

# **Planning Inspectorate for England and Wales**

## **Wales Business Plan 2009/10 to 2012/13**

## **Our Vision and Mission**

To help shape well planned environments and deliver sustainable development.

## **Our Values**

- Fairness
- Openness
- Impartiality.

## **The Inspectorate's Role**

The Planning Inspectorate exists to serve the Secretary of State for Communities and Local Government in England and the Welsh Assembly Government. Our duties, as set out in the 1992 Framework Document are as follows:

- to provide as efficient, effective, expeditious and economic a service as is compatible with the maintenance of quality and high professional standards, as well as with the resources available;
- to maintain the integrity of each Inspector as an independent tribunal, not subject to any improper influence;
- to provide clear and readily available information and guidance for all who come into contact with the Inspectorate;
- to achieve all financial and performance targets that are set for the Inspectorate; and
- to maintain an efficient, properly trained and well motivated workforce.

## Introduction by the Chief Executive

The Planning Inspectorate has been an Executive Agency since 1992 covering both England and Wales. It reports to the Secretary of State for Communities and Local Government and the Welsh Assembly Government (WAG) in Cardiff.

Our operations in Wales are run by a division under the control of the Director for Wales, which is administered from Cathays Park in Cardiff. All Welsh casework is done by a team of Inspectors working in Wales.

Our work in Wales is separately funded by the Welsh Assembly Government. We submit our financial requirement for the coming financial year to them annually in February/March, together with an estimate of our likely financial needs for the following 3 years. In recognition of this distinct funding process and the fact that our operations in Wales reflect different workload pressures and the priorities of the Welsh Assembly Government, we have prepared this separate Business Plan for Wales.

Our operations in Wales are governed by the Forward Strategy agreed by the Strategic Management Board on 3 October 2008 that identifies the 4 priority actions areas shown below. Although the context within which the Inspectorate operates in Wales both in terms of national policies and appeal procedures is becoming quite different from England, we retain the advantages of a single Agency in terms of sharing knowledge, skills and Inspector resources.

*Katrine Sporle*

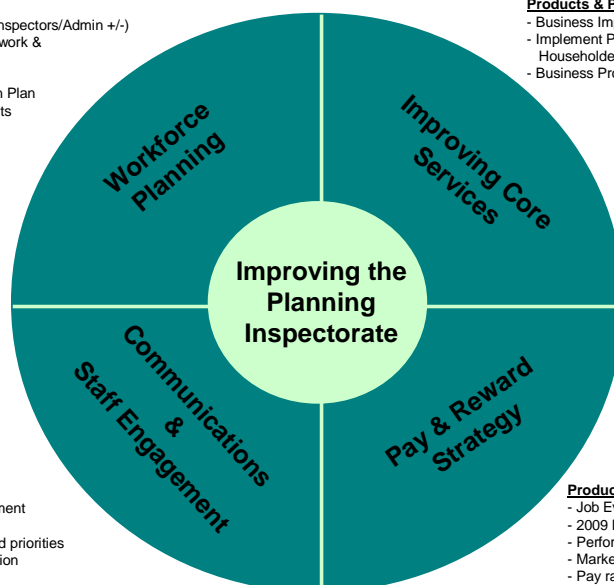
### The Four Workstreams

**Products & Plans:**

- Core Resource Projection (Inspectors/Admin +/-)
- Review Competence Framework & Promotion Agreement
- Review ASR System
- IIP Re-accreditation & Action Plan
- Diversity Impact Assessments
- Learning & Development Strategy
- Succession Planning
- Health & Safety Work Programme

**Products & Plans:**

- Communications & Engagement Strategy and Action Plan
- Key corporate messages and priorities
- Centenary year communication



**Products & Plans:**

- Business Improvement
- Implement Planning Bill Changes, including Householder appeals service
- Business Process Review

**Products & Plans:**

- Job Evaluation and equal pay
- 2009 Pay Award
- Performance Related Pay & incentives
- Market Analysis and Review
- Pay ranges and grading systems

