 2020. The Inspectorate remains committed to making the new appeals portal available for planning inquiry appeals as soon as practically feasible and as close as possible to June 2020.

Should there be a delay in delivering a new service for planning appeal inquiries beyond this date, enough resources will be provided within the Inquiries Team to ensure that the necessary checks can continue to be carried out manually until the new digital solution is available.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|------------------------|-----------------------|--|---|--|
| 1. Portal development. | Planning Inspectorate | <ul style="list-style-type: none"> All base functionality for 'non-inquiry' planning appeals delivered and in live testing since July 2019. | | July 2019 – January 2020 |
| | | | <ul style="list-style-type: none"> Improving base functionality in response to user feedback to ensure user acceptability before wider roll out Identifying minimum additional functionality required to go live on inquiry planning appeals and realistic development estimates. Roll out minimum functionality on planning inquiry appeals Further improve and deliver full functionality for planning inquiry appeals. | June 2020 June 2020 Summer 2020 Autumn 2020 onwards |

Outcomes

The benefits that the new digital service will bring to planning appeal inquiries include:

- Mandatory fields to ensure appellants are including all required information
- Automatic notifications to all appeal parties throughout the life of an appeal including local planning authorities immediately on submission and enabling all to track the progress of an appeal;
- Ability to upload all relevant documents reducing the need for paper documentation and updating document size limits to modern requirements;
- Certainty over all appeal parties accessing reviewing the same documents, eliminating any issues around version control.
- Clear step by step guidance to support submissions
- Clear process timeline.

Recommendation 2 - Reforming the statement of case

The Planning Inspectorate should work with representatives of the key sectors involved in drafting statements of case to devise new pro-formas for these statements which can then be added to the new portal and include, where appropriate, the introduction of mandatory information fields and word limits.

Position Statement

Statements of case are critically important documents in identifying the main issues and the evidence to be called. The appellant's statement informs the Planning Inspectorate's decision on the appropriate mode of appeal and their initial assessment of the length of any inquiry.

The revised guidance on preparing statements of case for planning inquiries was published on [GOV.UK](https://www.gov.uk) in August 2019. The latter is an interim solution until it will be possible to integrate an electronic template into the new appeals casework portal. The long-term intention is for an electronic form to be in place on the portal for appeal parties to follow and complete.

However, the electronic template with mandatory fields will not be included as part of the first version of the new digital service. Consequently, we are considering whether to further iterate the interim solution ahead of the new digital service for the statement of case.

Any further iterations of the guidance and templates will build on feedback received from appeal parties including suggestions made during the one year on event¹. From the feedback received to date this does not appear to be an area that we need to prioritise for further improvement in the short-term. We are keeping this under review. If necessary, we will implement a further interim improvement ahead of the longer-term solution via the new digital service planned for later this year.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|--|-----------------------|---|--|------------------------|
| 1. Consider need for revised and improved version ahead of portal. | Planning Inspectorate | <ul style="list-style-type: none"> Engagement with appeal parties. | <ul style="list-style-type: none"> Consultation of electronic form | March 2020 - June 2020 |
| 2. Develop integrated templates on portal. | | | <ul style="list-style-type: none"> Develop templates | Autumn 2020 |
| 3. Review impact and continuously improve 'portal integrated version'. | | | <ul style="list-style-type: none"> Develop iteration of launch version. | Winter 2020 onwards |

¹ <https://www.gov.uk/government/news/one-year-on-from-rosewell-review-what-have-we-learnt-so-far>



Outcomes

There has been positive press coverage welcoming the new guidance. We anticipate that the new guidance is having the intended effect of facilitating succinct submissions leading to overall improved quality of documents submitted. This will be kept under review and improvement suggestions that arise over the next few months that can be incorporated into the new digital service will be considered.

Recommendation 3 - Streamlining the process for deciding the appeal mode to be used

The process of confirming the procedure to be used should be streamlined. Where an Inquiry is requested, appellants should notify the Local Planning Authority (LPA) of their intention to appeal a minimum of 10 working days before the appeal is submitted to the Planning Inspectorate. This notification should be copied to the Inspectorate.

Position Statement

Advance notice of a planning inquiry appeal being submitted enables both the Local Planning Authority and the Planning Inspectorate to deal swiftly with the procedural decision once the appeal is received. In some cases, this has also led to liaison between the LPA and the appellant ahead of the submission of the appeal. Since June 2019, the Planning Inspectorate has increasingly been notified by appellants of their intention to submit a planning inquiry appeal via email to the dedicated inbox for this.

As the table below shows, appellants requesting an inquiry appeal are now aware of the need to pre-notify and are doing this now on most cases, and all received so far in 2020. The length of time appellants send the notification ahead of submitting an appeal varies greatly. Since September last year all have at least been giving the minimum 10 days' notice. Often an appeal takes considerably longer to come in from the date the pre-notification is received.

Most appellants now use the [template](#) the Inspectorate has suggested for their pre-notification email. This includes a prompt for specifying when an appellant is intending to submit the appeal. Earlier notifications are generally helpful as it provides extra time to ensure the relevant resources are lined up. However, to date the experience has been that the dates indicated in the pre-notification notices haven't been particularly reliable. This undermines their value for lining up resources.

The Inspectorate and MHCLG are therefore keeping this under review and considering potential further amendments to improve the value of the pre-notifications.

| Month | % Of confirmed inquiries that were pre-notified | Lowest Period (days) | Highest Period (days) | Average (days) |
|-----------------|--|-------------------------|--------------------------|-------------------|
| June 2019 | 0% | - | - | - |
| July | 38% | 8 | 22 | 16 |
| August | 86% | 6 | 52 | 18 |
| September | 100% | 16 | 53 | 35 |
| October | 50% | 20 | 42 | 30 |
| November | 75% | 15 | 99 | 50 |
| December | 100% | 14 | 159 | 44 |
| January 2020 | 100% | 11 | 50 | 29 |

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|---|-----------------------|---|--|---------------------|
| 1. Monitor extent to which inquiry appeals are being pre-notified. | Planning Inspectorate | <ul style="list-style-type: none"> Data collected to date and being considered on ongoing basis. | | June - Feb 2020 |
| 2. Consider any further action to take to improve the value of pre-notifications. | | | <ul style="list-style-type: none"> Consider updating template/advice considering any lessons learned/feedback received. | February - May 2020 |
| 3. Implement any further action considered necessary. | | | | June 2020 |
| 4. Continue monitoring effectiveness of approach and consider whether further intervention necessary. | | | | July 2020 onwards |

Outcomes

The above data suggest that there is now good awareness of the need to pre-notify inquiry appeals. As such it appears that the voluntary approach appears to be working reasonably well. Further improvements and monitoring are likely to focus on the specificity of information being provided and the reliability of timing predictions to gain maximum value from the pre-notifications for resourcing and preparation purposes.

