Role of the Inspector

PCAC PEDW
Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Version no	**2.4**
Date of last update/review	**August 2026**
Responsibility of	**Knowledge Team**
Update: August 2026 – Inserted Annex C & D regarding Appeal Planning officer work October 2025 - Inserted amended Annex B: Joint working and appointment of assessors, slight changes to advice RE Planning Officers in LDP work. Paragraph A8, amends the protocol for Inspectors sending decisions to Central Services for issue	

Contents

Introduction 3
Duties of the Inspector 3
Planning and Environment Decisions Wales (PEDW) 3
The 'Franks' and 'Nolan' Principles; Codes of Conduct 4
Natural justice and 'Wednesbury reasonableness' 5
The Planning Inspector and the Welsh Ministers 5
Human Rights and the Public Sector Equality Duty 6
Well-being duty and the sustainable development principle 6
Welsh Language Standards 7
Impartiality and Independence 7
Preclusions from casework 7
Conflicts of Interest 8
Interacting with parties at events 9
Involvement in casework in a private capacity 9
Gifts, rewards and hospitality 10
Social media 10
Pre-election periods 11
Casework procedures, timescales and targets 11
Regulatory framework 11
Choosing or changing the procedure 12
Householder, advert and minor commercial appeals (HAS & CAS) 13
Obtaining further or missing information 14
Language preferences of participants 14

Late representations 14
Personal and sensitive data 15
Timescales for processing casework 15
Inspector targets 15
Reading and Quality Assurance 16
Retention of notes and documents 16
Complaints 16
Justified Complaints 17
Correcting errors in decisions ('Slip Rule') 18
The Public Services Ombudsman for Wales 18
High Court challenges 18
Scope and grounds of legal challenge 19
Outcomes of a legal challenge 20
Annex A: Overview of how Inspectors work 21
Your working environment 21
Organising your work 21
Casework targets 21
Reading regime for Inspectors in training 22
Keeping on top of work 22
Keeping in touch and maintaining good well-being 23
Dress code 24
Travel and Subsistence 24
Health and Safety 24
Notification of absence 25
Annex B: Joint working and appointment of assessors 26
The role of the Lead Inspector or SIP panel chair 26
Written communications between appointed Inspectors 27
Responsibilities of the Lead Inspector / Panel Chair 28
Planning Officers in LDP examinations 30
Hearing / inquiry 31
Site visits 32
Writing the report and making the recommendation 32
Disputes and absences 32
What work to charge for? 33
Annex C: The role of Appeals Planning Officers (APO) in PEDW 35
Annex D: Appeals Planning Officer decision template 38

Introduction

1. This chapter explains the principles and procedures which are fundamental to the Inspector role and will need to be adhered to by the postholder.

2. **Annex A provides an overview of how Inspectors work**, focussing on the practical and administrative side of the role. Whilst of particular interest to those in training, all Inspectors should regularly reappraise this advice. **Annex B provides guidance on joint working.**

3. More detail on the principles established in this chapter are set out in:

   - Site Visits
   - Human Rights and the Public Sector Equality Duty
   - Approach to Decision Making
   - Hearings and Inquiries

4. Key legislation, caselaw and other guidance is set out in the table below.

Legislation	• Town and Country Planning Act 1990 (as amended) • Planning and Compulsory Purchase Act 2004 (as amended) • Human Rights Act 1998 • Equality Act 2010 • Town and Country Planning Development Management Procedure) (Wales) Order 2012 (as amended) • The Town and Country Planning (Development Management Procedure (Wales) (Amendment) Order 2015 • Town and Country Planning (Referred Applications and Appeals Procedure) Regulations 2017 • Town and Country Planning (Enforcement Notices and • Appeals) (Wales) Regulations 2017
Judgments	• Associated Provincial Picture Houses v Wednesbury Corporation [1948] • R. (on the application of Ortona Ltd) v SSCLG [2009]
Guidance	• WG HR advice on the intranet, e.g., the Civil Service Code • Procedural Guide – Wales • WG Development Management Manual & Annexes

Duties of the Inspector

Planning and Environment Decisions Wales (PEDW)

5. PEDW is a division of the Welsh Government (WG) and is responsible for a wide variety of work, including:

   - Planning, enforcement and listed building appeals
   - Applications which have been 'called-in' by the Welsh Ministers
   - Developments of National Significance (DNS) applications
   - Development plan examinations
   - Specialist casework including environmental permitting, roads orders, compulsory acquisition, common land and rights of way matters.

6. PEDW's is subject to an operational **protocol agreed with WG**. Its overarching ambition, as set out in the Strategic Plan, is: *to deal with casework in a timely, fair, impartial, and open way to deliver for our stakeholders and enable good planning outcomes*.

The 'Franks' and 'Nolan' Principles; Codes of Conduct

7. The key guiding principles for PEDW staff are openness, fairness and impartiality. These principles were established by the Committee on Administrative Tribunals and Enquiries, chaired by Sir Oliver Franks in 1957.

   - **Openness** means that you must get no secret briefings. All policy and evidence should be available to the parties just as it is to the Inspector.
   - **Fairness** means that all parties with an interest in a decision are given adequate notice of the proceedings, have a proper opportunity to state their case and to reply to the representations of others.
   - **Impartiality** means that you must maintain a high level of integrity and objectivity when facing the issues and evidence before you. You should come to a case with an open mind. You must be impartial and unbiased and must be seen to be so. You must not be subject to any improper influence or appear to be subject to such influence.

8. **PEDW's Code of Conduct** sets out the conduct expected of staff. It is based on the Franks Principles and the Seven Principles of Public Life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership) set down by Lord Nolan's Committee on Standards in Public Life in 1995.

9. You must also comply with the **WG's Civil Service Code** and **Human Resources policies** relating to expected standards of behaviour. In particular, be aware of the policies on personal conduct, security and private interests.

10. You must be familiar with these principles and Codes of Conduct and abide by them. If, at any time, you have any doubt as to whether your conduct might pose a reputational risk to PEDW, seek advice from your line manager.

Natural justice and 'Wednesbury reasonableness'

11. You should apply the rules of **natural justice**. These can be summarised as a duty to **act fairly** and **without bias**. The principle is that all parties must have a fair opportunity to comment on a matter which might be a determining issue; a 'fair crack of the whip'[1].

12. Decision makers also have a duty to act **reasonably**. The *Associated Provincial Picture Houses v Wednesbury Corporation [1948] 1 KB 223* judgment makes it clear that a decision is unlawful where the decision maker:

- takes into account factors that ought not to have been taken into account, or
- fails to take account of factors that ought to have been taken into account, or
- takes a decision that was so unreasonable that no reasonable authority would ever consider taking it.

13. The Courts have defined "**unreasonable**" as "beyond the range of responses open to a reasonable decision maker" (R v Ministry of Defence ex p Smith [1996] QB 517). In administrative law the term "**irrationality**" generally means that a decision does not add up: in other words, there is an error of reasoning which robs the decision of logic (R v. Parliamentary Commissioner, ex parte Balchin (No. 1) [1998] 1 PLR 1, per Sedley J at p. 13E-F).

The Planning Inspector and the Welsh Ministers

14. Inspectors carry out two main roles for the Welsh Ministers:

- **'Transferred casework'** – This is where you act as the decision maker on behalf of the Welsh Ministers. You 'stand in the shoes' of the Minister and must have the same regard to the Minister's policies as he or she would. Schedule 6 of the 1990 Act provides the authority for planning appeals to be determined by Inspectors[2]. Most appeals are 'transferred'.
- **'Welsh Ministers' jurisdiction casework** - This includes applications which are 'called in' (under section 77 of the 1990 Act) and appeals which are 'recovered' by the Ministers (under Schedule 6 of the Act). In both cases you write a report with recommendations and the final decision is made by the Welsh Ministers. You are the Ministers' representative and must write a report and make recommendations to the Ministers.

15. In both roles, it is the Inspector's duty to apply the policies that have been established by the Ministers. It is not appropriate to question or criticise them.

---

[1] *R (oao Poole) v SSCLG & Another* [2008] EWHC 676 (Admin)

[2] Schedule 14 of the Act applies to footpath and bridleway orders. Different legislation applies to some other types of casework, e.g., Schedule 3 of the 1990 (Listed Buildings and Conservation Areas) Act, Schedule 15 of the Wildlife and Countryside Act 1981 and Schedule 6 of the Highways Act 1980 (public rights of way)

16. When acting on behalf of Ministers, each Inspector is technically a tribunal (governed by relevant Acts, Statutory Instruments and case law) and the decision-making process is quasi-judicial in character. Consequently, there should be no evidence before the Inspector which is not available to other parties. Each Inspector must exercise impartial judgment and must not be subject to any improper influence, nor give the appearance of such.

