

Independent Review of Planning Appeal Inquiries – Action Plan

September 2019 update

FINAL

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Foreword

We have made significant progress towards the Inquiries Review recommendations with all planning appeal inquiries now following the new inquiries process.

Where we have successfully made improvements through implementing the recommendations, the Planning Inspectorate has been considering how to apply these more widely across other areas of casework, ultimately bringing improvements to handling of all appeals.

Inspectors are now taking a more proactive role as they take control of the inquiry process early on and drive progress. Appeal parties have also been mostly proactive, cooperative and ready to meet inquiry deadlines.

With these key elements in place we are confident to achieve the ambition set out in Bridget Rosewell's Review and create a real cultural change. However, this is set within the context of resource challenges that were acknowledged in the Review.

Key Achievements:

Date	Detail
February 2019	First Rosewell pilot case started
March 2019	All new inquiries following new process (currently approaching 100 cases)
March-June 2019	All existing Inspectors trained in new process (rolled out through sub-groups)
April 2019	Internal & external stakeholder consultation on guidance for Statements of Case and Statements of Common Ground
June 2019	Dedicated inbox set up for appellants' pre-notification of submission of inquiry
June 2019	First Rosewell decision issued (within 21 weeks of receipt)
June-Oct, 2019	Newly promoted/recruited Inspectors' inquiry training
July-Sept. 2019	Fourteen Rosewell decisions issued (90% within 24 weeks, 10% in 26 weeks)
August 2019	Revised planning appeal procedural guidance process published alongside – Guidance for Statements of Case (SoC) and Statements of Common Ground (SoCG).

Sarah Richards
Chief Executive
The Planning Inspectorate

Section 1 – Highlights and progress to date

Introduction

The Planning Inspectorate has made significant progress towards delivering the recommendations set out in Bridget Rosewell's Inquiries Review of February 2019.

Following a 6-month period of implementation, we have successfully delivered over half of the 22 recommendations.

This Action Plan sets out the evolution to date and details the outcomes experienced as a result of the improvements made to the inquiries process.

The individual recommendations predominantly relate to process changes. However, they are all underpinned by the concept of proactive and positive engagement in the inquiry process by all appeal parties. This approach allows inquiries to run smoothly and efficiently, with a minimum of resources focussed on the issues in dispute. Following a successful pilot conducted during February and March, all new planning appeal inquiries are now being dealt with through the new inquiries process.

Development of our new digital service, with live testing (Beta) is now underway for written representation cases in 27 Local Planning Authorities based in East Sussex, West Sussex and Kent.

The feedback we receive from Beta is crucial to help us understand what further improvements are needed before rolling out the new digital service more widely. It also means that building the equivalent portal for inquiries is now imminent. It will start as soon as the written representations portal is sufficiently developed to provide the base.

This Action Plan is a 'live' document and will be updated again in February 2020 and June 2020. Please refer to Annex 1, 'Plan on a Page', which shows progress made to date against the timeline for all 22 recommendations.



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 new digital service will provide a fast and stable case management system and transparent and user-friendly interface for appeal parties. It is critical to the successful achievement of improvements to the inquiries process. It will provide quick and easy access to documents associated with a case, provide clear, step-by-step guidelines of information required to submit to the Planning Inspectorate and timelines for submission. Parties will receive timely updates on the progress of their case without having to chase for updates.

The scope of the new service covers the end-to-end operational process of the Inspectorate (including Wales) and all areas that impact it including people, process, technology, systems and structures. This includes all the Inspectorate’s casework (and the associated processes for each):

- National infrastructure
- Planning Appeals (including **inquiries**)
- Local plans
- Enforcement; and
- Specialist casework.

With live testing of the new digital service underway, the Planning Inspectorate is optimistic that the planning appeal inquiries portal, will become ready to use for all inquiry appeals by June 2020.

Should there be a delay in delivering a new service for planning appeal inquiries beyond this date, sufficient 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 to ensure this doesn’t delay the processing of inquiry appeals

Delivery Actions

Action	Owner	Completed	To Do	Delivery Date
1. Portal development	Planning Inspectorate	<ul style="list-style-type: none"> • Build written reps portal • Evolve and build on top of this the inquiries module 		June – August 2019 September – November 2019
			<ul style="list-style-type: none"> • Live testing of inquiries module will include all new inquiries (as such equivalent to 'go live') 	June 2020

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
- Ability to upload all relevant documents reducing the need for paper documentation and updating document size limits to modern requirements;
- 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.