Recommendation 4 - Issuing a start letter more quickly

The Planning Inspectorate should ensure that only complete appeals can be submitted and ensure a start letter is issued within 5 working days of the receipt of each Inquiry appeal. The start letter should include the name of the Inspector who will conduct the appeal.

Position Statement

The start letter provides parties with confirmation of the start of the inquiries process and provides clarity on next steps. In the absence of the new digital service for planning appeal inquiries, the Planning Inspectorate has been working hard to ensure start letters are issued as soon as possible and ideally within five working days of receipt of an inquiry appeal. Having prior notification on the submission of an inquiry appeal has helped to enable procedural matters to be considered ahead of submission and therefore a swift procedural decision on receipt of the appeal.

As validation checks and resource allocation currently occurs manually, this poses a substantial challenge to complete within five working days. As we reported in our previous Action Plan the target is often narrowly missed. However, the Planning Inspectorate has looked to ensure that this does not compromise achieving the overall submission to decision timescales introduced by the Review. We are also confident that this issue will be resolved with the first version of the new portal.

The start letter itself has also been improved and further updated in January 2020 in response to feedback received. We now also ask the parties in the start letter to provide the name and email address of their spokesperson 7 days before the case management conference, along with the names of any other participants. This encourages participation of key personnel to an inquiry from the start.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|---|-----------------------|--|---|---------------|
| 1. Review and improve Start Letter. | Planning Inspectorate | <ul style="list-style-type: none"> Updated Start Letter to include paragraph to say that advocates should take part in case conference if possible. | | December 2019 |
| 2. New digital service for planning appeal inquiries. | | | <ul style="list-style-type: none"> Validation checks and allocation improvements through new digital service. | Summer 2020 |
| 3. Review. | | | <ul style="list-style-type: none"> Assess and review for continuous improvement in line with further iterations of the launch version on portal. | Autumn 2020 |

Outcomes

The timely issuing of the start letter enables all parties to make best use of all the time ahead of the inquiry event. This enables the minimising of the matters remaining in dispute by the time of the event.

In addition, it also provides:

- Early clarity on which Inspector is deciding a case;
- Early identification of the overall timetable for a case including notification of case management engagement; and
- Clear guidelines for all parties.

As such it enables all parties to influence the details within the overall timetable and put their view across on how the various matters should be examined.

Recommendation 5 – Agreeing the date of the Inquiry

The practice of the Planning Inspectorate leading on the identification of the date for the Inquiry should be restored, with all Inquiries commencing within 13 to 16 weeks of the start letter.

Position Statement

This recommendation is making the biggest difference to the end-to-end decision time required for planning appeal inquiries. Maintaining a tough stance has been the most controversial element but appears to be getting easier for all.

Some parties found the new timings challenging in the early days of implementing the Review’s recommendations. It appears to us that this was largely due to parties not having been aware of the Review’s findings or not expecting that the Inspectorate would implement the Review’s recommendations as quickly. Most parties now appear to have heard of and adjusted to the new, accelerated, approach and understand that this is now ‘business as usual’.

The Planning Inspectorate has continued to seek that all inquiries commence in weeks 13-16 from the start letter. This has led to achieving faster end-to-end decision times without compromising robust decision making. Our overall target of deciding an inquiry appeal robustly and fairly within 24-26 weeks is in all cases seen as the key outcome to achieve. We are seeking to protect this wherever possible.

We particularly value the great willingness encountered from all parties in embracing the new timescales and adjusting their ways of working despite the challenges it brings. This applies particularly to Local Planning Authorities in making the necessary swift preparations upon receiving notification of the appeal.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|---|-----------------------|---|--|------------------------|
| 1. Continue to set event timings 13-16 weeks from start letter. | Planning Inspectorate | <ul style="list-style-type: none"> Ongoing (since April 2019) | | April 2019 |
| 2. Continually review awareness of process. | | <ul style="list-style-type: none"> Monitor engagement and feedback New inquiry appeal timeline on GOV.UK. | <ul style="list-style-type: none"> Review guidance and integrate into portal development. | March 2019 – June 2020 |
| 3. New digital service. | | | <ul style="list-style-type: none"> Go live. | Summer 2020 |



Outcomes

With the inquiry event for all planning appeal inquiries received since April 2019 having been set within weeks 13-16 from start, all except one already decided have met their respective target dates. And all currently under consideration have a high probability of achieving the overall target of receiving a decision by week 24/26 from receipt. Since introducing the new timeline, we have seen a gradual decline in requests to change a date set for an inquiry.

We are also carefully considering all the feedback received with a view to further improving practice where possible. However, it is also clear that setting an early event date in weeks 13 to 14 from start is the single most important factor in achieving the faster end-to-end decision times and gives certainty and predicability to all parties.

Recommendation 6 – Costs of the Inquiry venue

The Ministry of Housing, Communities and Local Government (MHCLG) should consult on the merits of appellants contributing towards the accommodation costs of the Inquiry.

Position Statement

Currently the Local Planning Authority provides the venue for an inquiry. Sometimes this has caused a delay in scheduling an inquiry under the previous, bespoke system.

MHCLG is intending to seek evidence on the frequency and extent of this issue, as part of a consultation on the benefit and feasibility of sharing costs. Any changes to the current arrangements will need to accommodate a range of appellants from large developers who are prepared to pay for, or provide venues, to individuals who have not chosen an inquiry and would struggle to pay for a venue.