Human Rights and the Public Sector Equality Duty

17. The Human Rights Act 1998 enshrines most of the fundamental rights and freedoms in the European Convention on Human Rights (ECHR). Article 6.1 of the ECHR provides that 'in the determination of his civil rights and obligations ... everyone is entitled to a fair and public hearing...by an independent and impartial tribunal established by law'.

18. In the case of *Bryan v UK* (44/1994/491/57) (1995), the ECHR found that appeal proceedings ensured a fair hearing, but the Secretary of State's ability to revoke the Inspector's power to decide it was enough to deprive the Inspector of the requisite appearance of independence. Nonetheless, the provision for High Court challenge satisfied the requirements of Article 6.1 of the ECHR. The 2001 judgment of the House of Lords in *R v Secretary of State for Environment, Transport and the Regions, ex p Holding and Barnes* (often referred to as the 'Alconbury case') also confirmed that the planning system as a whole, including the right to judicial review, complied with Article 6.

19. It is unlawful for a public authority to act in a manner which is incompatible with the Human Rights Act, and it is therefore important to keep human rights in mind when making decisions. An Inspector must also comply with the Public Sector Equality Duty (PSED) in the Equality Act 2010. If your actions and decisions are based on the Franks/Nolan Principles and Codes of Conduct, this will help you to comply with the Human Rights Act and PSED. However, more detailed advice is provided in the **Human Rights, Public Sector Equality Duty and Personal Circumstances** chapter.

Well-being duty and the sustainable development principle

20. Section 3 of the Well-being of Future Generations (Wales) Act 2015 places a **well-being duty** on public bodies, including PEDW, requiring them to carry out sustainable development. To achieve this, a body must publish **well-being objectives** to maximise its contribution to the achievement of **seven well-being goals** defined in the Act. PEDW is bound by the Welsh Ministers' well-being objectives, which are reviewed/updated after each Senedd election.

21. Section 3 also requires public bodies to take all reasonable steps to meet their well-being objectives in exercising its functions. This is achieved via the **sustainable development principle** set out in Section 5, which requires public bodies to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Section 5(2) breaks this down into five things which a public body must take account of, commonly known as the **five ways of working**.

22. The five ways of working emphasise the need for **collaborative and joint working** and should be considered by Inspectors when taking procedural decisions, for example to ensure that public bodies are involved where a decision may impact on the achievement of their own well-being objectives, and to ensure that the views of any person with an interest in achieving the well-being goals are properly taken into account.

Welsh Language Standards

23. The Welsh Language (Wales) Measure 2011 affords the Welsh language official status in Wales, meaning that it should be treated no less favourably than English, and requires public bodies to meet **Welsh Language Standards**. These set out specific requirements for Welsh language provision and translation for different types of events, meetings or interactions with the public.

24. PEDW must meet the Welsh Minister's Welsh Language Standards, which have been in place since March 2016. Early in the appeal process, parties will be asked to confirm their preferred language for communication. If anyone has asked to be communicated with in Welsh, the case file will confirm this via a **language preference form**. The Inspector has a duty to appraise this form and ensure that parties are communicated with in their chosen language.

25. At a hearing or inquiry, the Inspector must, in Welsh, inform those present that they are welcome to speak Welsh and that translation is available, and to provide a bilingual agenda. See the **Hearings and Inquiries chapter** for detailed advice on this.

Impartiality and Independence

26. How Inspectors conduct themselves in their role, and what they do outside of work or in their previous employment, can affect their perceived impartiality.

Preclusions from casework

27. You should not take on casework where there might be something in your private, professional or financial life which could conflict with your duty to act

fairly, openly and impartially. Nor should you handle casework where there could be a **perception** of bias or a **potential** conflict of interest.

28. You must preclude yourself from working in the area in which you live. Use your judgment to determine whether this should relate to the LPA area or specific postcode(s). As a rule of thumb, avoid working in places where you spend a substantial amount of time or have several close associates. You should also preclude yourself from working in LPAs which you previously worked for, or from handling casework involving previous private employers and clients.

29. Always be alive to potential conflicts of interest. Review cases when they are allocated to check whether any matters or parties raise issues. Advise Chart if you consider that you should be precluded from a particular case.

30. Where you have been involved in examining an LDP, you should not determine an appeal on any allocated site or any other site specifically referred to in the report, even if it is not allocated in the plan. You should also not determine appeals that turn on a policy on which you imposed a binding change (e.g. affordable housing thresholds and targets). However, it would be appropriate to handle cases that turn on generic development management policies.

31. The need to consider potential conflicts of interest is illustrated by the Ortona case[3]. The Inspector previously worked for a Council, where he had written transport policies at issue in the appeal. Although four years had passed since he left the Council, the Court found that a fair-minded observer would have concluded that there was a real possibility of bias. The decision was quashed.

32. The Chart Officer will reconfirm preclusions from time to time. If you feel that a preclusion should no longer apply (e.g. where you have worked for PEDW for a few years and are no longer familiar with staff working for a former employer) discuss this with your Inspector Manager, but always err on the side of caution.

Conflicts of Interest

33. You should read **PEDW's Conflict of Interest Policy**, which sets out how to identify potential conflicts of interest and covers subjects such as property and financial interests, unpaid and political activities, membership of organisations, and interests of families and close associates. Generic guidance for all WG staff is also available on the **intranet**.

34. If you have any doubts about whether there could be a perceived conflict of interest, consider how the parties might react if they knew the circumstances.

[3] *R. (on the application of Ortona Ltd) v SSCLG* [2009]

If you are uncertain, discuss this with your line manager **as soon as possible**.

35. Staff working at Grade 6 and 7 are precluded from taking part in general and devolved political activities (including canvassing) but may apply for permission to take part in local political activities. See the **WG Political Activities Policy** for more information.

36. You should obtain the approval of the Chief Planning Inspector before seeking or accepting an official position in a professional institution. If you subsequently act on behalf of a professional institution, it will not be appropriate for you to comment on, question or criticise the Ministers' policies.

37. Any interest in Freemasonry must be registered with PEDW. If asked at an inquiry or hearing, you should provide the information yourself. If asked at an accompanied site visit, refer the questioner to the Case Officer.

38. If using your own vehicle for site visits, ensure that no stickers are displayed which might cause people to doubt your impartiality. Similarly, avoid wearing clothing or using accessories which feature organisational brands.

Interacting with parties at events

39. The site visit, hearing or inquiry will be the parties' only contact with an Inspector. The Franks Principles and Codes of Conduct should be adhered to throughout. Outside of public events, contact with the parties will be made in writing through the Case Officer. Attempts by any party to engage with you outside of a site visit, hearing or inquiry should be politely declined.

40. At events, avoid any situations where you may be perceived as engaging in a discussion with only one party. Always ensure that someone from the opposing side is present during such conversations. If a single party's presence at a site visit is required solely to provide access to a site or property, you must state that there will be no discussion of the planning merits of the case.

41. If any party attempts to entice you to make a decision in their favour, report this immediately to your Inspector Manager.

42. Further advice is provided in the **Site Visits** and **Hearings and Inquiries** chapters.

Involvement in casework in a private capacity

43. You are entitled to make representations on LDPs, planning applications and appeals in either Wales or England, but in all cases you must:

- not use your position as an Inspector to influence a decision or outcome,
- avoid situations where others might reasonably perceive that you have sought to use your position to influence the outcome,
- consider whether making a representation might constrain your future ability to carry out casework (e.g. to impartially consider similar issues elsewhere),
- not directly discuss the case in question with the decision maker, their manager or any other staff who might be involved in the case.

44. If you are involved in an appeal as an appellant or third party, you must notify the Chief Planning Inspector so that arrangements can be made to maintain the principles of independence and impartiality in the decision-making process.

45. You should also be careful about advising others on how they might make representations in a case or engage with the planning system in Wales.

46. Where a Non-Salaried Inspector (NSI) is party to an appeal within their private practice, and they have carried out work for PEDW, you should announce this at the hearing or inquiry. (This does not apply where it is only the colleague of an NSI who is appearing at the event and has been involved in the appeal). In written representations cases, PEDW will inform the main parties in writing[4]. Note that NSIs are not permitted to advertise or promote themselves on the basis that they have undertaken such work.

