

‘If independence goes, the planning system goes’: New Political Governance and the English Planning Inspectorate

Abstract

Radical restructuring of ‘arms-length’ government bodies following the 2010 UK national election signalled a change in relations between government and the civil service. This was seen as a major shift in modes of governance from ‘new public management’ to a more politicised mode of ‘new political governance’. This paper presents an analysis of the impacts of these shifts on the English Planning Inspectorate, an executive agency central to the land-use planning system. It identifies measures by ministers to increase control over the Inspectorate that represent a shift in governance culture and a shift in the planning system itself.

Introduction

The ‘bonfire of the quangos’, the wholesale abolition of many ‘arm-length bodies’ and the radical restructuring of many others implemented by the UK Government following the 2010 national election signalled a major shift in relations between government and the civil service. It saw the idea of New Public Management with many public servants in arms-length bodies operating as agents of government, increasingly displaced by New Political Governance (Aucoin 2012). These changes reflected the desire on the part of government to challenge bureaucratisation and roll back the over-extended state. Crucially it was seen as an attempt by government to secure greater political responsiveness and control over the civil service. Those arms-length bodies that survived the bonfire nevertheless experienced a tightening of control from their parent departments and ministers (Flinders and Tonkiss, 2016). This paper provides an empirical case study of the impact of these shifts on one particular ‘arms-length body’, the Planning Inspectorate in England (PINS) an ‘executive agency’ of Central Government at the heart of the national land use planning system. Whilst the Inspectorate survived the aftermath of the 2010 election relatively intact, it was subsequently exposed to unprecedented pressures including increased ministerial scrutiny and intervention, political contestation and legal challenge (Boddy and Hickman 2018) amounting, as we argue below, to a major shift towards a more explicitly politicised culture of governance, within which the Planning Inspectorate has subsequently operated.

The paper considers three linked questions: is there evidence of a tightening of executive influence over the governance of the Planning Inspectorate since 2010?; if so, what

were the drivers and what were the implications for the Planning Inspectorate?; and finally, to what extent does the idea of a transition from New Public Management to New Political Governance help us understand the nature of these changes and their implications?

It is structured as follows: first, we expand on the transition from new public management to new public governance and the implications for 'arms-length' bodies such as the Planning Inspectorate; second, we look specifically at the nature of the Planning Inspectorate as an arms-length body – and the potential impact on PINS of more politicised governance; third, we look at the immediate implications of planning reform for the Inspectorate, in particular the ambiguity and tensions implicit in these changes; and, fourth, having outlined our methodological approach, we present detailed empirical evidence. This focuses on the practical implications of planning reform for the Inspectorate and the tightening of executive control over the Planning Inspectorate. It also presents evidence that reform and the range of different interventions which followed, come together as a significant shift in the overall culture of governance within which the Inspectorate now operated.

From New Public Management to New Political Governance

Under New Public Management (NPM), seen as the dominant mode of governance from the early 1990s (Hood, 1991; Hood and Dickson, 2015) and characterised by a managerial emphasis on efficiency, outcomes and performance (Sager and Sorenson, 2011), public servants were portrayed as operating at a distance from the core executive with devolved responsibilities for policy implementation. With the intent to de-couple policy and delivery, politicians 'had a strategic, goal-setting role' and civil servants were 'supposed to be autonomous managers held to account through performance arrangements and incentives' (Pollitt and Bouckaert 2011, quoted in Christensen 2012, 1). The logic of NPM, as Flinders observes, was 'to encourage policymakers to 'depoliticise' functions' (quoted in Laffin, 2016, 356). The 'embedded tension' between politicians and what they term the 'neutral competence of a non-partisan civil service' was 'kept in balance by applying well-established constitutional conventions, ethical principles and agreed practices' (Boston and Halligan, 2012, 204). The growth in Arms-Length-Bodies was seen a particular derivative of NPM, with its focus on splitting bureaucracies along functional lines.