The right of appeal is a statutory right so any potential issues about fairness and access to justice will need to be resolved before any changes are implemented.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|---|-------|-----------|--|---------------|
| 1. Include in suitable consultation document. | MHCLG | | <ul style="list-style-type: none"> Draft consultation text for inclusion in a wider / bigger consultation (this item is too small to warrant its own consultation). | 2020 |

Outcomes

To date none of the inquiries progressed in the new way of working has been delayed due to venue constraints. However, this will be kept under close review and considered as part of any future consultation proposals.

Recommendation 7 – Statements of Common Ground

MHCLG and the Planning Inspectorate should substantially overhaul the approach to the preparation of Statements of Common Ground.

Position Statement

Statements of Common and Uncommon Ground are critically important documents in narrowing down the issues in dispute as far as possible ahead of the inquiry event. This enables the examination of inquiries to be proportionate and efficient.

We issued updated guidance for preparing Statements of Common Ground for planning appeal inquiries in August on [GOV.UK](https://www.gov.uk). The latter is an interim solution until it will be possible to integrate an electronic template into the new appeals casework portal. The long-term intention is to provide electronic, topic-based forms on the portal for appeal parties to follow and complete.

However, it would not be possible to include such templates with mandatory fields as part of the first version of the new digital service without causing further substantial delay. We have therefore decided that these will not be included as part of the first service. We are now also looking to further iterate the interim solution ahead of the new digital service for the statements of common and uncommon ground.

We will also increase our efforts in raising awareness of the updated guidance and currently available templates. Inspectors will also be increasingly signposting these to parties. This is to ensure that adoption of the guidance becomes more consistent and is followed by all. At the same time this is one of the areas on which we have received a fair amount of constructive suggestions for further improvements.

We are currently in the process of producing a further update in response to the feedback received. We anticipate being able to publish this further update in April 2020. The August 2019 version had also been developed following extensive customer feedback and has also informed an update to the [Planning Appeals Procedural Guide](#) on the new inquiries process which was published at the same time.



Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date | | |
|--|------------------------------------|---|-------------|--|---|------------------------|
| 1. Link with work carried out on Statement of Case (Rec 2) and new portal (Rec 1). | MHCLG/ Planning Inspectorate | <ul style="list-style-type: none"> 1st draft produced for stakeholder feedback Internal stakeholder feedback received External stakeholder feedback received | | March 2019 | | |
| 2. Ensure Statements of Common Ground also cover areas of disagreement. | | | | <ul style="list-style-type: none"> Revise draft following stakeholder feedback Finalise draft and publish. | April – May 2019 | |
| 3. Review impact and consider issuing revised guidance. | | | | <ul style="list-style-type: none"> Analyse feedback received Decided to produce further tactical update | August 2019 | |
| 4. Develop further iteration of tactical improvement. | | | | | <ul style="list-style-type: none"> Update guidance and template taking f/b into account Publish update to tactical solution | November/December 2019 |
| 5. Develop electronic template option. | | | | | <ul style="list-style-type: none"> Progress integral solution to portal. | January - March 2020 |
| | | | April 2020 | | | |
| | | | Autumn 2020 | | | |

Outcomes

Anecdotal evidence suggests that overall the updated guidance has been well received and is starting to achieve the intended outcome: more proportionate, focused inquiries. We will keep this under further review and analyse further following the currently planned update to the guidance.

Recommendation 8 – Requiring early Inspector engagement

- a) In every Inquiry appeal case, there should be case management engagement between the Inspector, the main parties, Rule 6 parties and any other parties invited by the Inspector, not later than 7 weeks after the start letter.**
- b) Following the case management engagement, the Inspector should issue clear directions to the parties about the final stages of preparation and how evidence will be examined no later than 8 weeks after the start letter.**

Position Statement

After setting an early date for the inquiry this has arguably been the second most impactful change. Moreover, it also appears to be one on which most participants so far agree it has been a positive change that is keeping inquiries more focused.

We initially experimented only to use a pre-inquiry note in lieu of a case management conference on inquiry appeals that appeared more straightforward at the beginning. However, customers told us how useful their case conferences have been. From the few 'notes only' trial cases it also appeared that there is a greater risk of timetables not being adhered to in cases where no case management conference took place.

We therefore decided to use case management conferences as standard on all inquiry appeals to enable and enforce a more front-loading approach. For cases where there are many Rule 6 parties this may also still take the form of a pre-inquiry meeting. This is due to the difficulties of holding a telephone conference with many people.

Initially, to get the new ways of working underway an Inspector was named for the case management conference and most of the time a separate Inspector conducted the inquiry. This was not ideal but enabled the Planning Inspectorate to introduce the new ways of working earlier. It meant that we could start all new inquiries from April 2019 to the new timetable whilst still training many of the Inspectors to take these on, or whilst the programmes of already trained inspectors were full of pre-existing casework.

The feasibility of video conferencing is still to be explored. However, ensuring anonymity of Inspector contact details is currently still an issue. It would also require the technology to work for all participants who need to take part to ensure fairness for all. Further exploration and consideration in this area is therefore still required and is currently planned to take place once the new digital inquiry service has further progressed in its development.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|---|--|---|-------|----------------------------|
| 1. Set out new Inspector training. | Planning Inspectorate | <ul style="list-style-type: none"> • Training in new inquiries process for Sub-Group Leaders • Training all Inspectors in new inquiries process | | March 2019 |
| | | | | May – July 2019 |
| 2. Set out best practice for new process. | | <ul style="list-style-type: none"> • Guidance notes out for consultation • Revise guidance notes following consultation | | April 2019 |
| | | <ul style="list-style-type: none"> • Analyse pilot data and use intelligence to inform scaling up of implementation | | May – July 2019 |
| | | <ul style="list-style-type: none"> • Review impact and progress made | | May – June 2019 |
| 4. Review impact. | <ul style="list-style-type: none"> • Case management conference calls for all new inquiries. | June 2019 | | |
| | <ul style="list-style-type: none"> • Encouraging all key parties to attend case management conference: amendment to start letter. | August 2019 | | |
| 5. Ongoing monitoring and continuous improvement. | | | | December 2019/January 2020 |

Outcomes

We have now largely seen out all pre-existing inquiry casework and trained many more inspectors in inquiry casework. We therefore expect that in most cases the same inspector who held the case management conference will be holding the inquiry event. Such continuity is welcomed by the parties and provides greater resource efficiency for the Inspectorate. However, in exceptional circumstances (e.g. due to unexpected illness) it may become necessary for a different Inspector from the one who conducted the case management conference to hold the inquiry in order to avoid long delays.