## Welsh Assembly Government Targets

### Timeliness

<b>Appeal Type</b>	<b>Procedure</b>	<b>Target</b>
<u>Planning</u>	Written	80% in 16 weeks
	Hearings	80% in 22 weeks
	Inquiries	80% in 30 weeks
<u>Enforcement</u>	Written	80% in 32 weeks
	Hearings & Inquiries	80% in 43 weeks
<u>Development Plans</u>	Provision of Inspector	In 90% of cases on date requested by LPA
	Delivery of Report	90% according to agreed timetables
<u>Reports to Ministers</u>	Inquiry up to 8 sitting days	100% within 7 weeks
	Inquiry > 8 sitting days	100% to meet Welsh Assembly agreed timetable

### Quality

- To satisfy annually the Secretary of State and the Welsh Assembly Government that 99% of Inspectors' decisions are free from justified complaint.

### Information

- To survey customer satisfaction with the Inspectorate's performance and to act upon the results.

## **Our Corporate Objectives**

### **OBJECTIVE 1**

**To maintain the reputation of the Inspectorate and achieve the highest quality standards in our work.**

### **OBJECTIVE 2**

**To make the most productive use of all our resources to deliver efficient and effective customer service on all our casework**

### **OBJECTIVE 3**

**To work with our sponsors, customers and stakeholders to deliver the development plan process.**

### **OBJECTIVE 4**

**To use our expertise to support on-going planning reform.**

### **OBJECTIVE 5**

**To maintain and develop a well-trained, skilled, diverse, involved and motivated workforce responsive to changing business needs.**

### **OBJECTIVE 6**

**To align business and financial planning to meet our objectives and provide a value for money, quality service with minimum environmental impact**

## Key Factors for 2009-10 to 2011-12

The following key factors determine the way we have planned our business for the next 3 years -

- as the Welsh Assembly Government has not consulted on the provisions in the Planning Act 2008 none of the changes to the appeal system in that Act are likely to be introduced in 2009-10, including appeal charges;
- the first Local Development Plan (LDP) is due to be submitted to PINS for examination in June 2009; up to 7 examinations could start in 2009/10 with a further 11 in 2010-11;
- appeal intake in Wales has declined in 2008-9 by some 5%, less sharply than in England; a greater reduction is likely next year in Wales similar to that in England;
- the Wales group has 15.46 FTE Inspectors; appeal work alone will require some 14 FTE in 2009-10;
- Inspector resources in Wales, allowing for the fall in appeals, will therefore not be sufficient to cover all the anticipated LDP examinations;
- consequently the greatest challenge over the next 3 years will be to resource LDP examinations.

This Forward Plan sets out our strategy to meet this challenge, the financial requirement from the Welsh Assembly Government for 2009-10, together with indicative forecasts up to 2012-13. It sets out a number of initiatives to improve efficiency and release the maximum resources from the Wales Inspector group to undertake LDP examinations.

The running costs for PINS Wales in 2009-10 will be **£2,735,670**; allowing for income the budget submission to the Welsh Assembly Government is **£2,605,412**. This is 3.4% below the forecast provided this time last year of £2,695,748.

We start with an outline of some of the main achievements over the past year.

## Achievements in 2008/09

### Targets

- WAG targets for planning and enforcement appeals exceeded
- WAG quality target exceeded – 99.48% of decisions error free.
- Target for reports to Welsh Ministers – 100% target met

Appeal Type	Target (Weeks)	Year to Date Performance	End of Year Prediction	Average Time (weeks)
<u>Planning Appeals:</u>				
Written	16	97.73%	97%	14.59
Hearings	22	98.18%	98%	20.46
Inquiries	30	100%	100%	27.66
<u>Enforcement Appeals:</u>				
Written	32	100%	100%	19.50
Hearings & Inquiries	43	100%	100%	30.24
<u>Development Plans:</u>				
To deliver Inspectors' reports according to agreed timescales	90%	100%	100%	N/A
<u>Reports to Welsh Ministers</u>				
To meet the timetable set by the Welsh Assembly Government	Up to 8 inquiry days – 7 weeks; +8 days - bespoke	100%	100%	5.21

### New Ways of Working

- successfully held 2 hearings in one day
- held 2 (and on 1 occasion 3) back-to-back hearings in the same authority on consecutive days
- these initiatives reduce travelling time and assist the Inspector since the policy background on such cases, in each local authority, is the same.

