

Planning Inspectorate Action Plan – April 2019

PINS publish Action Plan to improve planning inquiry process

Briefing Note

20/05/2019

Ref No : 308

Introduction

An Action Plan has been prepared by PINS in the response to the findings of the Rosewell Review, which sought to look at making the planning appeal system more efficient. Rosewell set out 22 recommendations for how the system can be improved and the Action Plan addresses each of these and advances a series of recommendations, the most pertinent of which are summarised below:

Recommendation 1 – Improving the submission and validation of appeals

PINS propose to introduce a new portal for the submission of Inquiry appeals by December 2019, with an initial pilot system being introduced in May 2019. The portal will provide for:-

- Access to all submitted documents;
- Guidelines on information required to submit an appeal and associated timescales;
- Updates on the progress and automatic notifications to all parties;
- An ability to upload all documents, reducing the requirement for paper submissions.

Recommendation 2 – Reforming the Statement of Case

PINS will devise a pro-forma, that integrates with the new portal to replace the current system, and will include mandatory fields and word limits.

Recommendation 3 – Streamlining the process for deciding the appeal mode selected

For Inquiries the appellant will notify the LPA 10 working days before the appeal is submitted, with PINS copied in. PINS will then seek views from the LPA (within 1 working day) to agree procedure and issue a 'start letter' within a maximum of 5 working days of the submission (Recommendation 4).

Recommendation 5 – Agreeing the date of the Inquiry

All Inquiries will commence within 13-16 weeks of the start letter being issued.

Recommendation 6 – Costs of the Inquiry Venue

MHCLG will consult (June – August 2019) on appellants contributing towards the accommodation costs of Inquiries. A reference has been made to 'means testing' this so as not to create a two-tier system.

Recommendation 7 – Statements of Common Ground

The current use of Statements of Common Ground is to be overhauled to focus the Inquiries. This is currently undergoing external consultation.

Recommendation 8 – Requiring early Inspector engagement

For all Inquiries it is intended that there will be case management engagement with all parties within 7 weeks of the 'start letter'. The appointed inspector will then issue clear directions about final preparations and how the evidence is to be examined, no later than 8 weeks from the 'start letter' being issued. This approach should provide greater focus on areas that are in dispute and cut Inquiry times.

Recommendation 9 – Preparation in approaching the examination of the evidence

At the pre-Inquiry stage inspectors will notify all parties of the 'mechanisms' for the examination of evidence with an agenda being set out by the inspector.

Recommendation 10 – Making Inquiry documents readily available

All submitted documents will be made publicly available on the new portal in one location as soon as possible following the submission of the appeal.

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Recommendation 11 – The timely submission of Inquiry documents

PINS will require all documents to be submitted in a timely manner with costs being awarded where a party has acted unreasonably or caused unnecessary delay and expense. A timetable for the Inquiry will be detailed in the Start Letter. It is also suggested that a fine based system may be implemented to punish deadlines being missed in addition to the awarding of costs.

Recommendation 12 – Early identification of Rule 6 parties

PINS are to amend the guidance for LPA's to notify the interested parties. Early engagement with all parties will be required.

Recommendation 13 – The conduct of Inquires and the role played by Inspectors

PINS will consult with key stakeholders on the updates being made to the procedural guidance, which should represent the current best practice and technology. Guidance should encourage Inspectors to be more proactive in their role, given the parties clear direction on the issues to focus upon, along with informing of key deadlines.

Recommendation 14 – Use of technology

PINS are encouraged to improve the operational delivery through greater integration with new technology, such as the use of the transcription technology and the publishing of webcasts. A minimum requirement is that all Inquiry venues have a good internet connection.

Recommendation 17 – Decisions made directly by the Secretary of State

MHCLG to keep the recovery and call-in system under review.

Recommendation 21 – Implementing the proposals and monitoring future performance

An assessment will be made against the existing pool of inspectors and a judgement will be made as to whether this is sufficient to cope with the additional pressures that are being placed upon Inspectors.

If you have any questions about the above or any other planning related queries, please do not hesitate to contact us for more information using details available on our website www.dipconsultants.co.uk .