Evidence continues to emerge about time saved during a planning appeal inquiry which include setting time limits on evidence-in-chief and cross-examination and reinforcing the deadlines leading up to the inquiry. Also, savings are being made by the way evidence is presented at the inquiry for example by cross-examination or by roundtable. For instance, in one case it has been possible to reduce the original estimate of three weeks sitting to two weeks through a combination of measures agreed at the case management conference.

Recommendation 9 – Preparation in approaching the examination of the evidence

The inspector should decide, at the pre-Inquiry stage, how best to examine the evidence at the Inquiry and should notify the parties of the mechanism by which each topic or area of evidence will be examined, whether by topic organisation, oral evidence and cross-examination, roundtable discussions or written statements.

Position Statement

The improvements made for this recommendation closely align with that of Recommendation 8 and are intended to provide early clarity and momentum for the efficient conduct of the inquiry.

Following the discussions held during case management engagement, the Inspector decides on the approach to be taken at the inquiry. This is confirmed in a post-conference note distributed to all relevant parties.

From feedback received to date, including during the 'one year on event' all parties greatly value the steer inspectors are giving as part of the case management conference. Most appreciate the opportunity it offers to take a more proportionate, tailored approach to the specifics of a case. Opinions are divided on some matters, in particular the extent to which roundtable sessions should replace cross-examination and whether there should be more explicit guidance about which approach to choose when.

We are currently considering all the feedback received and how to evolve our approach in response to it.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date | |
|---|-----------------------|---|-------|--|-----------------------------|
| 1. Set out best practice for new process. | Planning Inspectorate | <ul style="list-style-type: none"> 1st Case Management Conference held (through pilot) Template script, etiquette and agenda for Case Management Conference | | March 2019 | |
| 2. Inquiry training of additional inspectors. | | <ul style="list-style-type: none"> Inspector training for first additional cohort in new inquiries process. | | May – June 2019 | |
| 3. Exchange good practice and further embed approach. | | <ul style="list-style-type: none"> Interactive sessions incorporated into autumn professional training round. | | September/October 2019 with regular repeats afterwards as and when necessary | |
| 4. Collate and consider feedback on new approach. | | | | <ul style="list-style-type: none"> Analysis of feedback received. | November 2019 to March 2020 |
| 5. Update practice in response to feedback received. | | | | <ul style="list-style-type: none"> Identify and implement improvements based on analysis results. | April 2020 onwards |

Outcomes

According to feedback from Inspectors, being able to take a more focused approach has been a key element in achieving timely decisions.

The benefits experienced to date for pre-inquiry direction on the approach taken in the examination of evidence includes:

- Inspector is expected to make an early and informed decision on approach to take at inquiry
 - Considering the need for cross-examination on a topic by topic basis;
 - Reducing repetition and allowing a more efficient programming of expert witnesses
- Inspector having early sight of areas of dispute;
- Areas of dispute narrowed down to fewer issues; and
- Inquiries can focus on the key matters in contention, where cross-examining witnesses is required.

Recommendation 10 – Making Inquiry documents readily available

The Planning Inspectorate should ensure all documents for Inquiry appeal are published on the new portal, in a single location, at the earliest opportunity following their submission.

Position Statement

Ensuring documents are made quickly available, subject to necessary data protection controls being in place, will help reduce delays and increase the transparency of the evidence and process. The new digital service is expected to enable the Planning Inspectorate to get to this position.

Until the new service is in place current practice will continue with the Case Officer making documents available to the main parties. Every effort is made to do this as quickly as possible.

Case documents will initially remain available to main parties only when the new digital service is introduced. Potentially making these publicly available will be progressed after that, considering responsibilities under the General Data Protection Regulations (GDPR), and implementing a compliant technical solution to deal with the thousands of appeals received every year.

In response to feedback received about the burdens and challenges that paper copies present, we are considering the possibility of accelerating a switch to using only electronic copies.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|--|-----------------------|-----------|---|---------------------|
| 1. Consider timing for all appeal documentation to be electronic. | Planning Inspectorate | | <ul style="list-style-type: none"> Review feedback received | March - April 2020 |
| 2. Implement possible tactical improvements ahead of new digital service if possible/worthwhile. | | | <ul style="list-style-type: none"> Pilot identified improvements | May 2020 |
| 3. Consider publishing all inquiry appeal documents. | | | <ul style="list-style-type: none"> Work with the MHCLG's data protection officer to implement, in line with GDPR responsibilities. | Autumn 2020 onwards |



Outcomes

Introducing the new digital service in summer 2020 will deliver the following benefits:

- Increased transparency and clarity with all parties knowing that they are viewing the same documents
- Easy accessibility to appeal documents for Rule 6 parties
- Reduced printing costs and materials, and time savings in making documents available
- Greater consistency of documents and ability to forward plan around when information will be received
- Increased transparency of the evidence and process.

Recommendation 11 – The timely submission of Inquiry documents

The Planning Inspectorate should ensure the timely submission of documents. It should also initiate an award of costs where a party has acted unreasonably and caused another party to incur unnecessary or wasted expense.

Position Statement

The early and direct engagement of the Inspector holding the inquiry has ensured consistency in the running of an inquiry and has enabled all parties involved to be more aware of the new process. This encourages good behaviour and deadlines are largely being met, particularly where parties have agreed to them in a case management conference.

The start letter sets out the timetable for the submission of inquiry documents which is then further refined and confirmed through the case management engagement and follow up note from the Inspector. Parties are reminded that in order to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the power to initiate an award of costs in line with the Costs Guidance. Unreasonable behaviour may include not complying with the agreed timetable.

The aim of the current award of costs policy is to encourage reasonable behaviour by increasing the likelihood of a penalty for unreasonable behaviour, with costs only awarded for wasted or unnecessary costs incurred by other parties. MHCLG has looked at whether the policy can be extended within the current legislative framework to include fines, for occasions such as when evidence is not submitted on time.