47. If in doubt discuss with your line manager but remember that it is your own responsibility to ensure that you comply with the relevant Codes of Conduct.

Gifts, rewards and hospitality

48. WG's Code of Conduct and related **Gifts, Rewards and Hospitality policy** states that any employee who is offered a gift, reward, hospitality or other benefit must politely decline it. Failure to do so may result in disciplinary or legal action but might also compromise your personal judgement or integrity.

49. Offers of a cup of tea on a site visit should be declined. If the homeowner persists, explain that your Code of Conduct prevents you from accepting hospitality. If you are in any doubt as to whether something could be construed as a gift or hospitality to you or your family, discuss it with your line manager.

Social media

[4] Similar arrangements must be applied when any PEDW employee has declared an interest in a case.

50. WG's **Personal Use of Social Media guidance** advises on the appropriate use of social and other digital media in the light of the Civil Service Code. In short:

- Do not identify that you work for PEDW on social media (unless the forum is specifically professional, e.g. LinkedIn).
- Do not conduct yourself in a way that could be detrimental to PEDW or could compromise your impartiality.
- Do not engage in exchanges which could damage working relationships.
- Do not assume that *anything* posted online will remain private.

Pre-election periods

51. Staff will be notified of pre-election periods during which the handling of casework will need careful consideration, particularly if a decision/outcome is politically sensitive. During these periods, Inspectors should also ensure that public events are not used for electioneering.

52. General election principles will usually apply where specific guidance has not been issued. During such periods routine casework will be issued in the usual way, but if an Inspector considers that a decision gives rise to local sensitivities, they should consult their line manager before submitting the decision. If it is agreed that the decision should be held back, the Inspector's covering email must clearly state that the decision is not to be issued until after the election. The Inspector will not be penalised for missing targets.

53. For LDP examinations, it can be useful to check with the LPA whether it is content to receive sensitive correspondence during the election period.

54. Reports/recommendations to the Welsh Ministers should be issued as usual, as it will be for them to consider the implications of the timing of any decision.

Casework procedures, timescales and targets

55. Most procedural matters will be undertaken by the Case and Chart Officers, but Inspectors should be alive to any potential procedural defects and must ensure that appeals are processed in a manner which allows the relevant evidence to be gathered and, if necessary, tested.

Regulatory framework

56. You should be familiar with the key rules/regulations and guidance governing appeal procedures, in particular the 2017 regulations applying to referred applications and appeals (a list is provided at the start of this chapter).

57. The 2017 regulations resulted in several changes to procedures, including:

- Shorter timescales for determining appeals, with hearings held within 10 weeks of the start date and inquiries within 18 weeks.
- Other than in certain circumstances, prohibiting appellants from raising any matter which was not before the LPA when it made its decision, and requiring full appeal grounds to be provided at the point of submission (or within 7 days for enforcement appeals).
- Requiring LPAs to submit a full statement of case for enforcement appeals, and for any statement to be submitted within 4 weeks of the start date.
- Allowing applications/appeals to be determined via a mixed procedure.
- Allowing costs applications to be made on written representations cases, and for the Welsh Ministers to recover and initiate awards of costs.

58. Where statutory rules expressly state that a particular course of action will be taken, the Inspector has **no discretion** to depart from it unless specifically stated. See para 49 of *Turner v SSCLG & Others* [2015] EWHC 375 (Admin).

Choosing or changing the procedure

59. Appeals may be dealt with by written representations, hearings, inquiries or a combination of these procedures. PEDW is responsible for determining the procedure, based on criteria set out in 'Procedural Guide – Wales'.

60. Appeals must follow a procedure which allows the evidence to be properly understood and, where necessary, tested. When allocated a case, Inspectors should consider whether the selected procedure is appropriate. Whilst written representations is the default, an initial call will be made by the Case Officer based on the published criteria, the nature of the case and the matters at issue. Where this differs from the appellant's choice, the reasons will be set out in the start letter.

61. A Case Officer may seek an Inspector's view if they are unsure. If the parties' comments are needed to reach a view, the Inspector should inform the Case Officer which information is required and by when. If a procedure is chosen which differs from the appellant's choice, the Inspector should provide reasons to the Case Officer for inclusion in the start letter.

62. Occasionally the LPA's questionnaire or written statement may expose or resolve concerns which may require a change to the procedure. If so, consider if the parties should have the opportunity to comment on a proposed change to the procedure. Reasons for any change must be given in a formal notification.

63. Written notification of the chosen procedure must be given within 6 weeks of the start date. If a hearing or inquiry is to be held, 4 weeks' notice of the event must be given. To give the Chart Officer sufficient time to liaise with the parties as to date and venue, the need for any hearing or inquiry should normally be determined between week 2 and the end of week 4.

64. Notification of a hearing or inquiry must specify the name of the Inspector, the invited participants, the matters to be determined at the event, and the date, time and venue. The **Hearings and Inquiries** chapter provides further advice on this, but note that:

- It is preferable to frame the notified matters broadly (e.g. 'the effect on the area's character and appearance') rather than via detailed questions.
- It may be appropriate to confirm that **all** main issues and other matters are to be discussed at a hearing or inquiry, particularly for smaller cases.
- You may invite statutory consultees to an event even if they have not expressed a desire to participate.
- You have the discretion to allow anyone who was not previously invited in writing to participate on the day.

65. Site visits may be undertaken on an unaccompanied, accompanied or an 'access required' basis. The Chart Officer will make an initial decision based on the main parties' choice and site circumstances, but the Inspector must review this at an early stage and consider whether the chosen method will allow them to properly observe the site and surroundings. More advice is provided in the **Site Visits** chapter.

Householder, advert and minor commercial appeals (HAS & CAS)

66. The Town and Country Planning (Development Management Procedure (Wales) (Amendment) Order 2015 provides for an expedited appeal procedure applying to applications for extensions and alterations to dwellinghouses and incidental development within their curtilage (e.g. garages and walls), advertisements, ground floor alterations to commercial buildings, or the variation of a condition relating to such developments.

67. The Inspector's decision is made on the basis of the plans which were before the LPA when it made its decision, the LPA's case as set out in the Decision Notice and any related report/minutes, the appellant's grounds of appeal, representations made in relation to the original application, and any documents provided with the LPA's questionnaire. The process does not allow the LPA or third parties to make additional comments on the grounds of appeal or other appeal documentation.

68. Case Officers will consider whether a case is appropriate for HAS/CAS, but it is the Inspector's responsibility to ensure that principles of natural justice are adhered to. If the Inspector determines that an appeal is not suitable for HAS/CAS, Regulation 9 allows the procedure to be altered. This may be required if, for example, new evidence is raised in the appellant's grounds of appeal which others should be given the opportunity to comment on, amended plans have been submitted, the case raises complex issues which

require further representations, or the case is linked to an enforcement appeal. However, Regulation 8 permits Inspectors to seek further information relevant to the appeal under the HAS/CAS procedure, so for straightforward issues it is sufficient to seek parties' views within a restricted period (e.g. 7 working days).

69. If you consider that a case should be taken out of HAS/CAS, contact the Case Officer as soon as possible and ask them to re-start the case.

Obtaining further or missing information

70. The 2017 regulations allow Inspectors to request further information in writing from the appellant, LPA or any third party who has submitted reps between weeks 1 and 4 of the appeal. The default limit is 3,000 words, with discretion to increase this, subject to a summary of up to 1,500 words being provided.

71. If documents have been omitted from the appellant's or LPA's submissions, provide the Case Officer with a form of words to obtain them. Of critical importance are the relevant plans and elevations (particularly prior to the site visit), LDP policies and any appeal decisions referred to (and possibly related plans). An example form of words to provide to the Case Officer is:

The appointed Inspector notes that the parties have referred to an appeal decision at a nearby site (Ref: [No]), but related documentation has not been provided. Please could the LPA therefore submit, by return email, a copy of the relevant decision letter and related site/location plan, copying in the appellant's agent when it does so. This information should be submitted no later than 5pm on [5 working days after sending].

Language preferences of participants

72. Case files include a language preference form to identify the preferred language of appeal parties. If one is not included, it should mean that all parties have indicated a preference to communicate in English.

73. If a written representation has been made in Welsh, a translation should be included on the file. If this has not happened and you require a translation, ask the Case Officer to arrange one, rather than relying on Google Translate.