### **Electronic Working**

- PCS Wales computer system successfully implemented
- all appeals and called-in applications now processed using PCS
- appeal documents are available to the public, appellants and local planning authorities to view through the Planning Portal
- Authorities and appellants are able to send their questionnaires and statements electronically and the public can comment on appeals on-line through the Portal.
- on-line appeal facility implemented on 2 February 2009.

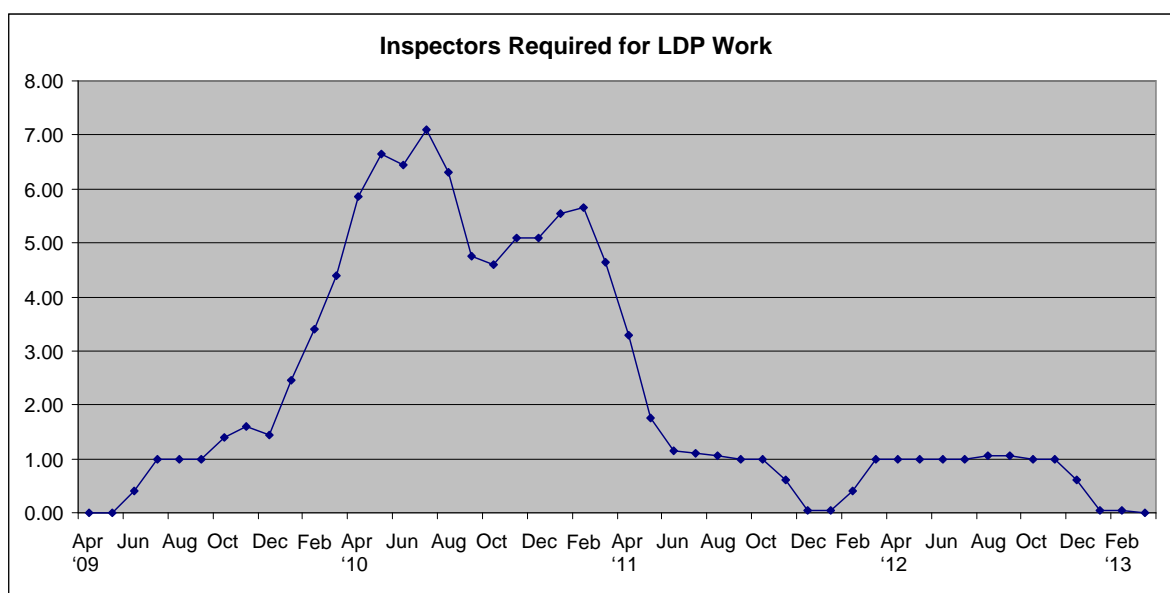
### **Costs**

- reduced Inspector T&S costs by careful charting, including use of back-to-back hearings.
- postage costs reduced by 50% through increased use of electronic communication and the introduction of PCS.

## Workload 2009-10 to 2011-12

### Local Development Plans

Using information from the Welsh Assembly Government's Planning Division and meetings with individual authorities, based on England's experience of examinations we have forecast the period of likely greatest demand for Inspectors to conduct LDP examinations. This is shown below.



Note the following:

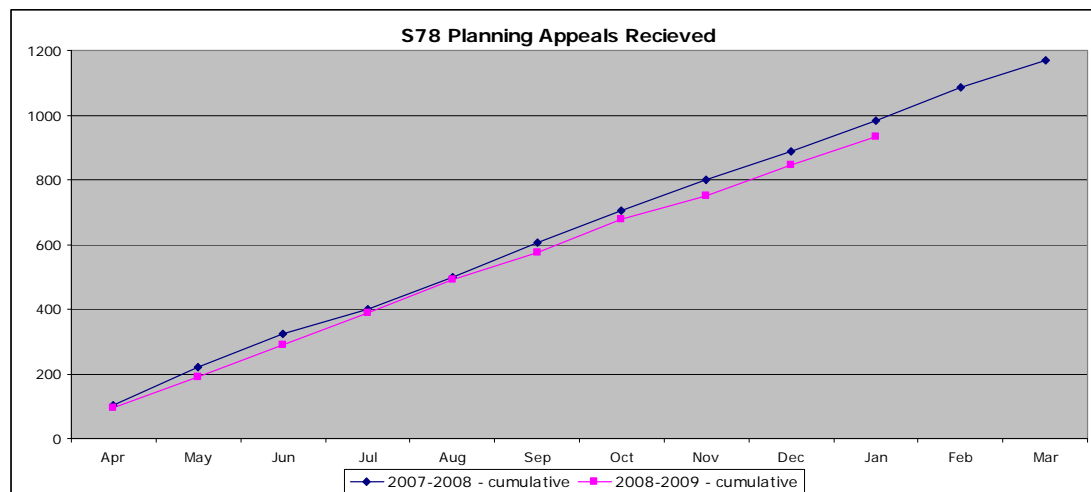
- Up to 7 LDPs could be submitted in 2009-10 requiring 1.9 Inspector Years (IY)
- The period of greatest demand is the Summer of 2010-11 when up to 11 LDPs could be submitted, requiring 7.64 IY
- Up to 8 examinations could be on-going simultaneously in 2010-11.

Currently authorities are invoiced for Unitary Development Plans twice only, after the close of the inquiry and after delivery of the final report. Service Level Agreements have been signed with Merthyr and Caerphilly Councils for their LDP examinations due for submission in 2009-10. However during the next financial year we will investigate the implications of invoicing authorities monthly for LDP work, enabling them to control their costs and assisting PINS to more efficiently manage the Welsh Assembly Government budget.

## Workload 2009-10 to 2011-12

### Appeal Workload

Intake of planning appeals in Wales compared to the same period last year is currently down 5% but enforcement is 8% up. Planning appeals in England have dropped significantly more. The chart below shows planning appeals received in Wales.

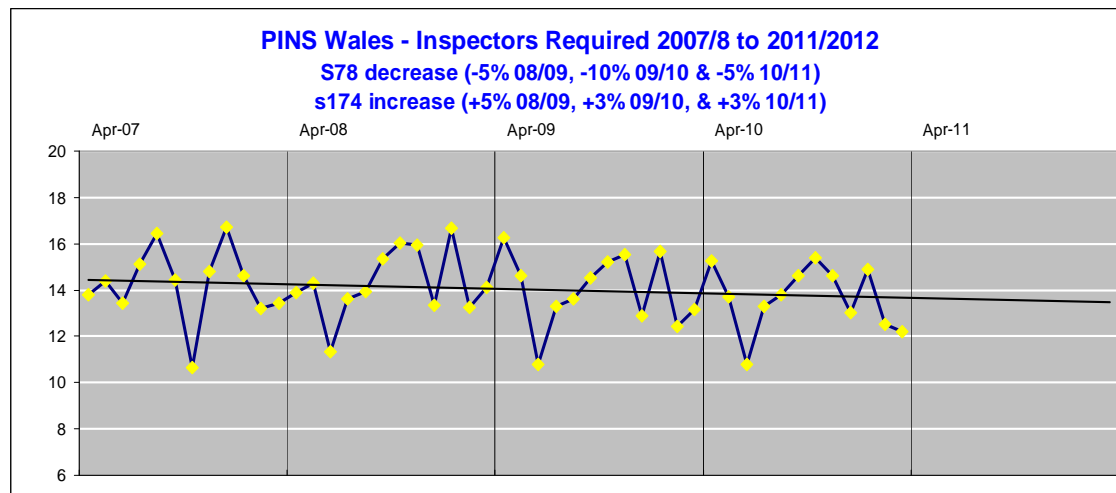


Past experience shows that the impact of economic conditions is usually delayed in Wales. Assuming the current pattern in England is replicated in Wales, for 2009-10 we estimate a 10% decrease in planning workload with a 5% decrease in 2010-11 and no change in 2011-13. For enforcement we project a 3% increase in 2009-10 and 2010-11 with no change 2011-13. Most other appeal work we assume will remain static.