MHCLG has concluded that the current legislative framework does not allow for the issue of standard fines or penalties, because it is based on the principle of recovery of actual (wasted or unnecessary) costs. With the implementation of many of the recommendations of the Rosewell Review and parties working collaboratively, the targets for deciding planning appeal inquiries are being met. This, together with feedback from inspectors, suggests that parties are submitting documents in a timely way. However, we will keep this issue under review.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|---|---------------------------------|--|---|---------------------|
| 1. The Planning Inspectorate to lead on more robust implementation of timescales, using existing award of costs criteria. | Planning Inspectorate/ MHCLG | <ul style="list-style-type: none"> During the Case Management Conference, the Inspector sets timescales for submission. This will be included in the pre and post note stating that if timescales are not met it could be held as unreasonable behaviour. | | March 2019 |
| | | <ul style="list-style-type: none"> Work with MHCLG to review award of costs guidance | | March - August 2019 |
| 2. MHCLG to look at whether it is possible to broaden the scope of the award of costs policy and to introduce a fine type of award. | MHCLG | <ul style="list-style-type: none"> Consideration on whether it is possible to issue fines within current cost's framework. | | June 2019 |
| 3. Monitor and Review. | Planning Inspectorate/ MHCLG | | <ul style="list-style-type: none"> Analyse data and consider further improvements. | June 2020 |

Outcomes

The benefits of the timely submission of all documents include:

- Parties can rely on set timescales
- Easier to plan resources
- End to end time process time saving
- Reducing the need for adjournments.

The profile of cost considerations continues to be raised with all Inspectors to highlight in early case engagement and consider routinely for every case. As such, we are keeping a close eye on whether any further changes are necessary.

Recommendation 12 – Encouraging early identification of Rule 6 parties

The Planning Inspectorate should amend guidance and the model letter provided for local planning authorities to notify parties of an appeal, to make it clear that those interested parties who want Rule 6 status, should contact the Inspectorate immediately.

Position statement

Having everyone interested in an appeal engaged early on enables all focusing on the relevant issues from the outset. To this end we updated the model appeal notification letter on [GOV.UK](https://www.gov.uk) which Local Planning Authorities are encouraged to use in March 2019 and again in December 2019 to highlight the need for potential Rule 6 parties to contact the Planning Inspectorate immediately.

We have also created and published a plain [English video](#) explaining how the Rule 6 process works in January 2020. The video's main purpose is to explain to prospective Rule 6 parties, how to engage with us, highlighting the benefits to them for doing this earlier in the process.

We are also planning to raise awareness of the video guidance including through a further update to the model appeal notification letter. This is to get maximum benefit from and adoption of the guidance. We would therefore also greatly welcome other parties signposting its existence to parties to whom this is of potential relevance. Further improvements are also planned in conjunction with the new digital service. However, these are unlikely to form part of the initial service.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|--|-----------------------|---|--|---------------|
| 1. Engage with internal and external stakeholders. | Planning Inspectorate | <ul style="list-style-type: none"> Revise model appeal notification letter Revised model notification letter on GOV.uk. | | March 2019 |
| | | | | December 2019 |
| | | | <ul style="list-style-type: none"> Further update letter to include link to R6 video. | March 2020 |
| 2. Monitor and continuously improve. | | | <ul style="list-style-type: none"> Review impact and progress made. | June 2020 |
| 3. Develop functionality in new digital service. | | | <ul style="list-style-type: none"> Evolve with user feedback. | Autumn 2020 |

Outcomes

Whilst substantial improvements have been made to increase awareness amongst potential Rule 6 parties encouraging their early engagement, the full benefits from the changes made are too early to assess at this stage. Monitoring of the effectiveness of the changes made and consideration of additional improvements will therefore take priority over the next few months.

Recommendation 13 – The conduct of Inquiries and the role played by inspectors

The Planning Inspectorate should consult with key stakeholder groups to update procedural guidance to set out clear expectations on the conduct of Inquiries, based on a consistent adoption of current best practice and technology. Updated guidance should encourage and support inspectors to take a more proactive and directional approach.

Position Statement

Inspectors providing parties with a clear and strong steer on which issues to focus on, how evidence should be presented and by when key information needs to be submitted enables all involved to take a targeted approach proportionate to the needs of a case. The scale of the culture change required is such that making this shift requires the co-operation from all parties and will require continuous improvement over time.

New guidance that passed through stakeholder engagement was published in [August 2019](#). This guidance is also informing the development of the new digital service and Inspector training for inquiries.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|---|-----------------------|--|---|---|
| 1. Identify internal/external Stakeholders. | Planning Inspectorate | <ul style="list-style-type: none"> Consultation with external stakeholders (R. 7 & 2) | | March – April 2019 |
| 2. Update guidance notes. | | <ul style="list-style-type: none"> Updated guidance notes designed for new digital service User videos published on GOV.UK | | March – April 2019 April – July 2019 |
| 3. Align with customer work stream. | | <ul style="list-style-type: none"> Revised Planning Appeal Procedural Guide published. | | April – August 2019 |
| 4. Monitor and measure effectiveness. | | | <ul style="list-style-type: none"> On-going monitoring of effectiveness of new guidance Additional guidance videos/other guidance elements revised and publish. | July 2019 – June 2020 October 2019 – June 2020 |

Outcomes



From the feedback received on this to date it would appear to be delivering the following benefits:

- All parties involved are clear on expected outputs and behaviour and potential sanctions if disregarded;
- Most parties are complying with new expectations swiftly; and
- Timely and more focused production of evidence resulting in more proportionate resource needs of inquiries.

Recommendation 14 – Use of technology

The Planning Inspectorate should ensure that its programme for improving operational delivery through greater use of technology fully exploits the opportunities available to enhance the efficiency and transparency of the Inquiry event, such as the use of transcription technology for Inspectors and publishing webcasts of proceedings.

Position Statement

Making a recording of an inquiry event available in real-time or shortly after the event would increase the transparency of such proceedings making it possible for all interested to follow what is being said irrespective of whether they can physically attend. We remain fully committed to delivering such improvements. As these are dependent on a suitable 'host platform' they necessarily require the new digital service to be in place first which we expect will become available for use from summer 2020.