74. If you need to communicate with the LPA/appellant before or after an event, check if any party has indicated a preference to communicate in Welsh, and inform the Case Officer if a translation is needed.

Late representations

75. The 2017 regulations allow Inspectors to disregard late representations. However, this does not override the requirement to take a material consideration into account or apply the principles of natural justice, so consider your approach carefully.

Personal and sensitive data

76. Business Support and Case Officers will redact documents to remove personal data prior to publishing them. However, when reading documents which have been published on CRM Inspectors should alert Case Officers immediately to anything identifying a person's racial or ethnic origin, political opinions, religious beliefs (or similar), physical or mental health or condition, affiliation to a trade union or sexual life. Documents must also not contain information relating to the commission or alleged commission of any offence by an individual, including any legal proceedings in that regard; or any personal data relating to minors.

77. Representations made by third parties are normally where these types of issue will arise. However, in technical evidence any environmentally sensitive information which could result in an adverse effect on a protected species should also be redacted (e.g. locations of nests, roosts or setts).

78. More information is provided in all-staff PEDW guidance.

Timescales for processing casework

79. Whilst not defined in regulations, the following Ministerial Targets for appeal casework were set by WG in July 2017.

Casework type	**Target**
HAS & CAS	8 weeks
Planning / Listed Building (LB) / Conservation Area (CA): **written representations (WRs)**	15 weeks
Planning, LB, CA: **hearing**	21 weeks
Planning, LB, CA: **inquiry**	29 weeks
Enforcement, LB enforcement, maintenance of land: **WRs**	28 weeks
Enforcement, LB enforcement, maintenance of land: **hearing or inquiry**	41 weeks

Inspector targets

80. To allow time for administration (and in some cases, translation) Inspectors must submit **all** decisions **at least 1 week in advance of the Ministerial Target**. In addition, Inspectors must adhere to these **Aspirational Targets**:

- Written representations: **20 working days** commencing the day following the visit.

- Hearings and Inquiries: **25[5] working days** commencing the day following the event.

81. For **reports** to the Welsh Ministers, the Ministerial Target is 7 weeks after any event up to 7 sitting days and 24 weeks for Developments of National Significance. For cases with longer sitting periods a bespoke target is set. Due to the length and complexity of reports, they should be submitted for reading **at least 2 weeks** before the Ministerial Target.

82. The Ministerial Target is the first priority and may justify a missed Aspirational Target on another case. If any target is missed Inspectors should record the reasons for this. These will be taken into account by Inspector Managers when reviewing performance against targets in annual reviews.

Reading and Quality Assurance

83. The following types of decision require pre-issue reading. This should be flagged by the Inspector when sending to the 'PEDW – Gwasanaethau Canolog / Central Services' inbox:

- Appeal casework where the Inspector is working outside their area of specialism.
- Re-determinations.
- Welsh Ministers' casework where novel or contentious issues are raised.
- HMO cases.

84. Other types of casework may be submitted to their Inspector Manager for a second opinion where necessary, for example where novel or specialist issues are raised.

Retention of notes and documents

85. Case files are destroyed one year after the date of the decision unless there has been a High Court challenge or post-decision correspondence. You should retain site visit, hearing and inquiry notes for three months following the issue of your or the Welsh Ministers' decision, unless the case is subject to a challenge, in which case keep your notes until the completion of the High Court and any higher court proceedings. If you leave PEDW, return your notes for all cases worked on in the last three months to the office.

86. Hard copies of documents containing sensitive personal information must be shredded. This can be done by sending the documents to the office, or via a home shredder.

Complaints

[5] If sitting for more than 3 days, +1 day should be added for each additional sitting day

87. Complaints are made to PEDW or the Public Service Ombudsman for Wales (the Ombudsman will normally refer the complainant to PEDW first). About 60% of complaints are from third parties. Some can be made pre-decision.

88. PEDW defines the term 'complaint' as *any adverse comment about an appeal decision or procedure*, even if the correspondence is generally positive. This includes any request to clarify something in a decision which is unclear.

89. The complaint investigation is usually undertaken by a member of the Leadership Team. If it is found that the complaint should be upheld, it will be count as a Justified Complaint. However, the original decision will stand.

90. If the Inspector accepts that an error has occurred, PEDW will reply to the complainant without further input. If there is any doubt, or the issues are not clear cut, the person conducting the complaint investigation will seek the Inspector's comments before coming to an independent view. If ambiguity remains, or the Inspector and the complaint investigator are in disagreement, the matter will be determined via the Leadership Team collectively.

91. Upon the completion of an investigation, PEDW will reply to the complainant with an explanation, apology, or both, notifying the Inspector where appropriate.

92. Following a complaint, if it is found that PEDW did something it shouldn't have, or vice versa, and this error be corrected without impacting on the procedure or outcome of the case, it will not count as a complaint.

Justified Complaints

93. Justified Complaints are categorised as:

- **Minor**: judged not to have affected the outcome of the case. Does not include trivial typographical or factual errors, e.g., a misspelled name.
- **Significant:** potentially affecting the outcome of the case or perceived to be prejudicial to a party's interests, e.g., if an Inspector has failed to notice a window from which overlooking would be possible.

94. PEDW's aim is for 99% of decisions to be free from significant Justified Complaint (or successful legal challenge). This is a high bar but is necessary to uphold PEDW's standing as a respected appellate body. This organisational target also translates into individual targets for Inspectors.

95. Typical categories of Justified Complaint include:

- Improper conduct of a site visit, hearing or inquiry.
- Failure to comply with the principles of natural justice.

- Taking into account an irrelevant factor or failing to take account of a relevant factor.
- Misinterpreting relevant evidence, policy or factor.
- Inadequate or perverse reasoning, or a significant error of judgement.
- Inclusion of unnecessary or inappropriate comments, including repetition of defamatory remarks or allegations made by an appeal party.
- Errors, omissions or oversights in the wording of an imposed condition.
- Inclusion of personal or other sensitive details in the appeal decision.
- Using wording that is genuinely capable of being misunderstood.

Correcting errors in decisions ('Slip Rule')

96. Part 5 of the Planning and Compulsory Purchase Act 2004 allows PEDW to issue a 'Correction Notice' to amend published decisions, provided that the error does not relate to any of the reasons given for the decision and is a self-evident clerical mistake, typographical error, omission or accidental slip which is obvious to the appeal parties. This process is referred to as the Slip Rule.

97. A Slip Rule request can be made by any person, including an Inspector who detects an error in their own published decision, but must be submitted within the relevant High Court challenge period. A corrected decision will replace the original and will usually carry a new date, thereby resetting the relevant High Court challenge period. Further advice is provided in PEDW's **Slip Rule guidance**.

The Public Services Ombudsman for Wales

98. The Ombudsman investigates complaints by those who claim to have sustained injustice as a consequence of maladministration arising from action taken by a government department. This includes alleged bias, neglect, incompetence, discourtesy, a failure to follow proper procedures or serious delay.

99. The Ombudsman can investigate whether there has been maladministration in the decision-making process but cannot change an Inspector's decision. If satisfied that there is a case to answer, the Ombudsman will write to PEDW, seeking a response to the details of the complaint. Inspectors involved in a complaint will be advised of any necessary procedures.

High Court challenges

100. Sections 288 and 289 of the TCPA allow decisions[6] made by PEDW to be challenged in the High Court ('Judicial Review'). The right of challenge

[6] Including appeals made under TCPA sections 78 and 195, discontinuance orders, tree preservation orders, advertisement appeals, certain LDC and enforcement appeals, and maintenance of land appeals. Challenges relating to listed building consent or listed building

extends to any “person aggrieved” and can include the appellant, LPA or any third party who made representations during the appeal.

101. Challenges to planning appeal or listed building consent appeal decisions must be made within six weeks (42 days) from the day after the date of the decision. Challenges to enforcement appeal decisions and LBEN decisions must be made within 28 days of the decision date, unless the Court extends this period.

102. Applications require the leave of the High Court before a legal challenge can be made. If the court decides that there is an arguable case, it grants permission to proceed with the substantive proceedings. If permission is refused, the claimant can request that it is reconsidered at an oral hearing.

103. PEDW’s **High Court challenges guidance** provides more information on the process for handling challenges, including what is required of Inspectors.