Projected workload is therefore as follows:

Appeal Type	2008/9 (Forecast)	2009/10	2010/11	2011-13
Planning	1101	992	942	942
Enforcement	151	159	163	163
<b>Total</b>	<b>1252</b>	<b>1151</b>	<b>1105</b>	<b>1105</b>
LBC/CAC	21	19	18	18
LBC/CAC Enforcement	6	6	6	6
Adverts	56	56	56	56
Lawful Development Certificates	22	22	22	22
TPO/High Hedges/Hedgerow	19	19	19	19
Rights of Way	58	58	58	58
Other (incl call-in)	53	53	53	53
<b>Total Appeal Work</b>	<b>1487</b>	<b>1384</b>	<b>1337</b>	<b>1337</b>

Using the pattern of work from past years we can project average Inspector requirement for the next 3 years to undertake this level of appeal work, as shown on the graph below. This indicates a need for 14 Inspectors for all appeal casework in 2009-10, falling to a need for around 13 by April 2011.



## Conclusion

Inspector resources released by falling appeal work will assist us to undertake LDP examinations, which are anticipated to peak in 2010-11, but falling appeal workload alone will not enable us to conduct this work using only the Inspector resources in the Wales group. The group has 20 Inspectors, which reduces to 15.46 full time equivalents taking account of those working part time. Since appeal work alone will require some 14 Inspectors in 2009-10, not reducing to 13 Inspectors until the end of 2010-11, only a small resource is available for LDP examinations. This will be sufficient to meet the work anticipated in the next financial year 2009-10, but not the expected peak demand of up to 7.64 Inspector Years and 8 simultaneous examinations in 2010-11.

This Plan therefore sets out how we plan to deal with the combined LDP examination and appeal workload, including the use of Inspectors from England to meet the peak demand in 2010-11.

## Key Projects for 2009-10 to 2011-12

### Local Development Plan System

The key project for the next 3 years is delivery of the LDP examination system, essential to the delivery of the Welsh Assembly Government's aim of modernising the planning system in Wales. The LDP is a single, all-embracing, land use document covering all areas of planning policy, which is thus fundamentally different from the suite of Development Plan Documents produced within the LDF system in England. Nonetheless the fundamental principle of delivering sound plans that will provide for an area's development needs is the same, as are the principles underlying the examination process.

We will use the lessons learned and systems developed in England to devise procedures appropriate to ensure LDPs are examined in the most efficient and timely manner in Wales. Guidance on LDP examinations will be issued in 2009-10 and a 'lessons learned' document will be produced once experience has been gained. We will use the financial resources provided by the Welsh Assembly Government in 2009-10 to improve the capability of the Wales Inspector group to undertake LDP examinations in anticipation of the expected demand in 2010-11.

### Changes to the Appeal System in Wales

The Welsh Minister announced in a written statement on 10 December her intention to streamline the planning application system in Wales, using the powers in the 2004 and 2008 Planning Acts. The Welsh Assembly Government has yet to consult on the provisions of the 2008 Act. The Inspectorate will work with the Welsh Assembly Government to produce consultation documents and to implement those provisions of the Act that the Welsh Ministers consider appropriate for Wales to improve the efficiency of the appeals system.

A new Householder Appeal Service is being introduced in England for all householder appeals submitted after 1 April 2009. This new service is based on a shorter appeal period of 12 weeks with a target of 8 weeks for the Inspectorate to issue its decision. The authority's case file will be sent to the Inspectorate within 2 weeks and the Inspector will decide the case on the basis of the information in the file and the grounds of appeal.

The Welsh Assembly Government has yet to consult on whether to introduce this initiative in Wales. But it is prudent to assume that the Welsh Ministers will seek to introduce a similar service in line with their stated aim of delivering a planning application system for Wales that is proportionate and efficient. In 2009-10 we will learn from the English experience and prepare for the introduction of such a service should the Welsh Assembly Government decide, following consultation, to introduce it in Wales.