Revised, focused guidance for preparing Statements of case for planning inquiries was published on [GOV.UK](https://www.gov.uk) in August 2019.

The final published version was developed following extensive customer feedback. The guidance was then used to inform and update the [Planning Appeals Procedural Guide](#) on the new inquiries process which was re-published at the same time.

The guidance is also informing the development of the new digital service. The intention is for this to be developed into an electronic template with mandatory fields to ensure parties are including all required information. This is unlikely to be included as part of the very first version of the new digital service which will need to be a minimum viable product. However, it will be developed as part of an early iteration of the initial launch version.

Delivery Actions

Action	Owner	Completed	To Do	Delivery Date
1. Improve current document	Planning Inspectorate	<ul style="list-style-type: none"> Internal/external feedback Revise draft Publish on GOV.UK Live testing and improvements 		March – August 2019
2. Consider need for revised and improved version ahead of portal				August - December 2019
3. Develop integrated templates on portal			<ul style="list-style-type: none"> Develop templates 	April – June 2020
4. Review impact continuously improve ‘portal integrated version’.			<ul style="list-style-type: none"> Develop iteration of launch version. 	June 2020 onwards

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 appeal inquiry being submitted enables both the Local Planning Authority and the Planning Inspectorate to deal swiftly with the procedural decision.

In June 2019, the Planning Inspectorate created a dedicated email inbox for the notification of the intention to submit an inquiry appeal. The statement on [GOV.UK](https://www.gov.uk) advertising this new facility received relatively wide coverage in the professional planning press. The facility is now widely used with most of the requested inquiry appeals being received having been pre-notified.

Delivery Actions

Action	Owner	Completed	To Do	Delivery Date
1. Communications	Planning Inspectorate/ MHCLG	<ul style="list-style-type: none"> Communications published on GOV.UK 		March and May 2019 with further updates as and when required
		<ul style="list-style-type: none"> Inquiries Review progress update on GOV.UK 		May 2019
2. Monitor extent to which inquiry appeals are being pre-notified		<ul style="list-style-type: none"> Data collected to date and being considered on ongoing basis 	<ul style="list-style-type: none"> Consider updating template/advice considering any lessons learned/feedback received 	June - Dec. 2019
3. Consider whether revision to inquiry procedures is necessary (including potential new legislation) and progress accordingly.			<ul style="list-style-type: none"> Monitor voluntary approach Review Complete assessment and plan any further action as required. 	January – June 2020

Outcomes

Following a three-month period of monitoring, 70 prior notifications have been received, 40 of these had subsequently translated into an inquiry appeal.

The following data seems to indicate increasing and high awareness of the need to pre-notify inquiry appeals.

Month	% Of confirmed inquiries that were pre- notified	Lowest Period	Highest Period	Average
June	0%	-	-	-
July	38%	8 days	22 days	16 days
August	86%	6 days	52 days	18 days
September	100%	16 days	53 days	35 days

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 doing its best 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 as it has enabled procedural matters to be discussed and often resolved ahead of submission and therefore a swift procedural decision on receipt.

As validation checks and resource allocation currently still must be undertaken manually, this poses a substantial challenge to complete within five working days. The target was often narrowly missed on the pilot cases. However, the Planning Inspectorate has looked to ensure that this does not compromise achieving the overall submission to decision timescales introduced by the Review.

The start letter itself has also been improved as recommended. This new version has been issued for all new planning appeal inquiries following the successful pilot held during February and March.

Delivery Actions

Action	Owner	Completed	To Do	Delivery Date
1. Improve start letter	Planning Inspectorate	<ul style="list-style-type: none"> Start letter includes name of Inspector External stakeholder feedback 		March 2019
2. New digital service for planning appeal inquiries		<ul style="list-style-type: none"> Guidance notes in design prototype added as a Start Notice 		April 2019 March 2019
			<ul style="list-style-type: none"> Validation checks and allocation improvements through new digital service. 	June 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. 	From June 2020

Outcomes

In advance of the new digital service, this will continue to be a manual process.

The impact of the improved start letter includes:

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



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 as parties know what timelines to expect.