Scope and grounds of legal challenge

104. The Courts are concerned only with the legality of a decision, not the planning merits of a case. The Courts’ starting assumption is that the Inspector is an expert who will have understood the policy framework correctly. Judgments tend to follow the established principle that a decision should be read fairly and in good faith, and as a whole, in a straightforward down-to-earth manner, without excessive legalism or criticism, as if by a well-informed reader who understands the principal controversial issues in the case.

105. The grounds for challenge are that a decision is not within the powers of the Act, or that any of the relevant requirements have not been met (e.g. procedural requirements and rules) and as a result prejudice has occurred. The claimant must establish that the Inspector misdirected themselves in law or acted irrationally or failed to have regard to relevant considerations or that there was some procedural impropriety. Common areas of challenge include that:

- The decision is illogical or irrational (the ‘Wednesbury’ test).
- There was a failure to take account of a material consideration.
- Inadequate reasons were provided for the decision.
- There was a failure to correctly interpret or apply local/national policy.
- Natural justice or procedural fairness requirements were not met.
- Improper or inadequate consideration was given to the Human Rights Act, Equalities Act or Well-being of Future Generations (Wales) Act.

---

enforcement notices are made under section 63 of the Planning (Listed Buildings and Conservation Areas) Act.

Outcomes of a legal challenge

106. There are four potential outcomes after a challenge:

- The challenge is withdrawn.
- The challenge is successfully defended.
- The challenge is successful.
- WG decides not to defend the decision and so 'submits to judgment'.

107. If the Court is satisfied that the decision contains an error in law, and that the interests of the claimant have been substantially prejudiced, the Court will normally[7] quash the decision and return the appeal to the Welsh Ministers (in practice, a different Inspector) for redetermination. If you are dealing with a redetermined appeal, see the advice in **The Approach to Decision Making**.

108. If a challenge is successfully defended, that is normally the end of the matter, although unsuccessful claimants may seek permission to appeal to the Court of Appeal. Costs usually follow the outcome: if the case is won the claimant pays PEDW's legal costs, and if the case is lost, PEDW pays the claimant's costs.

[7] In s289 appeals the decision is not quashed but is remitted for reconsideration with the opinion / direction of the Court. Rarely, the Court may decide not to quash or remit a decision, despite an error of law, if it is satisfied that an Inspector's decision would have been the same in any event.

Annex A: Overview of how Inspectors work

Your working environment

A1. Working from home has the advantages of no daily commute and flexible working. However, it also requires discipline to work efficiently and ensure that work does not encroach on your home life (or vice versa). In addition, it can also be quite isolating.

A2. Make sure your home office is able to safely and comfortably accommodate a desk and chair, IT equipment including a printer, file storage and space to spread documents. Working on the kitchen table is not advised. The room should be well lit, heated, ventilated and comfortable. You will be spending a lot of your time in it!

A3. PEDW will supply the necessary furniture, IT equipment and stationery. Additional stationery can be ordered via the intranet.

Organising your work

A4. Case work is normally organised in weekly blocks by the Chart Officer, around 8 to 10 weeks in advance of events. A typical workload is three written representations (WR) cases a week, or 1 hearing per week. Staff are typically given one 'admin day' per fortnight for processing other work.

A5. These casework volumes should give you ample time to read the appeal documents, conduct the site visits/hearing and write your decisions. The above numbers may vary depending on other factors as agreed with your line manager and Chart Officer. This includes travel time: an additional half a day will be allowed where the one-way travel time is between 3-4 hours, and an additional full day where the one-way travel time is over 4 hours.

A6. Establish a routine that gives you a good work/life balance. Take regular breaks, with at least 5 minutes' break from your screen each hour. The working week is 37 hours: try to adhere to this, with definite start and finish times. At the end of each day, put your work out of sight to get a clear break from it.

Casework targets

A7. PEDW has performance targets set by the Welsh Ministers. It is the responsibility of Inspectors to ensure Ministerial Targets (MTs) for specific cases are met, unless there are extenuating circumstances. Inspectors in training may be set different targets which will be monitored by Inspector Managers.

A8. The MT for each case is identified on the CRM casework record. Completed decisions must be emailed to the PEDW Central Services inbox **at least one week before the MT** and in line with the **Aspirational Target**. The subject line on the email should contain the full case reference and address for the appeal site, for example CAS-03212-S1S3V3 – MT 2024-11-05 - Land at Rhydblawd Farm, Disserth, Builth Wells, Powys, LD2 3TL, with the decision attached to, rather than embedded in the main body of, the email. Where PEDW has agreed to provide decisions in Welsh and English as much time as possible should be given to allow for translation[8].

Reading regime for Inspectors in training

A9. Inspectors in training have their casework read by a Reader before it is issued. Decisions are marked as follows:

Issuable	Free from errors (no more than two typos) and can be issued without risk of a justified complaint or successful High Court challenge.
Issuable; amendment required	A decision that could be issued without significant risk of a justified complaint or successful High Court challenge but contains minor errors that do not go to the heart of the decision or would not significantly undermine the authority of the decision and confidence in it.
Not Issuable; significant errors.	Contains a significant error/s that would be likely to lead to a justified complaint or a successful High Court challenge, OR Decisions containing a number of smaller errors that taken cumulatively would significantly undermine the authority of the decision and confidence in it.

A10. In order to assess whether the Inspector has covered all matters adequately Readers must refer to all documents on the file. Whilst quality should not be compromised, the reading process should facilitate Inspector development rather than hinder their progress. The aim is to get Inspector's to take ownership of their decisions right from the start, rather than relying upon the reading regime for quality assurance.

Keeping on top of work

A11. If you are finding it difficult to meet targets, talk to your Inspector Manager before a backlog of work has built up.

A12. Business Support will set up bespoke 'My Views' in CRM which will enable you to view all of your allocated casework and recently issued decisions. However, keeping your own personal log of casework is also useful to refer back to, for example if another case raises similar issues.

[8] Decisions in both languages are provided to the following LPAs: Carmarthenshire, Ceredigion, Denbighshire, Gwynedd, Isle of Anglesey, Rhondda Cynon Taf, Snowdonia National Park.

A13. Casework is programmed well in advance. Inspectors should review cases **as soon as they are allocated** to ensure that any problems can be resolved with Chart and/or the Case Officer (e.g. to avoid conflicts of interest, secure missing documents, or change the appeal procedure). Actual or indicative dates/times for all site visits should be confirmed with the Chart Officer as soon as possible. It is also good practice to send the details of forthcoming site visits to your buddy at an early stage.

A14. All Inspectors work differently, but doing the following will help you to discharge the role effectively:

- Preparing for site visits well in advance and making clear notes of what you need to observe.
- Reporting on site visits as soon as possible after the event.
- Putting a draft decision aside for a couple of days and proof-reading it when the mind is fresh.

A15. Keep on top of filing, recordkeeping, booking travel/hotels, submitting expense claims and filling in your timesheet. Don't let them build up. Use your fortnightly admin day to keep abreast of changes to procedures, planning policy/guidance and caselaw flagged up by WG, the Leadership Team, Planning and Environment Team and trade magazines.

Keeping in touch and maintaining good well-being

A16. The nature of the job can be quite isolating. Staff are strongly encouraged to keep in regular contact with one other, for example via MS Teams to video chat or posting on the 'Social' channel, or meeting colleagues for coffee/lunch during site visits[9]. If you are struggling, talk to your Inspector Manager rather than bottling problems up. You are also encouraged to consider making use of the **Employee Assistance Programme**, which offers WG staff advice and counselling for problems at work or home.

A17. Inspectors meet quarterly at the Inspector Group Meeting (IGM), normally in person, although virtual attendance may be possible. The IGM is used as a general forum for updates and training. Staff are encouraged to join the social event, which normally takes place on a Thursday evening.

A18. Inspectors are in regular contact with Case and Chart Officers, normally by email or MS Teams. Any hard copies of documents will be posted to your home address and may need to be signed for.

[9] Whilst it can be helpful to talk with your colleagues about casework in general terms, never rely on others to make judgements about your cases, as you alone are the decision maker. Inspector Managers should be the first port of call for support on casework matters.

A19. Whilst working flexible hours is a benefit of the job, it is important that are contactable during office hours. Ensure your line manager, Chart officer and nominated 'buddy' have your contact details.

Dress code

A20. There is no dress code for staff when working in or out of the office or at events. Wear what is practical and will put your most at ease depending on the context, thinking also about your own health and safety. You may opt not to wear things which may draw unwanted attention: e.g., formal wear in a field. The only exception is where it is necessary wear Personal Protective Equipment (PPE) for your health and safety.