To date the Planning Inspectorate has utilised YouTube for uploading some recorded inquiries, which also provides an auto transcribe option. Where easily possible we will continue to make use of such opportunities. We also remain committed to exploring and introducing in due course video conferencing as an option for case management engagement and live streaming of events.

The Planning Inspectorate continues to actively explore the use of technology in other casework areas, specifically in national infrastructure cases where parties would also benefit from 'live streaming'.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|---|-----------------------|--|-------|--|
| 1. Linked to Portal (Recommendation 1). | Planning Inspectorate | <ul style="list-style-type: none"> Communications plan | | March 2019 – June 2019 |
| 2. Review venue requirement guidance. | | <ul style="list-style-type: none"> Investigate 'live streaming' Transcribing videos Investigate video conferencing. | | April 2019 – June 2020 |
| 3. Mechanism to monitor new/emerging technology and whether it could be used to improve inquiry events. | | | | <ul style="list-style-type: none"> Review following new digital service roll out. |

Outcomes

Benefits of both 'live streaming' and transcribing of events will bring to the inquiries process:

- Generate records of oral evidence through technology thereby increasing transparency
- Making participation at inquiry events more efficient by enabling a degree of remote participation (e.g. parties bringing smaller teams to an event).

Recommendation 15 – The role of interested parties during the event

Alongside other recommendations that will improve the transparency and clarity of the process (Recommendations 10, 12, 13 and 14), the Planning Inspectorate should develop a more effective and accessible guide to the Inquiry process for interested parties, including members of the public.

Position Statement

Plain English, bite-sized guides would enable first time and lay users easier and quicker understanding of the inquiry process. This in turn would enable all interested in participating in an inquiry appeal making relevant contributions from the start.

In May 2019 the Planning Inspectorate published on [GOV.UK](https://www.gov.uk) an inquiries process user guide video. Once the new digital service for inquiries goes live, the video guide will be linked to and easily accessible from the portal. A new inquiry process timeline diagram of the new process was also published on [GOV.UK](https://www.gov.uk) during August 2019. The revision of the appeal guidance published in August has also sought to make the guidance generally more accessible and shorter.

The [plain English video guidance](#) for Rule 6 parties published in January 2020 referred to under recommendation 12 also addresses the outcomes sought from this recommendation.

From the feedback received so far there seems to be no urgent need for further updates in this area. We will keep this under review and consider additional improvements. We are also planning to add further videos focusing on different aspects of the process considering user feedback and suggestions from interested parties as to what they would find most useful.

Delivery Actions

| Delivery Actions | Owner | Completed | To Do | Delivery Date |
|--|-----------------------|--|--|--|
| 1. Work with internal and external stakeholders to test. | Planning Inspectorate | <ul style="list-style-type: none"> User video for inquiries available on GOV.UK Inquiries process diagram published on GOV.UK. Produce & publish R6 video | | May 2019 August 2019 October 2019 – January 2020 |
| | | | <ul style="list-style-type: none"> Produce further bite-sized video guides and consider options for making the process more accessible. | February - June 2020 |
| 2. Review effectiveness | | | <ul style="list-style-type: none"> Gather feedback and look to continuously improve. | February - June 2020 |

Outcomes

Easily understandable guidance for lay users is expected to bring the following benefits:

- Timely and relevant input to an appeal from all interested parties;
- Greater understanding from all interested parties on how to influence decisions potentially leading to better decisions and greater acceptance of those decisions.

This recommendation correlates closely with others including:

- Enabling interested parties to keep up to date with the progress of the Inquiry and access any information they need, when they need it (Recommendation 10);
- Encouraging the earlier identification of Rule 6 parties (Recommendation 12);
- Improving conduct of inquiries (Recommendation 13); and
- Better use of technology to improve access to information (Recommendation 14).

Recommendation 16 – Allocation of time post inquiry for the Inspector to write up the case

Programming of Inspector workloads should ensure there is enough time to write up the case immediately after the close of the Inquiry.

Position Statement

Writing up an appeal case immediately after the inquiry event ensures that the information presented is still fresh in the Inspector’s mind and limits the likelihood of it becoming superseded by policy changes and/or critical changes to important evidence sets.

Since April 2019 all new planning appeal inquiries have been scheduled so that the Inspector has time reserved immediately following the inquiry event to write up the case. Inspectors have also confirmed this has been a critical factor in achieving the earlier decision timelines. It has further highlighted that the number of cases an Inspector handles at any one time needs to be managed to prevent their programmes starting to interfere with each other.

The Planning Inspectorate has also significantly improved its reporting capability over the past 12 months. We now have in place a daily reporting mechanism which informs our forward resourcing capability and forecasting efforts through close monitoring of live submission data. The ten-day early notification introduced by recommendation three has also helped to inform the Planning Inspectorate on upcoming inquiries, enabling better preparation.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|---|-----------------------|--|---|---|
| 1. Review Inspector scheduling process. | Planning Inspectorate | <ul style="list-style-type: none"> Feedback received from senior Inspectors on scenario model Digital model available by end March | | March 2019 |
| | | <ul style="list-style-type: none"> Demo digital model for wider internal consideration Resourcing impact analysis Further cohorts of Inspectors trained in inquiry process. | | April 2019 |
| | | | | July 2019 |
| | | | <ul style="list-style-type: none"> Improved inspector allocations tool being developed as part of new digital service. | September 2019 Oct. 2019 March 2020 |
| | | | | June 2020 |



Outcomes

Ensuring Inspectors can write up inquiry appeals immediately after the event delivers:

- Swift, robust decisions relatively soon after the event and at the latest within the timescales set by recommendation 21;
- Better understanding of resourcing implications of variations in demand to enable timely mitigating actions that allow all casework areas to maintain good performance
- Better understanding of overall resource requirement.

Recommendation 17 – Decisions made directly by the Secretary of State

(a) To minimise the number of cases that need to be decided by the Secretary of State, MHCLG should keep their approach to the recovery of appeals and call-in applications under review.

(b) The Planning Inspectorate should work with MHCLG to identify ways that technology can be used to speed up the process of preparing the inspector’s report to the Secretary of State.

Position Statement

The involvement of the Secretary of State adds an extra stage to the determination of an inquiry, which adds more time before a decision. We are continuously improving our ways of keeping this to a minimum, including looking at efficiencies in our submission to the Secretary of State.