The Planning Inspectorate has actively sought for an inquiry to commence in weeks 13-16 from the start letter. All inquiries received since late March 2019 have followed the new ways of working, achieving faster end-to-end decision times without compromising robust decision making. Our overall target of determining an inquiry appeal within 24-26 weeks is in all cases seen as the key outcome to achieve which we are seeking to protect wherever possible.

To achieve this new way of working, all parties involved have needed to identify their required resources from the outset. Local Planning Authorities are similarly making the necessary preparations when receiving notification from the appellant at least 10 days in advance of submission.

The Planning Inspectorate continues to promote awareness of the new inquiries process with Local Planning Authorities and planning agents to ensure all parties understand what is required of them at the various stages of the process.

Delivery Actions

Action	Owner	Completed	To Do	Delivery Date
1. Clear guidance notes available for all parties showing new timelines for process	Planning Inspectorate	<ul style="list-style-type: none"> Communications on GOV.UK Inquiries Review Action Plan published on GOV.UK 		March - May 2019 May 2019
2. New portal development		<ul style="list-style-type: none"> Major casework prototype design in principle 	<ul style="list-style-type: none"> Live (Beta) testing for all inquiries. 	March 2019 June 2020
3. 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 August 2019 October/November 2019
4. New digital service			<ul style="list-style-type: none"> Go live. 	June 2020

Outcomes

With the inquiry event for all planning appeal inquiries received from late March having been set within weeks 13-16 from start, all have a high probability of achieving the overall target of receiving a decision by week 24/26 from receipt. Indeed, the first 15 cases have already been decided: 14 within 24 weeks or less and 1 within 26 weeks.

Since introducing the new timeline, we have seen a gradual decline in requests to change a date set for an inquiry. Out of 74 inquiries following the new process, a total of nine requests have been submitted, six from Local Planning Authorities, one from an appellant and one joint request from a Local Planning Authority and appellant. There was 1 recorded instance of exceptional circumstances where an inquiry was then subsequently moved forward.

We are carefully considering all the feedback received with a view to improving practice where possible. However, it is also clear that setting an early event date weeks 1-3 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 consult on the extent of this issue, and the benefit and feasibility of sharing costs as part of a future, suitable consultation. 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.

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). 	Autumn 2019 / Spring 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

The new guidance for preparing Statements of Common Ground for planning appeal inquiries was published in August on GOV.UK.

Consultation with external organisations involved in the Inquiries Review along with additional agencies was sought in producing the final published version. This guidance was used to inform and update the [Planning Appeals Procedural Guide](#) on the new inquiries process.

The intention is to develop an electronic template in due course but is unlikely to form part of the initial version of the new digital service. Further consideration and engagement are also required before deciding on the most appropriate way forward.

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 Revise draft following stakeholder feedback Finalise draft and publish. 		March 2019
2. Ensure Statements of Common Ground also cover areas of disagreement				April – May 2019
3. Review impact and consider issuing revised guidance				August 2019
4. Explore electronic template option.				November/December 2019
			<ul style="list-style-type: none"> Analyse feedback received Progress electronic template if considered proportionate. 	April - June 2020

Outcomes

It is still early days following publication of the guidance to assess the benefits from the update. The guidance appears to have been received well and a further update will be provided for the next Action Plan in February 2020.

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

Early engagement between the Inspector, the main parties and Rule 6 parties for every planning appeal not only saves time and effort in subsequent stages of the process, but it also ensures that there is a greater focus on the issues that are in dispute at the inquiry.

This is a fundamental culture change, which the Planning Inspectorate has supported through revised inquiry training for Inspectors and detailed guidance which facilitates a far more proactive approach at the pre-inquiry stage.

Early case management engagement was successfully trialled during the pilot in February and March 2019 with main parties. It is informed by a pre-conference agenda and note from the Inspector setting out likely main issues and explaining the Inspector's thoughts on how the evidence would best be considered to make optimal use of inquiry time.

The feasibility of video conferencing has not been dismissed, although 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 will need to be aligned to subsequent iterations of the new digital inquiry service that is currently in 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
4. Review impact	<ul style="list-style-type: none"> • Review impact and progress made 	May – June 2019		
	<ul style="list-style-type: none"> • Case management conference calls for all new inquiries. 	June 2019		
				August 2019

Outcomes

Initially, to get this underway an Inspector was named for the Case Management Conference and latterly, a separate Inspector named to hold the sitting. This is not ideal but enabled the Planning Inspectorate, particularly through the summer months, to manage all new inquiries within the maximum target of 26 weeks.