Travel and Subsistence

A21. When determining the mode of travel for work, take account of effectiveness and cost, but also your safety and well-being. Inspectors are encouraged to use public transport, but this is unlikely to be a realistic option unless your site visits are urban and geographically concentrated. Train travel is by standard class, but you may upgrade if seats are not available. Taxis can be used for work only in some particular specified circumstances, as agreed with your line manager.

A22. Business travel and accommodation **must be booked online**. If it is not feasible to travel and conduct an arranged programme in one working day you may need to stay overnight in a hotel. Subsistence costs (excluding alcohol) can be claimed in certain circumstances, using receipts as proof, subject to complying with the limitations and maximum claimable amounts set out in WG's **Travel and Subsistence guidance**. Ensure that claims are submitted promptly and avoid submitting claims for multiple trips at once.

A23. If travelling by car you may use your own vehicle if it is insured for business use and claim back a standard mileage rate. You may also **hire a car via WG's Days Rental contract**. You will need to pay for fuel and parking costs and claim these back. You must only use the hire car for PEDW business.

A24. If travelling by bike a standard mileage rate can be claimed, as with vehicles.

Health and Safety

A25. In addition to the health and safety guidance provided on the **intranet** and completing any required training, Inspectors must follow the health and safety guidance set out in:

- The PEDW-specific bespoke risk assessment for lone working, and
- The guidance in the **Site Visits** and **Hearings and Inquiries** chapters.

Notification of absence

A26. Notification of sickness absence should be made to your line manager without delay, who will log it on **HR Self Service** and, upon your return to work, will conduct an interview.

Annex B: Joint working and appointment of assessors

B1. Two or more Inspectors may be appointed to a single case or, in the case of Local Development Plan (LDP) examinations, an Inspector may have the assistance of a Planning Officer. Joint appointments may be for training purposes, for example to give a trainee Inspector the opportunity to assist on a specialist or complex case before they undertake one alone. Alternatively, it may be for resource planning and resilience reasons, to share workload more efficiently across PEDW or to respond to the requirements of a particular project. Typically joint working will be used for LDP examinations, Development of National Significance (DNS) or Significant Infrastructure Project (SIP) applications and other major casework.

B2. Section 40(1) of the Infrastructure (Wales) Act 2024 provides for either a person or a panel to be appointed to examine a SIP. Under s40(6) the circumstances for appointing, changing or allocating functions and decision-making to panel members are delegated to regulations. Regulation 4(1) of the Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025 states that where a panel is appointed, one of its members must chair the panel. Regulation 7 confirms that any 'part' of the examination may be allocated to any member, and their findings and conclusions treated as those of the panel as a whole. This approach differs from other casework, the statutes underpinning which refer to the appointment of 'a person' in the singular.

B3. In addition to the appointment of more than 1 Inspector, Section 50 of the Act makes provision for the examining authority to appoint a person to act as an assessor to assist them in the examination of SIP application. PEDW will use this where it is considered that the nature of the evidence on a case requires impartial technical expertise to help inform the appointed person to reach a decision. Regulation 29 of The Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025 requires the assessor to make a written report to the examining authority on the matters in respect of which they were appointed to assist the examining authority. The examining authority's report must state if the examining authority disagrees with any aspect of the assessor's report and the reason for any disagreement.

B4. The following advice sets out general principles for joint working which may be tailored to the circumstances. However, in all cases cooperation and regular communication will be critical.

The role of the Lead Inspector or SIP panel chair

B5. When joint appointments are made, PEDW will ask one Inspector to lead the examination/case. Other than for SIPs, this is an informal arrangement which will **not** be publicised to external parties. However, appointing a Lead/Chair provides clarity about which individual has overall responsibility for taking the lead at key stages, sustaining the momentum of the examination, and having the final say on matters arising if it comes to it.

B6. The selection of the Lead/Chair is not necessarily dictated by individuals' experience. However, if one of the Inspectors is a trainee (i.e. it is their first examination), the more experienced Inspector will always be appointed as the Lead Inspector or Panel Chair, and PEDW will make it clear that they are to perform the role of mentor.

B7. **Where there is a mentor/trainee relationship:**

- The **Lead Inspector / Panel Chair** should:
  - Establish early contact with the trainee, seeking to understand their skills, experience, expectations, and any limitations to them taking on certain tasks, thus agreeing the scope of each Inspector's role.
  - Assume overall responsibility for procedural matters.
  - Provide timely support and guidance to the trainee throughout the examination.
  - Check that the trainee has time charted to complete their allocated tasks in advance of key stages of the examination.
  - Be receptive to answering questions and accepting challenge/debate.

- For the **trainee**, the experience is a development opportunity. Consequently, they should seek to play a significant role in the examination, including taking the lead at one or more hearing or inquiry sessions (if these are held, and subject to them being able to do so). Whilst it will depend on individuals' circumstances and work commitments, the trainee may complete the lion's share of the work and write most of the report, albeit with oversight and support from the Lead Inspector. These expectations need to be discussed and agreed at an early stage of the examination.

B8. For SIP examinations there is a formal process of appointment specified in the Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025. Regulation 4 requires the Examining Authority, to appoint one of its members to chair the panel. The panel may allocate any part of the examination to any of its members and the findings and conclusions of each member are treated as findings and conclusions of the panel.

Written communications between appointed Inspectors

B9. For expediency's sake, most communication between Inspectors on the project should be undertaken verbally in person, via video or telephone call. However, key points of agreement / disagreement on casework and/or procedural matters should be followed up in brief written notes as soon as practical after the conversation.

B10. If a Freedom of Information (FOI) request is received during the examination or subsequent Court challenge period, written communications may be subject to release, and inspectors should be mindful of this in terms of the content of any written notes.

B11. If communicating about the case via email, **the sender** should:

a. Sense check it before sending (would you be relaxed it if it was publicly released?)
b. Ensure that a copy of the email (or a single copy of the chain) is saved in the 'Internal Correspondence' folder in iShare, named in the standard format with a description (e.g. *2024-01-15 From Insp – Hearing programme*).

B12. MS Teams may be a more appropriate medium for day-to-day messages of a general or more personal nature. However, the same caution should apply to any messages sent concerning the case as these will also fall within the scope of FOI requests. Although Teams 'chat' messages are subject to shorter retention periods than emails, messages may remain visible far beyond the official retention period, so always be mindful of their content.

Responsibilities of the Lead Inspector / Panel Chair

Following appointment

B13. Soon after appointment the Lead Inspector or Panel Chair must convene an 'inception meeting' of all appointed Inspectors to establish:

- who will have principal responsibility for key procedural tasks
- the likely delegation of responsibilities for discrete 'parts' of the examination (i.e. topics, matters, substantive tasks or secondary consents), and
- Indicative periods during which the body of work relating to that task will be undertaken.

B14. An example template is provided below.

Task / matter	**Individual responsible**	**Timescale *(e.g…)***
Key procedural tasks		
Liaising with operational staff or Programme Officer in relation to administrative matters, including the timing and form of hearings/inquiries, and responding to queries from parties	[Name]	Initial 3 months (weeks 1 to 13)
Preparing and formatting any formal examination notices and sending final versions to operational staff or the Programme Officer	[Name]	Throughout exam as required
Setting up the report template, formatting the final report and arranging for it to be read	[Name]	Following hearings (by week 15)
Scheduling and making detailed arrangements for joint or individual site visits	[Name]	Prior to hearings (by week 12)
Key substantive tasks		
Reviewing and summarising representations	[Name]	Weeks 1-2
DNS/SIP Landscape and visual matters	[Name]	Weeks 5-18
DNS/SIP 'Other Matters'	[Name]	Weeks 5-8

		Weeks 15-18
DNS/SIP Conditions	[Name]	Weeks 13-18
DNS/SIP Common Land consent(s)	[Name]	Weeks 5-18
LDP Plan/Spatial Strategy	[Name]	Throughout

B15. In some cases, one or more of the appointed Inspectors may have a minor perceived conflict of interest on a distinct part of the project being examined. For example, previous consideration of an appeal on a proposed LDP allocation or previous employment with a promoter of an LDP site. Such cases need not preclude the Inspector from being part of the whole examination but such matters must be raised with senior management for approval and record. The other appointed Inspector(s) will have responsibility for the consideration of those matters to avoid any perception of conflict of interest. Where the conflict of interest may be perceived as more than minor or trivial, such that it would not be appropriate for the Inspector to be involved in the examination at all, PEDW's usual approach to conflicts of interest will apply and the Inspector would not be appointed to the examination.