MHCLG and the Planning Inspectorate have been working closely together in developing a shared understanding of key challenges and we now have in place a shared protocol. Better use of technology is also important in carrying forward this recommendation (see Recommendation 14).

Delivery Actions

| Delivery Actions | Owner | Completed | To Do | Delivery Date |
|--|-----------------------------|---|---|--|
| 1. MHCLG lead workstream, collaborating closely with the Planning Inspectorate | MHCLG/Planning Inspectorate | <ul style="list-style-type: none"> Meetings with key officials to discuss and agree ways of working. | <ul style="list-style-type: none"> Develop protocol for future ways of working. | From April 2019 onwards October – December 2019 |
| 2. Continuously improving our working arrangements | | | <ul style="list-style-type: none"> Monitor feedback and identify potential improvements. | January – June 2020 |

Outcomes

Since our last Action Plan in September 7 appeals have been recovered. In January we announced that we are now also handling all call-in cases received from that point onwards in line with the Rosewell recommendations.

Recommendation 18 – Inspector availability and the management of casework

The Planning Inspectorate should submit an Action Plan to the Secretary of State by April 2019. The Action Plan should set out how it will ensure that the necessary organisational measures are put in place to deliver the proposed timescale targets and wider improvements by no later than June 2020. This should include the mechanisms by which sufficient Inspectors can be made available. The Action Plan should also set out challenging, but realistic, intermediate milestones to be achieved by September 2019.

Position Statement

The April 2019 Action Plan was endorsed by Ministers in early May 2019 and published on [GOV.UK](https://www.gov.uk).

The Action Plan received extensive positive press coverage and was also referred to at high profile conferences including the 2019 Planning Summit. The [September Action Plan](#) and the February Action Plan (this document) provide further updates on progress of the recommendations identified in the Review.

A key requisite cutting across most of the recommendations has been having sufficient inquiry trained inspectors to allocate to cases in a timely fashion. Since our last update we have trained a further 19 Inspectors in how to conduct inquiries. This is in addition to the 53 already trained over the preceding nine months.

We continue to organise training to ensure that accelerating inquiries performance does not adversely affect performance improvement efforts in other casework areas.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|---|-----------------------|---|-------|--|
| 1. Several rounds of recruitment for additional Inspectors. | Planning Inspectorate | <ul style="list-style-type: none"> Short listing, Interview, Offer, Start | | Throughout 2018 and 2019 |
| 2. Work collaboratively with MHCLG. | | <ul style="list-style-type: none"> Weekly update meeting set with MHCLG | | March 2019 and ongoing |
| 3. Produce April Action Plan for publication. | | <ul style="list-style-type: none"> Draft Action Plan Final Action Plan Ministerial endorsement for publication on GOV.UK | | March 2019 April 2019 April – May 2019 |
| 4. Produce September Action Plan for publication. | | <ul style="list-style-type: none"> Draft Action Plan Final Action Plan & published on GOV.UK. | | August 2019 – September 2019 |
| 5. Produce February 2020 Action Plan for publication. | | <ul style="list-style-type: none"> Draft Action Plan Final Action Plan & published on GOV.UK. | | February 2020 March 2020 |

Outcomes

The benefit of producing periodic Action Plans include:

- Detailed progress update for each recommendation; and
- Opportunity to share feedback received and lessons learnt so far.

Recommendation 19 – The number of withdrawn Inquiry appeals

The Planning Inspectorate should review the issue of withdrawn appeals and consider how the impact on its work can be minimised. To deliver this the Inspectorate should:

- a) always collect information from appellants about why an appeal is withdrawn;
- b) initiate an award of costs where there is evidence of unreasonable behaviour by a party in connection with a withdrawn appeal;
- c) with the benefit of more detailed information, review whether further steps can be taken to reduce the impact of withdrawals on its resources and other parties.

Position Statement

Any work and time invested in an appeal that gets withdrawn seems wasted and abortive. However, the ability to bring an appeal to enable the resolution of issues has nevertheless been highlighted as a benefit during the Review. Whilst our understanding is growing in this area, better understanding is still required before considering further actions.

The Planning Inspectorate continues to collect data manually about withdrawals as automating this requirement requires the new digital service being in place. However, we can now better report the quantitative information being collected (updated daily). Detailed analysis into the data has so far not been possible to prioritise.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|---|-----------------------|--|-------|-------------------------|
| 1. Monitor and measure Withdrawals. | Planning Inspectorate | <ul style="list-style-type: none"> • Manual collection of reasons for withdrawals in place • Number of withdrawals reported on through new Power BI reporting. | | December 2018 – Ongoing |
| 2. Investigate award of costs for unreasonable behaviour in connection with a withdrawal. | MHCLG | <ul style="list-style-type: none"> • Inspector input re cost awards and implementation. | | March 2019 |
| | | <ul style="list-style-type: none"> • New digital service development | | March to summer 2020 |
| | | <ul style="list-style-type: none"> • Analyse reasons for withdrawal and identify improvements. | | Ongoing |



Outcomes

Since January 2019 until now a total of 79 inquiry appeals have been withdrawn. This compares to 94 withdrawals from 1 January to 31 December 2018. 30 of the cases withdrawn since January 2019 were Rosewell cases. This could therefore indicate that the bedding in of the Rosewell recommendations is leading to a slight reduction in the number of withdrawals. However, at this stage it is still too early to assess either the extent of the impact and whether it is likely to continue.

The reasons for the withdrawals have been varied. Around half have been due to the approval by the local planning authority of a revised application. Other reasons have included changed policy positions and/or altered material circumstances since appeal submission.

We will continue to monitor and analyse this information before considering whether further action is required.

Recommendation 20 – The benefits of a policy feedback loop

The Planning Inspectorate and MHCLG should regularly discuss the practical impact of new policy and guidance on the consideration of evidence at Inquiries with those parties who are frequently involved in the planning appeal Inquiry process.

Position Statement

This recommendation requires a more proactive approach to obtaining feedback from parties frequently involved in inquiries.