Not without its critics as a model of governance (see Dunleavy and Hood, 1994), the persistence and extent of the NPM logic has been questioned. In particular, NPM has been seen as underplaying the reality of the political dynamics within the civil service. Under NPM, the 'dilemma' for politicians was 'political insulation from delegation but weakened

central control' (Dommett and Flinders 2015). The late 1990s on saw ministers 'struggling at times to ensure that their political priorities and objectives are given appropriate weight' (Boston and Halligan, 2012, 210). Increased political interest in outcomes, according to Boston and Halligan, created a 'heightened point of contestation' between ministers and civil servants which was particularly acute where civil servants were 'delivering specific statutory responsibilities that they are required to exercise independently of the government of the day' and where 'responsiveness to the political will of the government of the day ... is not the only imperative guiding the actions of public servants' (ibid). These political interests were heightened in a context of increased media challenge, increasing demands for transparency, the more overt role of stakeholders and interest groups, greater policy challenge and an increasingly volatile electorate (Grube 2015). The response saw politicians seeking to 'reassert their authority' (Boston and Halligan, 2012, 204) and increasingly 'preoccupied with strengthening the capacity of the centre, both politically and administratively' (Christensen and Lægreid 2007). This shift towards New Political Governance, which Laffin (2016) later termed 'Post-Democratic' forms of governance, sought to 'enable political executives to regain a degree of political control' (Christensen, 2012, 2) and accountability. Practical consequences of these emerging models have been seen as an increase in vertical control in preference to the hub and spoke model of NPM, permanent electoral campaigning, growth of political advisers and ministerial staff, potential politicisation of senior ranks of the civil service or at least promotion of those on board with the government's agenda, and an expectation of public support on the part of civil servants for partisan policy (Grube 2015; Aucoin, 2012, Jarvis and Bakvis, 2012). According to Laffin 'the role of ministers has shifted towards a greater stress on "political bureaucratic management"' arguing that 'the new populist adversarial politics is evident in how politicians now challenge these once-secret gardens of professional-administrative decision making' (2016, 358). More broadly, new forms of political governance have raised important questions about the value and endurance of impartiality and independence, characteristics long vested in the civil service.

New Political Governance and arms-length-bodies

In the UK context, the shift towards more explicit 'political governance' was expressed in particular in the wholesale abolition and restructuring of arms-length bodies or 'quangos' as one of the defining organisational forms of New Public Management, a radical reform 'impressive in terms of not only its breadth and depth but ... speed' (Flinders and Skelcher,

2012). This saw 130 arms-length-bodies of different types abolished, and 150 merged into fewer than 70 across the full range of policy sectors (Cabinet Office, 2012).

Executive Agencies on the other hand - described as ‘semi-detached central government bodies’ (James et al, 2012, 58) with ‘a clear focus on delivering specific outputs within a framework of accountability to ministers’ (Cabinet Office, 2018, 4) - largely survived – a distinction that is important in the context of the Planning Inspectorate. Despite their similarities to other arms-length bodies, including their ‘significant degree of day-to-day autonomy’ (Flinders and Skelcher, 2012) they were considered beyond the reach of the reform process. According to the cabinet minister at the time: ‘executive agencies – are not in the review's scope. They are directly controlled by Ministers who are accountable to Parliament for what they do’ (Hansard, 14 October 2010). They even enjoyed what has been described as ‘a new lease of life under the Coalition Government (Jenkins and Gold, 2011), framed as ‘representing the most appropriate balance between autonomy and control’ (Flinders and Tonkiss, 2016), and identified as the ‘default model’ for where there is a need to deliver a function within central government but which requires some ‘operational independence’ from ministers (Minister for the Cabinet Office, quoted in Elston, 2013, 6).

At one level executive agencies lived on. There was, however, a major ‘reframing’ or ‘control shift’, which transformed the relationship between parent departments and the surviving arms-length-bodies (Elston, 2013, 2014). This saw a shift away from ‘decentralisation and de-politicisation’ towards ‘centralized and politically proximate’ (Elston, 2014, 469), a shift from what Flinders and Tonkiss (2016) termed a more ‘permissive’ to a more ‘authoritative’ model of parenting. Elston later observed that agencies ‘superficially, look very much as originally intended, and yet operate quite differently in practice’ (2017, 101).

In terms of their wider international significance, shifts in the balance between autonomy and control of agencies (described as a ‘standard institutional choice in Europe and beyond’ Ennsner-Jedenastik) have been observed (see OECD (2010, 13) on the observable shift between the ‘steering and control of agencies’ at a European scale). UK experience mirrors more general accounts of ‘a decade of “reinventions” across Europe, a counter-reaction to “agencification”, aiming to rationalise the agency landscape to (re)enhance transparency, political control and government-wide efficiency (Verhoest, 2018, 328). Levels of control, it has been argued will, however, vary in practice across different policy fields and institutions depending for example on political sensitivity, risk and salience to government objectives (Institute for Governance, 2012; Doern and Kernaghan, 2012; James and Thiel,

2013). These accounts emphasise the importance of empirical case-studies such as that presented here as a means of exploring ‘the way task-related features explain agency autonomy and control’ (Verhoest 2018, 338).