## **Electronic Working**

In line with our Welsh Language Scheme, we correspond in Welsh with everyone who initially contacts us in Welsh. We deal in Welsh with appellants who submit appeals in Welsh and we have Welsh Language appeal forms available on request.

The PCS computer system now offers the ability to appeal on-line. The on-line appeal form can be completed in Welsh, but prompts and drop-down menus are in English. The final part of the PCS computer project is hence the development of an on-line Welsh Language appeal facility. The development work involved is currently being analysed.

## **Productivity/Efficiency Improvements**

We will continue to look for opportunities to innovate in the way we handle appeals. In particular we will look to introduce sessional hearings, where a number of hearings would be held in the same authority over a period of days. Such opportunities do however rest on the availability of suitable cases.

At present many hearings held at the request of one of the parties could be determined using the written procedure. In England the Inspectorate uses an informal procedure to proactively convert suitable hearings to the written procedure with the consent of the parties. This has been used successfully for several years, reducing the proportion of appeals dealt with by the hearing method in England from around 20% to some 15%, with considerable efficiency benefits. This informal procedure must not be confused with the new power in the 2008 Act, which gives the Inspectorate the power to determine the procedure.

The proportion of planning appeals dealt with by hearings in Wales is usually just over 20%. But in the 2008-9 financial year our total number of decisions has dropped by around 11% due to the different mix of casework. The amount of time spent on inquiries has increased by 12%, but the most significant change has been an 18% increase in the number of hearings, which takes 3 days of an Inspector's time as opposed to 1 day for a written case. As a result we have done 83 less site visits compared with last year, which accounts for most of the decrease in decisions. If the proportion of hearings in Wales were to reduce to 15%, the same as in England, we could save about 0.5 Inspector Years annually.

We therefore will seek the Minister's approval to introduce in Wales during 2009-10 a similar informal procedure to that currently used in England, to identify suitable cases where a hearing is unnecessary and can be converted to the written method with the agreement of all parties.

## **WAG Targets**

In the next financial year the procedure for handling appeals involving an Environmental Impact Assessment is to be altered, which necessitates the introduction of a new target.

Currently the adequacy of all Environmental Statements is reviewed by the Welsh Assembly Government. From April 2009 the Inspectorate will be taking over this function. For transferred appeals, decisions on the need for further environmental information will be made by the Inspectorate. For recovered appeals and called-in applications, where the Welsh Ministers are the competent authority, the Inspectorate will advise the Welsh Assembly Government, who will take the final decision on the need for additional environmental information.

Where casework involves an Environmental Statement we will need to negotiate a bespoke timetable with the parties. We will therefore seek the Minister's agreement to a new target that all casework where an Environmental Statement is submitted shall meet the bespoke timetable agreed with the parties.

For 2009-10 we anticipate continuing to meet all targets subject to the provision of the necessary resources.

## Financial Plan 2009-10 and Forecasts 2010-13

### Key Assumptions

The budget for 2009-10 and forecasts are based on these assumptions:

- Planning appeals decrease by 10% in 2009-10, 5% in 2010-11 and stay at that level for the following 2 years
- Enforcement appeals increase by 3% in the 2 years 2009-11 and stay at that level for the following 2 years
- All other appeal work numbers will remain static after 2010-11
- Number of decisions issued in 2009-10 is maintained at 2008-9 levels
- 3% salary increase year on year
- No income from appeal charges as no consultation has yet been carried out in Wales on their introduction
- An increase in the LDP daily rate from £640 to £679 in 2009-10, subject to Ministerial agreement
- No England Chart Inspectors to undertake LDP work in Wales in 2009-10 and therefore no cross border charges for this work
- Cross-border charges for 2 Inspectors from England working wholly in Wales in 2010-11 and 2011-12.

### Expenditure

We will continue existing measures to maintain downward pressure on costs plus in 2009-10 we will –

- Continue to encourage electronic communication to further reduce postage costs;
- Review our administrative complement to establish the scope to reduce the number of Executive Officers following early retirements in 2008-9.

