**PINS session feedback**

At the session run by PINS, there was a discussion at the end looking to consider the main issues faced by local authorities at both local plan examinations and appeals. The following note sets out the questions and the main responses to them which were raised in the discussions. Many are points to be considered by both PINS and possibly PAS. Others may be useful for authorities as an aide memoire to consider when approaching examinations.

The points made are often quite punchy and short, but this note does not seek to expand on them, partly so as not to misinterpret what was said but also to maintain the idea that they are areas for discussion both within local authorities and also for PINS/PAS.

**Local plans – What more can LPAs do to help ensure a smooth run through an LP examination?**

Look at Inspector’s reports from the same Inspector at other enquiries. Also consider the most recent reports regardless of Inspector, or areas with similar issues.

Gain political buy-in/understanding, of the issues at both local and national level

Watch and understand the EiP process by attending an EiP in another authority. This is particularly helpful for any staff who have never been in an examination.

Submit a sound plan – using up to date, proportionate evidence and a critical review and self-assessment beforehand.

Keeping evidence up to date – housing figures were cited as the main issue but all evidence should be as up to date as practicable in order to minimise risk of successful challenge.

LPA cross-party support is really important in order to prevent the plan submission being delayed or many objections being raised from within the council.

Need leadership from LPA from the corporate centre as well as the political leadership and buy-in referred to above.

**Local plans – which elements pose the greatest difficulties for LPAs?**

Duration of the process – information changing – guidance needed. There are many instances where changes to policy, or key evidence, come out during plan preparation. This can have the impact of preventing smooth progress as the council struggles to determine how to deal with the changes. It has an added negative effect of stalling development management decisions on affected sites.

Resources are a constant issue. The impact of significant changes can really hit hard where there are limited resources, either in-house, or a budget to obtain advice and evidence from outside the authority.

HRA assessment can be a big drain on time and resources, where sites are impacted by it. There is also a lack of understanding how to deal with the regulations effectively.

Statutory consultees – are they solution-focussed? There can be frustration that the responses are often seen as immovable objections rather than a starting point for a dialogue which seeks to reach a solution. This is the same for utilities companies and others.

Infrastructure requirements and engagements with those responsible for delivery are difficult. The differing timescales and sometimes reluctance to commit to longer term goals can frustrate plan progress.

Political buy-in/understanding can be difficult to achieve, especially where there is strong local opposition to growth or development.

Housing figures pose biggest problems for most both in terms of ensuring the process is robust and also that the outcomes are understood.

Changing evidence – moving fast can be difficult when key evidence is seen to change regularly, particularly that used by objectors or developers.

**Local plans - Are there specific areas where you would like to have more help – and from whom?**

Longer time with the Inspector informally before you submit plan for examination – then that Inspector should go on to be the inspector for the EiP

Inspector must keep third parties under control and avoid allowing them to ramble on about non-planning issues.

Pre-submission advice increased, at more stages of the process/built into the process

Facilitate for changes in the plan during the examination

Procedural advice on EiP would be welcome

Better way of tracking appeal decisions should be possible. Often cases are referred to, but it is not easy to keep up to date. Could there be some easier way of disseminating cases with key issues raised, regularly?

Case law summaries would also be welcomed.

Examination websites can vary. Is it possible to get a model from PINS? It could cover such issues as format and naming conventions

Audit of Duty to cooperate – success, who’s signed up? More best practice would be welcomed.

Is the MoU the right approach to DtC? How do you know when you have enough to demonstrate meeting the Duty?

Getting a view from PINS on how they will interpret new policy/guidance. Is this something which could be covered in the forthcoming update to the Procedural Guidance?

What is a reasonable approach to keep up to date given new emerging guidance?

Affordable housing is an area which would benefit from more advice

PG changes need auditing. A list of changes made, and when. However there is a subscription service available to notify you of changes.

Pre-submission advice is essential – especially on ‘process’

Sorting things out before ‘hearing time’ at EiP would also be invaluable. Whether this could be through a statutory pre-hearing meeting or a less formal means.

**Which aspects of the appeals system pose the greatest challenges for LPAs?**

S78 Appeals: LPA to be asked for conditions only if Inspector minded to grant

Resources, especially planning inspectorate are tight

No fees

Website – improve search function on the PINS website so that cases and advice can be searched for more easily

Involving the County consistently in two-tier areas

**How can these be better managed?**

Direct Inspector to the council website for all materials and evidence rather than having to submit copies of documents. Is there potential for video evidence to reduce the need for site visits or time spent on site?

Focus on main issues

Don’t explore detail agreed in S106, CIL but focus on areas of disagreement

Decision in principle back to LPA

Organisation of hearings/Inquiries eg room bookings

Costs of public inquiries – assistance from PINS

No revisions/further information allowed once the submissions have been made

**What needs to be done to reduce the propensity to appeal?**

Better use of pre-application discussions to iron out issues prior to application

Better use of extension of time/PPA

Greater clarity in the NPPF and in CIL R123 regulations

**Are there new/improved ways in which PINS/Inspectors might help LPAs and other parties get the best out of the appeals experience?**

Having a search facility on the PINS website would reduce the need to call PINS. New case law is often mentioned but there is no easy way of finding it

Speed of response to appeals, and also speed of examinations

A less formal approach to appeals would reduce costs

More guidance on, for example planning by appeal, R122, R123