The Planning Inspectorate as an arms-length body

The Planning Inspectorate in England sits at the heart of the national land-use planning system, with its inspectors carrying out statutory responsibilities for the approval of local land-use plans, hearing appeals against the refusal by elected local councils of applications for permission for development and a range of other related issues¹. It is an ‘executive agency’ of the Ministry for Housing, Communities and Local Government (MHCLG), accountable to its political head, the Secretary of State. Its core functions have remained relatively unchanged since an appeal function in relation to the use of land was created in 1909. The Inspectorate demonstrates, in general terms, the characteristics of arms-length-bodies conceived under New Public Management: it has delegated powers to deliver specific outputs against the backdrop of national policy within a framework of accountability to ministers, but with a degree of operational and managerial independence, and day to day autonomy from ministers.

More specifically, however, and particularly relevant in framing the current study, forms of governance in relation to the Inspectorate, including the most appropriate ‘home’ for inspectors within the civil service and their relationship, therefore, with ministers have been subject to an ongoing debate. For example, the influential 1957 Franks Committee on Administrative Tribunals - that established the enduring principles of fairness, openness and impartiality for the operation of administrative tribunals – recommended that planning inspectors be moved out of the relevant department with responsibility for planning policy and placed as a tribunal under the Lord Chancellor to emphasise their impartiality. This was rejected by the then Government who argued the need for ministers to have full responsibility for decisions relevant to their own department. However, when, in 1968 legislation allowed the relevant Minister to appoint ‘another person’ to determine appeals and the soundness of plans such that planning inspectors became decision makers acting on behalf of the Secretary of State (a moment of ‘transformation’ (Grant 2000a, 16) for inspectors), questions once again began to surface about the positioning of inspectors. In particular, the arguments later

¹ On appeals, planning inspectors make decisions on behalf of the Secretary of State, acting as an independent tribunal. On local plans, inspectors are appointed by the Secretary of State, but act independently, making recommendations to local authorities as to whether prospective local plans should be adopted.

promulgated under NPM about the separation of policy and administration, emerged as highly relevant to inspectors. It meant that when inspectors were recommended as front runners for agency status in the 1988 'Next Steps' report on the establishment of arms-length executive agencies, this was critically justified as helping to ameliorate the perceived conflict of interest of Ministers having both a policy maker and appellate role². Thus, although debate about where inspectors should sit within the civil service precedes NPM, its derivatives – particularly the rise of agencies as model of governance – are highly relevant to the Inspectorate's history.

Whilst not in formal terms a tribunal, the Inspectorate nevertheless refers to its role as being analogous to that of a tribunal:

The role of our inspectors is that of an impartial tribunal or decision-maker. They use their skills, experience, knowledge and judgement to weigh up evidence and act in a quasi-judicial capacity on appeals or as an impartial contributor to decision-making on applications (Planning Inspectorate, 2016, 6).

This was reinforced in a Supreme Court judgement in 2017 which, referring to the Inspectorate, commented that: 'their position is in some ways analogous to that of expert tribunals' (Supreme Court, 2017, para 25). It is also clear that 'PINS doesn't make policy. All we do is test it' (Richards, quoted in Carpenter 2017, 1). Policy is a matter for ministers, inspector's role being that of implementation - of advising ministers or taking decisions on their behalf. In doing so, they 'are required to exercise their own independent judgement ... within the framework of national policy as set by Government' (Supreme Court, 2017, para 21). PINS, in operating in this 'quasi-judicial' space has had a 'strong tradition' (Barker and Couper, 1984) of independence and in continuing to emphasise the Franks Committee principles for tribunals, PINS extols the values of impartiality – long vested in the civil service more widely – as being especially important (Planning Inspectorate, 2017, 6). But whilst a 'tradition' of independence is not the same as 'de-jure' or even 'de-facto' independence, the degree of managerial and operational freedoms provided by agencification

² This issue has continued to have some prominence, including in a 2001 House of Lords decision (*R (Alconbury Developments Ltd) v SS for Environment, Transport and the Regions* [2001] UKHL 23) confirming that a Government minister can be both a policy maker and a decision taker without violation of the European Human Rights Law.

appeared to enhance the de-jure independence of inspectors: with de-jure independence seen as a ‘synonym for operational impartiality’ (Gregory, 2015, 126), and ‘a powerful political constraint’ (ibid) ‘offering a higher quality of regulatory decision making (Koop and Henretty 2018, 44). Uniquely, inspectors, as well as being civil servants, are also independent appointees, perceived externally as operating independently from government and free from political interference. Whilst Koop and Hanretty suggest that it is possible for agencies to ‘have their cake and eat it, and be both independent and accountable’, the two elements need to be ‘operationalised carefully and their effects disentangled (ibid). This, as we go on to discuss, represented a particular challenge for the Inspectorate post-planning reform.