Since holding the pilot early this year, we have been proactively monitoring early Inspector engagement, receiving a range of feedback, examples of which include:

‘...The extra time at the start enabled me to feel much more in control. It helped avoid a late flurry of frantic emails...’

Source: Inspector, Planning Inspectorate

‘Very productive use of time... Especially with the use of round table discussions and topic specific SOCGs’.

Source: Customer through Survey Monkey for Case Management Conference

‘Using video conferencing would have enabled participants to read body language and cues to speak. However, the Council does not have a video conferencing facility at present.’

Source: Customer through Survey Monkey for Case Management Conference

Feedback received to date on Case Management Engagement, has been largely positive, both from parties involved and the Inspectors holding the conference.

The benefits we have experienced so far with early Inspector engagement include:

- Clear direction given to all parties on final stages of preparation and how evidence will be examined
- Case Management Engagement leading to:
 - Engagement with parties by week 7 from the submission of the appeal
 - Early identification and categorisation of main issues
 - Instruction to seek agreement of further matters before the inquiry
- Greater clarity on what's required by whom by when
- A more directive practice
- Parties can be focussed on issues identified by the Inspector so that resources are used more efficiently.

Evidence is emerging 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.

The Planning Inspectorate is also seeking to adopt a visibly consistent approach in our pre-event advice, guidance and agendas. This is in part in response to requests from Council officers, consultants and Programme Officers. It is also expected to benefit planning at large.



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.

A pre-conference note and agenda issued by the Inspector in week 8, now sets out the mechanism by which the evidence is proposed to be examined. 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. Feedback is collected after each Case Management Engagement in order to enable the process to improve continuously.

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. 		May – June 2019
				September/October 2019 with regular repeats afterwards as and when necessary

Outcomes

According to feedback from Inspectors, being able to take a more focussed approach has been a key element in achieving timely decisions. As there have now been 15 decisions of which 14 were within 24 weeks or less there is mounting evidence to corroborate this. An example of feedback received includes:

'... My overall reflection is that in this case the early engagement helped me hugely ... the early familiarisation enabled me to start thinking about it at a stage where I could influence the way the parties went about preparing their cases.'

Source: Inspector, Planning Inspectorate

'The Case Conference can save a lot of time and focus the minds of parties...'

Source: Appellant feedback to the Planning Inspectorate

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 that this is done quickly.

Case documents will initially remain available to main parties only when the new digital service is introduced. 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. Risk assessments have been undertaken on the new digital service in the light of the Planning Inspectorate’s duties under the GDPR.

Delivery Actions

Action	Owner	Completed	To Do	Delivery Date
1. Portal work (Rec 1) to ensure it can accommodate this recommendation	Planning Inspectorate	<ul style="list-style-type: none"> The facility for parties to upload documents onto the new digital service and for these to then be published publicly has been prototyped. 		March 2019
2. Publish 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. 	April 2020

Outcomes

Introducing the new digital service June 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.

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

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.



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. 	March 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.

Feedback from a recent planning appeal inquiry Inspector:

'... By and large, the parties did what they said they would do. They undertook further work where it was needed, they had further discussions, and they kept me updated...'

The profile of cost considerations has been 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 identified and engaged early on enables all relevant issues to be identified and addressed from the outset.

The model appeal notification letter on GOV.UK which Local Planning Authorities are encouraged to use has been amended to highlight the need for potential Rule 6 parties to contact the Planning Inspectorate immediately. The impact of these changes is being monitored to understand their effectiveness and whether further action is necessary.

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
		<ul style="list-style-type: none"> Explore potential for model notification letter to be included in guidance on new digital service. 		December 2019
2. Review impact			<ul style="list-style-type: none"> Review impact and progress made. 	June 2020

Outcomes

Feedback received from Inspectors indicates that further consideration is needed about how the impact of third parties engaging late in the process can be minimised and avoided. We are currently exploring further ways to encourage early identification of Rule 6 parties. Additional changes are expected to deliver:

- Rule 6 parties being identified early in the process mitigating:
 - Delays
 - Additional cost for other parties
- Rule 6 parties able to take part in the pre-inquiry case management engagement increasing transparency and fairness of process
- Improving the prospects of common ground being identified before the proofs of evidence need to be finalised.