### Income

- Only one LDP will be invoiced in sufficient time for the fee to be paid in the 2009/10 financial year, giving a possible income of £69,258.
- Income from all other LDPs submitted in 2009-10 will be received in 2010-11; 3 are due to be submitted in March 2010.
- Additional income from other re-chargeable work –
  - Flintshire UDP – £130,000
  - Transport Wales CPO - £20,000
  - Local Authority CPO - £8,000.
- Other income is possible for example from Nitrate Vulnerable Zone appeals but because of uncertainties over timing no income figure is included in the 2009-10 bid or forecasts.

## Resource Plan 2009-10 and Indicative Forecasts

The following key factors underpin the resource plan for 2009-10 -

- The Director for Wales begins working part time (60%) in April 2009.
- One Inspector becomes part-time (50%) at the start of 2009-10 and another wishes to work part-time (50%) in October, reducing the Inspector resource to 14.46 FTE.
- In 2009-10 for appeal workload 14 IY are needed plus 1.9 IY for LDP examinations.
- The Inspectorate needs to increase its capability to implement the LDP system in Wales and replace the Director's input.

The 2009-10 budget submission therefore includes 1 extra full-time salaried SHPI4 to maintain Inspector resource at 15.46 FTE. The new SHPI will have LDF experience and will take over work done by the Director on the LDP system, including the preparation of guidance documents on LDP examinations and raising the knowledge and skills of the Wales Inspector group for LDP work.

In addition the bid includes -

- A new Higher Planning Officer post to undertake similar duties to the Planning Officers in England, specifically to assist Inspectors with LDP examinations and provide professional support to the Wales office and to Inspectors.
- Increased fees in 2009-10 for an extra 50 cases (100 in total) to be done by Non-Salaried Inspectors who work on a fee paid basis.

The recruitment of a replacement SHPI would give Wales 15.46 FTE Inspectors. By careful charting, limited use of specialist Inspectors from England where necessary for appeal work and additional use of NSIs, up to 4 Inspectors could be released for LDP examinations from the Wales group to meet demand in the latter half of 2009-10.

The following are included in the indicative forecasts for 2010-12:

- Increased fees in 2010-11 and 2011-12 to allow 180 planning appeals to be done by NSIs, releasing the equivalent of 1 full-time salaried Inspector for LDP examinations.
- Cross border charges in 2010-11 and 2011-12 for 2 Inspectors from England working wholly in Wales on LDP examinations.

<b>Budget Submission 2009-10 &amp; Estimates 2010-13</b>
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	<i>2009/10 forecast at Feb 08</i>	<b>2009/10 Bid</b>	<b>2010/11 forecast at Feb 09</b>	<b>2011/12 indicative at Feb 09</b>	<b>2012/13 indicative at Feb 09</b>
Pay	1,921,821	1,824,090	1,915,483	1,950,424	1,989,432
T&S	113,140	100,496	105,521	110,797	116,337
Fees	12,540	26,400	70,668	72,081	15,122
NPRC's	134,863	140,921	132,774	135,430	138,139
Overhead	707,784	643,763	656,638	669,771	683,166
<b>Total</b>	<i>2,890,148</i>	<b>2,735,670</b>	2,881,084	2,938,503	2,942,196
<b>Adjustments</b>					
Cross Border Charges	48,000	90,000	311,380	311,380	88,795
Reimbursable Income	-242,400	-252,258	-639,618	-468,510	-277,032
T Sol receipts	0	-2,000	-2,000	-2,000	-2,000
T Sol costs	0	25,000	25,000	25,000	25,000
Adverse Costs	0	9,000	9,000	9,000	9,000
Capital Allocation - IT	0	0	0	0	0
<b>Total</b>	<i>-194,400</i>	<b>-130,258</b>	-296,238	-125,130	-156,237
<b>Core Work Budget</b>	<i>2,695,748</i>	<b>2,605,412</b>	2,584,846	2,813,373	2,785,959

**Notes:**

- Bid for 2009/10 is 3.4% below the February 2008 forecast
- Provision included for Treasury Solicitor's costs, including adverse costs
- Overhead increased by 2% year on year
- Reimbursable Income **not** based on monthly invoicing for LDP work
- Cross border charges for 2 Inspectors from England in 2010-11 and 2011-12