



From the
Chief Executive

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Carmel Howard
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Your Ref:

Our Ref:

Date: 27 March 2006

Dear Carmel

BARKER REVIEW OF LAND USE PLANNING

I am writing in response to the call for evidence to inform the independent review of land use planning in England as to how planning policy and procedures can better deliver economic growth and prosperity alongside other sustainable development goals. Although we are decision-takers and not policy-makers the Planning Inspectorate has a key role in the implementation of policy and hence the achievement of the above goals.

We are playing a significant role in delivering the benefits of the recently reformed planning system; in particular, through the commencement of the provisions of the Planning and Compulsory Purchase Order 2004 concerning the new plan-led system, major infrastructure projects and process improvements.

I attach a short paper in which I have set the scene by highlighting the role of the Planning Inspectorate (PINS), set out our key successes for 2005-06 and highlighted four high level themes that we will be pleased to elaborate in greater detail.

Yours sincerely

Katrine Sporle
Chief Executive



BARKER REVIEW OF THE LAND USE PLANNING SYSTEM PLANNING INSPECTORATE RESPONSE TO CALL-FOR EVIDENCE

Role of the Planning Inspectorate

Our main work is the processing of planning and enforcement appeals, and holding examinations into Local Development Documents and Statements of Community Involvement in England (and Local Development Plans in Wales). We also deal with a wide variety of other planning related casework including listed building consent appeals, advertisement appeals, and reporting on planning applications called in for decision by the Office of the Deputy Prime Minister (or, in Wales, The Welsh Assembly Government), various compulsory purchase orders, rights of way cases and cases arising from the Environmental Protection and Water Acts and the Transport and Works Act and other Highways Legislation. In addition we process applications for awards of costs which may arise from any of these.

The procedures for the various types of casework are described in individual leaflets, which we produce. However, the basic principle is that all parties should be allowed a fair chance to put forward their point of view whether in writing, or at a public hearing. Where a particular site is involved, it will normally be visited by the Inspector appointed to deal with the case, or by another officer of the Agency (depending on the type of case). All evidence presented will be considered before a decision is made, which will also take published government policy into account. In most cases the decision is taken by the Inspector; in others the Inspector will prepare a report and make a recommendation to the Secretary of State (or the National Assembly for Wales and the Welsh Assembly Government).

Key successes for 2005-06

The past few years have been particularly challenging for us as we have focussed on delivering, within our part of the process, the expectations of the Government that the reforms brought in by the 2004 Act will lead to a speedier and more efficient planning system. At the same time we have been addressing increased customer expectations and handling the growth in appeals received. We have in 2005-06:

- Increased our overall productivity by 14%;
- Cleared a backlog of over 5,000 written representation cases in England, created by the 50% rise in overall appeal numbers in the previous three years and the "bulge" that resulted from the reduction from 6 to 3 months in the time in which an appeal could be submitted;
- Doubled the number of Development Plan inquiries undertaken and significantly speeding up the process from inquiry to delivery of the report allowing many LPAs to adopt their plans more quickly and avoid potential procedural problems related to the SEA Directive;
- Carried out the first examinations into Statements of Community Involvement which set the standards which the LPA will apply to involving the wider community in decisions and plan-making;

- Continued to reduce the time taken to produce reports on First Secretary of State/National Assembly cases – these being cases of significant importance/national interest decided by the First Secretary of State as opposed to the appointed Inspector;
- Launched electronic working for planning and enforcement appeals allowing LPAs and appellants to work with us wholly electronically;
- Continued to innovate in the handling of appeals whilst safeguarding fairness, including:
 - making use of a short form of decision in moderately simple cases;
 - using indicative criteria to encourage appellants to choose the most appropriate appeals method and
 - piloting ‘back to back’ hearings to make more effective use of our Inspector resources;
- Carried out successfully a number of nationally, high profile inquiries into major infrastructure projects;
- Taken a leading role in the Householder Development Consents Review (HDCR) designed to deliver a more proportionate process for householder development;
- Taken a leading role in explaining the new plan-led system by producing detailed guidance on how Inspectors will assess whether new style Development Plan Documents are sound and participating in a range of conferences and seminars organised for both the public and private sector.
- Exceed our target that 99% of our work is error free

High level themes

Plan-led system

The plan-led system brought in by the 2004 Act is in its early stages of implementation. The new system has the potential to deliver a more focussed approach to the delivery of policy frameworks at the local level which will provide the certainty that business requires. PINS is taking a leading role in seeking to ensure that the new system works by developing a pragmatic approach to issues arising in the assessment of soundness and disseminating advice and good practice as we “learn by doing”.

It is too early to form a view about the success of the system but there are signs that many LPAs are seeking to embrace the changes required to make the system more effective in delivering required development. At this stage any uncertainty brought about by seeking further significant changes to the system could undermine the ability of LPAs to bring their policy framework up to date. This could lead to more appeals.

However, there are areas which could benefit from further consideration such as:

- the value added by independent examination by PINS of the Statement of Community Involvement and

- how to ensure more joint working by LPAs who share common planning issues to make better use of scarce planning skills, knowledge and expertise and deliver more coherent planning strategies

Major infrastructure projects (MIP)

PINS is ready and prepared to implement the improved powers under the 2004 Act and the 2005 Regulations. These are designed to ensure that inquiries into major projects can be conducted more efficiently and expeditiously by the use of teams of Inspectors undertaking concurrent sessions under the authority of a lead Inspector and by the use of mediation where appropriate. Mediation was suggested at the Dibden Bay inquiry into a major port development but was not taken up. However, the assistant Inspector chaired a number of workshops designed to narrow and focus the issues. It is anticipated that the powers provided under the MIP regulations will significantly assist in improving the efficiency of such inquiries and it is too early to be contemplating the need for more significant changes.

Process improvements

There are a number of areas which we would wish to see explored to enable the appeal system to become more efficient and used in a more proportionate manner. These cover:

- the right to appear when making an appeal or representations on a development plan document;
- the starting point for deciding an appeal – currently the appeal is taken as if the application was made to the Secretary of State (i.e. de novo). An alternative approach would be to look at the “soundness” of the decision taken by the LPA;
- the effectiveness of the costs regime;
- the cost of the appeal system and how it should be funded;
- extended use of mediation especially where the planning merits are not at issue but the level of “planning gain” is;
- the development of a more proportionate system for dealing with householder development through the HDCR which limits the need for decisions to be taken at the national level via the appeal system;
- impact of potentially overlapping regulation such as SEA/EIA.

Expectations of the planning system

The impartial role we play in adjudicating between competing interests/objectives gives us a unique overview of the expectations of the planning system by different sections of the community and the importance that society/the community places on getting an appropriate balance between competing interests. The ability to deliver economic success is dependent on being able to carry society/the community along with the consequences that the associated development brings. The planning system provides a forum through which issues can be reconciled in an open and impartial way and in which all interests in society can play their part. Preservation and conservation of the built and natural environment in the right circumstances are as important to society as economic growth. High quality environments in terms of landscape, biodiversity, openness and well designed built form add value to economic

development and can be seen to be as important to business as competition and innovation.

We would be pleased to elaborate on the matters we have raised in this short paper.