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

It is still early days following implementation to assess the effectiveness of the new guidance. The benefits we anticipate include:

- All parties involved are clear on expected outputs and behaviour and potential sanctions if disregarded;
- Most parties likely to comply with new expectations swiftly; those disregarding instructions being sanctioned accordingly; 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 or not.

An investigation into ‘live streaming’ of inquiries was undertaken by the Planning Inspectorate using recently upgraded software. This change would involve many different components; namely technology, set up of premises along with a change of culture. We have identified, that as a minimum requirement, having a good internet connection at every inquiry venue is a challenge that needs addressing in the first instance.

The Planning Inspectorate has utilised YouTube for uploading some recorded inquiries, which also provides an auto transcribe option. This use of technology is still in its infancy as there are dependencies on setup of venue. Video conferencing as an option for Case Management Engagement is also being explored.

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 		April 2019 – June 2020
		<ul style="list-style-type: none"> 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"> Bi weekly meet with Operational Delivery Team. 	<ul style="list-style-type: none"> Review following new digital service roll out. 	April 2019
			June 2020	

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

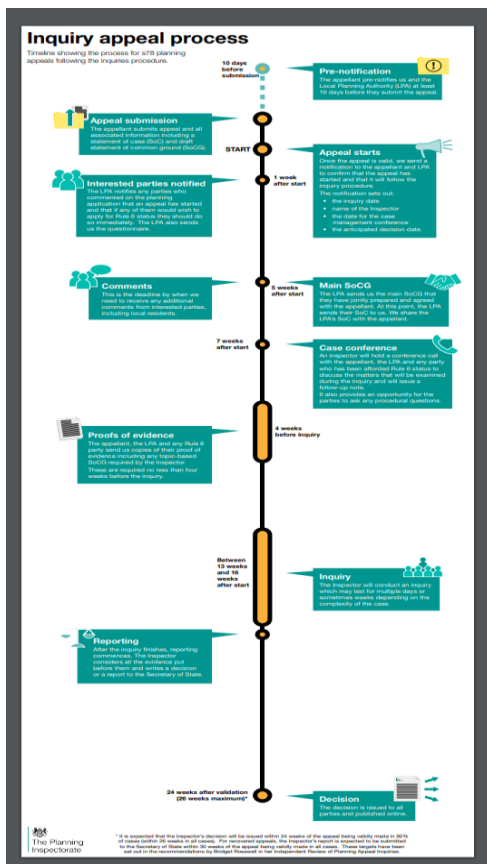
Alongside other recommendations that will improve the transparency and clarity of the process (Recommendations 10, 12, 13 and 14), the Planning Inspectorate should develop a more effective and accessible guide to the Inquiry process for interested parties, including members of the public.

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.

Example: New Inquiry Process Timeline





Over time we will also 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 & 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. 	<ul style="list-style-type: none"> Produce further bite-sized video guides and consider options for making the process more accessible. 	<p>May 2019</p> <p>August 2019</p> <p>October 2019 – January 2020</p>
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.

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 demonstrated by 15 cases completed to date. 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 10-day early notification introduced by recommendation 3 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 July 2019 Oct. 2019
			<ul style="list-style-type: none"> Improved inspector allocations tool being developed as part of new digital service. 	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

We have engaged with the MHCLG Casework Team on this recommendation. 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 will explore 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. A revised approach to reporting Secretary of State cases is currently under discussion. This is also expected to include a joint protocol to guide future ways of working. 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, with Casework, the Planning Inspectorate and legal.	MHCLG/Planning Inspectorate	<ul style="list-style-type: none"> Meetings with key officials to discuss and agree ways of working. 		April 2019
			<ul style="list-style-type: none"> Develop protocol for future ways of working. 	October – December 2019

Outcomes

Data recorded shows that there has been a total of 16 appeals have been recovered since 1 February 2019, 5 of which were Rosewell style cases.

The benefits this recommendation can bring include:

- Improved ways in which technology can be harnessed to reduce the burden on Inspectors in preparing their report to the Secretary of State without detriment to the overall quality of the recommendation/decision.