B16. The indicative list of tasks and responsibilities decided by the Lead/Chair must be recorded in writing. A copy of this note must be saved on iShare and sent to the CPI, Deputy CPI, relevant Planning Inspector Managers and key operational staff (e.g. DNS team, Inspector Scheduling) so that it is clear to whom urgent requests should be directed.

B17. When delegating matters, it will normally make sense to play to individuals' strengths/experience although topics may also be allocated as a development opportunity. In most examinations each Inspector will take the lead on at least one 'main issue/consideration' (if there is more than one) and/or secondary consent. The remainder of 'other matters', conditions, planning obligations etc. should be allocated based on mutual agreement, taking account of each Inspector's availability and work commitments but both Inspectors will need to identify necessary conditions and/or obligations for their respective 'issues'.

B18. Although the Lead/Chair will have primary oversight of the running of the examination, all appointees must maintain regular contact and inform each other of periods of absence so that procedural tasks can be delegated where necessary. The Lead/Chair must also ensure that other appointees are kept in the loop (e.g. copied into emails or invited to meetings) and involved in making procedural decisions.

Following the initial DNS/SIP consultation ('the procedure period')

B19. It is likely that all appointed Inspectors will need to have a basic grasp of all submission documents and representations. However, time will be used most effectively if each Inspector is allocated specific topics (including any secondary consents). In practice this means that, for their allocated topic, each Inspector will be responsible for:

- Having a thorough understanding of the relevant evidence and representations.
- Identifying matters, questions and participants for any relevant hearing/inquiry sessions.
- Chairing the relevant hearing/inquiry sessions, if possible.
- Requesting any further information required from the applicant or other parties.
- Completing relevant sections of the report within mutually agreed timescales.

B20. After the initial consultation period it should be clear which topics are likely to form the 'main considerations', as well as the likely range of 'other matters' to be reported on. The Lead Inspector/Chair should therefore convene a meeting during the 'procedure period' following the initial consultation to finalise which topics are to be allocated to whom. The results of this discussion should be recorded via an update to the 'inception meeting' note, which should be saved on iShare and copied to the CPI, Deputy CPI, relevant Planning Inspector Managers and key operational staff.

B21. At this point of the examination, it is important that key procedural decisions (e.g. regarding suspensions, acceptance of modifications, the length of suspension periods, and the structure and timing of any hearing/inquiry sessions) are taken jointly and agreed by a majority of appointees. The Lead / Chair will have casting vote on all such decisions.

Planning Officers in LDP examinations

B22. The involvement of Planning Officers in LDP examinations represents both an efficiency saving and a potential development opportunity. PEDW management will therefore establish at an early stage whether this resource is available when planning resources for imminent LDP examinations.

B23. Where one or more Planning Officers are available to assist, the Lead Inspector should meet with them at an early stage to determine the extent to which they would be prepared and able to be involved. Discrete tasks for delegation to a Planning Officer might include:

- Reviewing and summarising representations
- Reviewing preparation procedures to determine whether the plan has been prepared in accordance with statutory requirements
- Detailed scrutiny of all 'Development Management' policies and reporting on potential implementation issues
- Reporting on whether plan policies are in 'general conformity' with those in Future Wales and/or any divergence
- Reviewing evidence in a particular area, for example in relation to whether assumptions made regarding the viability, implementation and delivery of non-strategic site allocations are realistic in the light of likely development constraints

- Scrutinising the robustness of specific documents in the evidence base, e.g. a Sustainability Appraisal or assessments/sieving of alternative sites
- Assigning objectors to specific (topic- or site-based) hearings
- Assuming responsibility for examining and reporting on a discrete (and likely lower profile) topic areas.

B24. Lead Inspectors should ensure that tasks delegated to a Planning Officer are well defined and accompanied by clear instructions and expectations for content and deadlines. Planning experience and knowledge levels may vary amongst Planning Officers, and as such, different levels of guidance / support from Inspectors may be required as appropriate.

B25. It is important that the work undertaken by Planning Officers contributes meaningfully to the examination. If an early scoping or plan review exercise is requested, it should be clearly defined (and ideally broken down into discrete tasks as per the above examples) so that the Planning Officer understands what the outcomes/outputs of the exercise would be and how it would influence decisions taken in relation to the examination.

Hearing / inquiry

B26. Inspectors will normally lead the hearing or inquiry session for their allocated topic(s). If there are multiple sessions, to minimise fatigue it is a good idea to distribute topics to suit Inspector availability with breaks in the timetable. To ensure efficient use of Inspector resource, it will not usually be necessary for both Inspectors to attend all sessions where clear allocation of topics / tasks has been agreed. These matters will vary from case to case depending on the interrelationships of the issues/topics.

B27. In LDP examinations it will usually be necessary for both Inspectors to attend hearing sessions for housing numbers and strategy. For most other discrete sessions there should only be a need for the Inspector allocated to that matter to sit with the other absent.

B28. Prior to the event, the Inspectors should discuss what their roles will be. Options might include:

- Two or more Inspectors sitting at the head table, with one Inspector leading the session, and the other(s) taking detailed notes; or
- Two or more Inspectors sitting at the head table. One Inspector leading, but with the other Inspector(s) interjecting on occasion and/or leading on specific agenda sub-items.

B29. Whatever format is chosen, it should be made clear to the parties in the opening how events will be run, including which of the Inspectors is to take the lead at that session and at subsequent sessions. For SIP examinations, the Chair must announce their appointment as such at the start of the first event.

B30. In a Pre-Hearing/Inquiry Meeting all appointed Inspectors should attend and (if possible) participate. This will reinforce to participants that there are two or more examining Inspectors.

Site visits

B31. Whilst it is often useful to visit the site/environs together, Inspectors may choose to visit certain parts of the site or viewpoints separately. However, for Inspectors examining matters where site observations are critical (e.g. character and appearance), a site visit will invariably be needed. In such circumstances, the other Inspector(s), if they have not completed a site visit themselves, will need to rely on their colleague's written assessment and conclusions on such matters.

B32. Photos or videos taken on a site visit may be used as an individual *aide memoire*. However, as these may be subject to release during the examination/challenge period, Inspectors should not share photos or videos with one another to avoid them being construed as 'new' evidence which has not been seen by others.

Writing the report and making the recommendation

B33. After the hearings/inquiry and the receipt of any additional documentation (e.g. the final list of conditions), the Inspectors should mutually agree timescales for drafting all sections of the report, including any additional matters which arose at an event.

B34. Either before or after the initial draft sections of the report have been exchanged and compiled, the Lead/Chair should convene a meeting of all Inspectors to discuss any required balancing exercise, the weighting of any adverse or beneficial effects, and the final recommendation.

Disputes and absences

B35. It is unusual, but possible, for Inspectors to have a difference of opinion in relation to any examination matter, including the final recommendation. Inspectors must not feel pressured into a course of action or into adopting an opinion that they feel compromises their professionalism, independence and ability to act according to the PEDW or their professional Code of Conduct. However, where there is dissent, Inspectors should adopt a pragmatic approach based on reason and, where necessary, should be prepared to compromise.

B36. In **SIP casework**, under Regulation 8 of the Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025, the examining panel must take decisions by agreement with the majority of its members, with the chair having the casting vote in even-numbered panels. In such circumstances, votes should be taken following open and objective debate at a meeting of all panel members, under the Chatham House rule. As the whole panel constitutes the 'Examining Authority' in SIP casework, the report

will be written as a collective and there will be no ability for individual panel members to record a dissenting view.

B37. In **other casework,** if agreement cannot be found the Lead Inspector should first contact their Inspector Manager, the CPI or DCPI, who will consider the potential for the dispute to be resolved via mediation. If this is not possible, and the dispute relates to the final recommendation, the Inspectors should jointly consider writing the report to specify which matter(s) were allocated to whom. This would mean that only one Inspector was responsible for the final recommendation, and that all sections of the report were written in the singular. This course of action may also be used if one of the Inspectors was absent prior to the conclusion of the examination (e.g. due to ill health or a change of job) but had already completed their section(s) of the report.

B38. For more fundamental disputes and/or where one of the Inspectors was unable to complete the examination before writing their part(s) of the report, it may be necessary to formally de-appoint one of the Inspectors. For most casework this would occur only as a last resort and, depending on the stage and nature of the examination, may require reopening hearing or inquiry sessions and/or rewriting sections of the report. In SIP casework, as cases are decided by an Examining Authority as a collective, under Regulation 5 changes can be made to a panel without any need to revisit work already undertaken or decisions already made (unless the panel decides to do so).