MHCLG and the Planning Inspectorate have existing structures in place to discuss policy and guidance and to liaise with stakeholders. The Inspectorate has been obtaining feedback via questionnaires on certain aspects of the new Rosewell process, such as from participants of case management conferences.

MHCLG and the Planning Inspectorate, has during 2019, established a more formal monthly policy meeting for officials, chaired by Directors.

As part of our commitment to continuous learning, MHCLG and the Inspectorate arranged and hosted a ‘one-year on’ event in February 2020 to obtain feedback directly from users of the Inquiry process on their experience of the changes implemented in the year since the report was published. A short write up on the day and link to the presentations have been published in a [press statement](#) earlier this month.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|--|-----------------------------|---|-------|--|
| 1. MHCLG/Planning Inspectorate Policy discussion. | MHCLG/Planning Inspectorate | <ul style="list-style-type: none"> Stakeholder engagement to obtain feedback | | Taking place monthly since summer 2019 |
| 2. Rosewell “One Year On” event. | | <ul style="list-style-type: none"> Held 12 February, feedback received from a range of stakeholders. | | February 2020 |
| 3. Consideration of further possible improvements. | | | | <ul style="list-style-type: none"> Gather feedback to continuously improve. |

Outcomes

Ongoing consideration of the practical impact of new policy and guidance on inquiry appeals, enables these to be taken into consideration in shaping the evolution and implementation of policy.

Recommendation 21 – Implementing the proposals and monitoring future performance

The Planning Inspectorate should adopt the following targets for the effective management of Inquiry appeals from receipt to decision

(a) Inquiry appeals decided by the Inspector

Receipt to decision – within 24 weeks - 90% of cases

Receipt to decision – within 26 weeks - remaining 10% of cases

(b) Inquiry appeals decided by the Secretary of State

Receipt to submission of Inspector’s report - within 30 weeks - 100% of cases

The Inspectorate should regularly report on its performance in meeting these timescales and what steps it is taking to expedite any cases that take longer.

Position Statement

To date, 72 decisions have been decided following the new process. The table below shows the make up of these and the related performance information.

| Type | No. of cases | Shortest Time taken | Longest time taken | Mean time taken |
|--|--------------|---------------------|--------------------|-----------------|
| Inspector decided inquiries | 59 | 17.1 weeks | 26 weeks | 22.6 weeks |
| SoS decided inquiries | 6 | 28.3 weeks | 33 weeks | 29.7 weeks |
| Hearings changed to Rosewell inquiries | 7 | 24.1 | 66.6 weeks | 39.8 weeks |

Of the 59 inquiry appeal cases decided by an inspector 80% have been completed in 24 weeks or fewer. 20% were decided within 25 or 26 weeks. Several of the latter were due to the election impact and several due to late engagement from rule 6 parties.

Rosewell inquiry appeals that started out as hearings at present still show a very long duration from valid to decision. This is almost entirely due to the extra time taken between valid and start due to the backlog of hearing cases the Inspectorate has been tackling over the past year. With hearing performance now also substantially improved we expect that the timing of these types of appeals will also substantially improve over coming months.

Of the six Secretary of State decided cases, five were submitted within the 30 weeks target. The one that took 33 weeks to complete was largely due to late engagement from rule 6 parties.

Delivery Actions

| Delivery Actions | Owner | Completed | To Do | Delivery Date |
|---|-----------------------|--|-------|---|
| 1. The Planning Inspectorate lead – implementation of new timescales by June 2020 (Rec 16). | Planning Inspectorate | <ul style="list-style-type: none"> Planning Inspectorate Performance Review | | All inquiry appeals received from April 2019 processed according to Rosewell timescales |
| 2. Define impact on other casework processes. | | <ul style="list-style-type: none"> Impact analysis output Digital modelling. | | March - July 2019 |
| 3. Review effectiveness. | | | | <ul style="list-style-type: none"> Gather feedback and look to continuously improve. |

Outcomes

Experience to date indicates that where the key interim milestones (early appointment of inspector and issue of start letter, holding of case management conference, inquiry event within weeks 13-16 followed immediately by adequate write up time) decisions can and are in most cases delivered within the timeframes suggested by the Review.

As such the inquiry process has become substantially faster from receipt to decision. Current average times are less than half the previous year's average. At the same time the quality of decisions and fairness of the process has been maintained. The timing associated with inquiries has also become a lot more predictable giving all involved a lot more certainty, supporting resource and delivery planning.

However, it is also clear that maintaining the ambitious Rosewell targets is only possible if all parties engage fully from the start of an appeal. We will be placing increased focus on encouraging this to happen in all cases.



Recommendation 22 – Reforming data collection and performance measurement

- a) **The Planning Inspectorate should use the Transformation Programme to ensure there is robust and comprehensive management and business information, which is regularly collected and reported, on all aspects of their operation.**
- b) **In developing an improved suite of information the Inspectorate should also:**
 - **ensure their digital case management record system records information on key variables in a consistent way;**
 - **agree with MHCLG a new set of key performance indicators to effectively monitor the Inquiry appeal process from end to end, including the availability of senior Inspectors.**

Position Statement

Good quality, timely and relevant information is crucial for sound decision making and understanding system performance.

As part of its Transformation Programme the Planning Inspectorate has developed a management information/ business intelligence system that allows the capture, presentation and analysis of a wide range of data and intelligence on the performance of all casework areas, including inquiries. This system is being integrated with the new digital service to further improve both the quality and timeliness of business intelligence.

The type of information being captured by the new digital service is being built following agile methodology and is expected to be continuously improved. It will be gradually expanded to capture more qualitative data over time that allows a better understanding of wider trends in the planning system.

Delivery Actions

| Action | Owner | Completed | To Do | Delivery Date |
|--|-----------------------|--|-------|---------------------|
| 1. Work with MHCLG on requirements (policy, finance, analysts) and data quality. | Planning Inspectorate | <ul style="list-style-type: none"> • Link with Recommendation 19. | | Autumn 2020 onwards |

Outcomes

The benefits of the Planning Inspectorate having a robust and extensive data collection and performance management system will include:

- Consistent reporting mechanism
- Accurate and reliable information
- Improved understanding of wider trends within the planning system over time;
- Timely and well-informed resourcing decisions; and
- Potential for improving consistency in dealing with policy and/or geographical phenomena.