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 (this document) provides a further update on progress of the recommendations identified in the Review.

Whilst the Review did not prioritise between the recommendations, many are closely linked to either or both the new digital service and early Inspector engagement.

Another key requisite has been having sufficient inquiry trained inspectors to allocate cases in a timely fashion. Since 2018, we have trained 53 additional inspectors and ensured their cases programmes the training in practice. We have staggered cohorts so that training required by other casework areas can also be provided thereby ensuring 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. 	<ul style="list-style-type: none"> Submit Action Plan Publish on GOV.UK. 	August 2019 – September 2019 September 2019 September 2019

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. Better understanding is required around the causes for appeals being withdrawn and the actual costs in the wider sense caused by this.

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).

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 		June 2020
		<ul style="list-style-type: none"> • Analyse reasons for withdrawal and identify improvements. 		Ongoing

Outcomes

Information on withdrawals is being collected but detailed analysis into the data so far has not been prioritised.

Since January 2019 a total of 51 withdrawals have been recorded. We do know that at least a couple of cases were due to the new inquiries process, based on anecdotal feedback and case information received. However, it is unlikely that the majority are due to the new inquiries process. We consider these withdrawals as a reaction to the process, likely to be temporary until there is general awareness of the timeline for inquiries.

The benefits of better understanding the reasons for withdrawals based on reliable data and to inform process improvements include:

- Ability to make informed decisions about whether or not to any further action to reduce the likelihood of withdrawn appeals which in turn would be expected to reduce unnecessary work and costs involved with a withdrawal
- Enables influencing behaviour to reduce the occurrence of withdrawals over time.



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 effectiveness of these is currently under review and, if necessary, a new structure will need to be designed and implemented.

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

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 	December 2019
2. MHCLG/Planning Inspectorate to review structure			<ul style="list-style-type: none"> Agree approach with MHCLG 	December 2019
3. Review effectiveness			<ul style="list-style-type: none"> Gather feedback to continuously improve. 	February 2020 - June 2020

Outcomes

As part of our commitment to continuous learning, MHCLG and PINS will arrange and host a “Rosewell: 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.

The benefit of having a policy feedback loop include:

- Informing future policy and guidance
- Introducing simple changes which could address points of unnecessary concern or ambiguity
- Discussing 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.

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

The outputs of the Inquiries Review modelling (recommendation 16) were analysed to understand whether the current pool of Inspector resource was large enough to meet the demand of the new inquiry process alongside other casework pressures. This has then enabled us to make informed decisions on an ongoing basis.

The Planning Inspectorate is also assessing the wider strategic impact of delivering the Inquiries Review recommendations which are being developed alongside the delivery of this project. In particular, the likely positive impact the wider adoption of some of the recommendations can have in other casework areas. Critical for this will be understanding the impact on and feasibility of integrating this in other planning processes such as enforcement appeals and/or hearings, as well as any impact on resources.

The Planning Inspectorate reported to MHCLG at the end of July 2019 and summarised that maintaining the new inquiries process performance largely depended on the ability to allocate Inspector resource within a tight window, and that having enough resource is key to maintaining performance. It is likely that the current number of Inspectors is enough in the short/medium-term but will require close monitoring and further future recruitment to maintain and further improve our current position.



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 		July 2019
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. 	June 2020

Outcomes

To date, 15 decisions have been decided following the new process. 14 of these have been completed in 24 weeks or fewer, 1 within 26 weeks. As 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) are being delivered the strong expectation is that the Planning Inspectorate will continue to deliver decisions for inquiries in line with this recommendation.

At the same time inquiries that have already been scheduled prior to March 2019 are gradually being worked out of the system along the previously agreed timescales. As such the inquiry process has become substantially faster from receipt to decision whilst maintaining the quality of decisions and fairness of the process. The timing associated with inquiries has also become a lot more predictable giving all involved a lot more certainty, supporting resource planning.



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 will be integrated with the new digital service to further improve both the quality and timeliness of business intelligence.

The Planning Inspectorate has also developed a new suite of Key Performance Indicators to track performance across all other areas of casework. This new approach was reviewed and approved by the Planning Inspectorate Board in March 2019.

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. 		March 2019 – March 2020

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 particular policy and/or geographical phenomena.