What work to charge for?

B39. Timesheets should be submitted in the normal manner for DNS/SIP projects, with all work charged for.

B40. For LDP examinations there is a long-standing commitment that LPAs will not be put at a financial disadvantage from the appointment of two or more Inspectors. Consequently, it is important not to ‘double charge’ for duplicated work.

B41. Time spent by Planning Officers and administrative staff on LDP examinations is also chargeable and time should therefore be logged accordingly. As with Inspectors, work undertaken by a Planning Officer should be charged for unless their involvement is primarily a training and development opportunity (thereby likely requiring considerable oversight and/or duplication of work by an Inspector).

B42. Inspectors should apply discretion but use the following as a guide.

Task	Approach
Procedural tasks – responding to requests, meetings, scheduling hearings	You may charge for both Inspectors’ and Planning Officers’ time unless the time is specifically used for training purposes or there is clear evidence of a task being ‘duplicated’.

Preparation – reading submission documents, representations etc.	• If an Inspector is a trainee this work is likely to be duplicated, so only one Inspector's time should be charged for. Similar should apply if a Planning Officer's involvement is primarily a training and development opportunity. • Otherwise, you may charge for both Inspectors' and Planning Officers' time if responsibility for topics is so clearly split that the amount of duplicated work is limited.
SIP Hearings	• Charge for all panel members present and any appointed assessor
Hearings	• Unless one of the Inspectors has a purely passive role, you may charge for more than one Inspectors' time if both are 'sitting' at the head table. • If a single Inspector is sitting at the head table, only charge for their time, even if others are in the room observing. • You may charge for a Planning Officer's time unless their involvement is a training and development opportunity.
Reporting	You may charge for both Inspectors' and Planning Officers' time, including proof reading and quality assurance.

Annex C: The role of Appeals Planning Officers (APO) in PEDW

Introduction

C1. In addition to their work as Planning Officers, some will assist in the determination of appeals by assessing cases, policy and representations, carrying out site visits and writing a report with a recommendation to an Inspector. The Inspector will make the decision on the appeal.

C2. APOs submit reports and make recommendations to Inspectors advising on whether appeals should be allowed subject to conditions or dismissed. This requires the analysis of the cases of the appellant, local planning authority and interested persons, policy and technical reports. APOs present a thorough report and must produce a robust and well reasoned recommendation.
109.

C3. This approach was deemed lawful by the Court of Appeal, following a challenge to a PINs decision (Secretary of State for Levelling Up, Housing and Communities v Stephen Smith & Anor [2023] EWCA Civ 514).

The APO's role in determining appeals

C4. APO's will undertake similar training to Inspectors in Training before undertaking their first case. APOs will be allocated 'written rep' HAS/CAS, adverts and cases at level H. Progression to cases at level F and G may follow with experience. As APOs advance and gain experience more complex cases may be allocated with the agreement of the APO, their line manager and SLT.

C5. During the APO's initial training, they will submit their reports to a small number of Inspectors for reading and sign off to ensure consistency in their training. The Inspector reader (and decision maker) will adopt the practices set out in the reading regime used during inspector training to quality assure and provide feedback to the APOs. Once an APO has issued 8/10 recommendation reports in a continuous run that are 'issuable' (with no more than 2 'issuable amendment required') they will be able to undertake the role without that reading regime feedback and can submit reports to any Inspector for signoff but for consistency sake, we will identify a cohort of inspectors who typically undertake this work.

C6. APOs will:

- Assess cases allocated to them to ensure no conflict of interest and there are no hidden matters which may render the case unsuitable for them. This should be done within two working days of cases being allocated.

- Liaise with Inspector Scheduling regarding dates or times of site visits and to identify which Inspector with be the decision maker. This should be done within two working days of cases being allocated.

- Read and analyse the parties' cases and other representations in preparation for the site visit.

- Discuss the case with the Inspector decision maker before the site visit to agree main issues and raise any areas of concern and agree matters to be covered at the site visit. This should be done as early as possible in case the Inspector advises that further information is needed prior to the site visit which could necessitate postponement.

- Undertake a site visit, ensuring that photographs are taken and site notes are made to assist the Inspector in making their decision. Taking photographs must not distract you from making proper observations. You must not use photos as a substitute for the on-site assessment. Ask any parties present first and ensure that they have no objections, explaining that they are only intended as an aide-mémoire and to assist answering any queries from the deciding Inspector. You are entitled to take photographs on public land (which may suffice) but not private land or individuals without their consent. As photos could be subject to an information request, ensure they are kept on file.

- Having conducted the site visit and considered the parties' cases, submission documents, representations, policy and relevant case law, produce a report using the APO Report Template (Annex A) and recommendation for consideration by the Inspector decision maker within **20 working days** commencing the day following the site visit. APOs should include a schedule of recommended conditions that they have subjected to the relevant tests, but it will remain the responsibility of the determining Inspector to confirm the final conditions as part of the decision.

C7. Should APOs be engaged in other work considered to be a priority, agreed by their line manager and SLT, the deadline for submission will be extended to a date agreed between the APO and their line manager.

C8. When undertaking these duties APOs must conduct themselves in accordance with the behaviours set out in the Role of the Inspector ITM chapter.

The role of the Inspector

C9. When the case is allocated to an APO, Inspector scheduling will identify the Inspector with capacity to review and issue a decision on an APO's recommendation report. Given the typical type of case, this will usually require 0.5 day reserved in Chart. Inspectors should let Inspector Scheduling know if they need more time.

C10. Once the APO has read and analysed the parties' cases and other representations in preparation for the site visit, they will discuss the case with the

Inspector decision maker before the site visit to agree main issues and raise any areas of concern. If the Inspector has concerns with the APO's understanding of the issues or that the case is unexpectedly more complex than typical APO work, early consideration should be given to whether the case should revert to an inspector or whether the APO can continue to progress the case. The APO and Inspector should have an open discussion at this stage and seek support from their line manager if necessary.

C11. The Inspector will be responsible for any discretionary decisions about procedural matters like accepting evidence on new matters, late evidence, and seeking further comments from parties. The casework team will need to contact the Inspector (copying the APO) to confirm any such decisions.

C12. After the site visit the APO will prepare and submit their report to the allocated inspector. On receipt of the report and recommendation from the APO, Inspectors should read the file and review the APO's photographs and site notes to understand the site and its immediate surroundings. This should provide adequate information to make a decision and it will not normally be necessary for the Inspector to visit the site.

C13. Inspectors should be familiar with and apply the principles for 'reading' outlined in the PEDW's Quality Assurance Process. Inspectors should not be worried about the use of particular words or phrases or other matters of individual style but reasoning must be coherent, and you must agree with it.

C14. If the Inspector is satisfied that they have sufficient information to agree with the recommendation, they should complete the template decision letter and submit the decision for issue, ensuring to copy the submission to the APO. Ideally this will be within 5 days of receipt of the APO's report.

C15. This should also be used as an opportunity to provide informal feedback to the APO where appropriate. Providing constructive and helpful feedback is an essential part of the process. The APO should be clear from comments received why a decision is 'Issuable; Amendment Required' or 'Not Issuable'. Comments should also be included for 'Issuable' marks where the report is of exceptional quality e.g. at least some of the subject matter is unusually complex, and the decision is of the highest quality.

C16. The Inspector is the decision maker and is therefore ultimately responsible for any complaints or challenges that relate to the decision.

C17. Should the Inspector have concerns or questions about the report, including the recommendation and conditions (where applicable), or matters observed by the APO at their site visit these should be discussed with the APO. Following this the APO may choose to amend the report and submit a revised report.

C18. Where there is a difference of opinion, including the recommendation, neither the APO nor the Inspector should feel pressured into a course of action or into adopting an opinion that they feel compromises their professionalism, independence and ability to act according to the PEDW or their professional Code

of Conduct. However, where there is dispute, both should adopt a pragmatic approach based on reason, and where necessary, should be prepared to compromise.

C19. On the rare occasions where agreement cannot be reached, Inspectors must recover the case and determine afresh, undertaking a site visit and without any reliance on the APO's reasoning and conclusions.

Annex D: Appeals Planning Officer decision template

Available in iShare:
https://documents.hf.wales.gov.uk/id:A64086188/document/versions/published