The Planning Inspectorate and planning reform

Inspectors – as with any civil servant – are expected to operate according to the Government of the day. Consequently, and as Grants describes, its work has evolved through ‘a process of pragmatic development and adjustment’ (Grant, 2000b, 2). Inspectors have witnessed many changes over the last two decades, including those introduced by the Planning and Compensation Act 2004 and the Planning Act 2008. Our focus here, however, is specifically on the implications of radical planning reform post-2010. This we argue, in what Slade (2018, i) termed ‘one of the most remarkable policy episodes in the recent history of English planning reform’, led to a step-change in the governance of the Planning Inspectorate, with wide reaching implications, in turn for the planning system and the practice of planning.

The Inspectorate was radically affected by the 2010 bonfire of the quangos referred to earlier. Fundamental reform of the English planning system saw the wholesale abolition of Regional Development Agencies, Regional Spatial Strategies and with them strategic level planning, planning policy guidance and top-down targets for planned housing delivery at a local level. The existing structures and processes of national planning policy were subsequently replaced with a new National Planning Policy Framework (NPPF) (DCLG, 2012), reducing planning policy from over 1,000 pages to about 50. This fundamentally changed the policy environment of the Inspectorate. Inspectors were now faced with responsibilities for decisions on local plan approval and permissions for development in the absence – for the first time - of any more detailed regional or sub-regional planning framework, guidance or agreed targets for levels of new housebuilding at a local level (Boddy and Hickman, 2018, 2). There were also tensions, at the heart of the new NPPF, described by Lees and Sheppard (2015, 17) as incoherent and incompatible, and with potentially significant implications for

inspectors in exercising their functions. The new policy was rooted in the rhetoric of localism with the government ‘committed to passing new powers and freedoms to town halls’ (DCLG, 2011, 3). It also, however, set out a ‘presumption in favour of sustainable development ... a golden thread running through both plan-making and decision-taking.’ (DCLG, 2012, para 14) – and as the Minister’s introduction put it ‘Development means growth’. The Planning Inspectorate found itself, therefore, faced with managing the tensions between, on the one hand, mainly Conservative-voting local communities – and their elected representatives – resistant to growth and development and, on the other, the Government’s objectives of economic growth, housing delivery and the development needed to support this. Ambiguity and uncertainty was such that the clear distinction between the responsibility of ministers for policy and that of the Inspectorate for implementation proved challenging in practical terms. Much of this was, moreover, uncharted territory in policy terms, and shifts towards more politicised forms of governance – described above – clearly had the potential to impact how these policy tensions would play out in practical terms.

Methodology

Empirical evidence for this study is drawn from interviews with over forty professional respondents conducted between July 2014 and June 2016. Researchers were afforded unprecedented access to interviewees who included current and former planning inspectors (across the breadth of local plan, appeals and national infrastructure work) and administrative civil servants in the Inspectorate, as well as lawyers, planning consultants, senior local council officers, and representatives of key national organisations. This interview material is supplemented by documentary evidence in the form of government policy documents, public communication between PINS’ officials and ministers, and parliamentary records.

Face-to-face, semi-structured interviews were conducted with a common topic-guide. The seniority of many interviewees and the potential political sensitivity of views expressed resulted in a condition of consent being that all interviews were conducted on the basis of full confidentiality and anonymity (Harvey, 2011). This prevents quoted material being attributed to individuals, roles or organisations. In most cases, interviews were recorded and transcribed. Other cases relied on contemporaneous notes, facilitated by the presence of both

authors. Transcripts and notes were coded, with thematic analysis undertaken using NVIVO qualitative analysis software³.

The next three sections set out the empirical evidence for the way in which the Planning Inspectorate has been impacted by shifts in governance and control in the context of the major changes outlined in the national planning policy framework. We look, first, at the perspectives of respondents on ambiguities in planning reform; second, at the nature and use of mechanisms for ministerial interventions and control; and, finally, at how these have come together in an overall reframing of the ‘cultural’ basis of relations between government and the Inspectorate.

Ambiguities in planning reform

First, in terms of planning reform, respondents frequently commented on the radical nature of the post 2010 restructuring of planning policy describing this as ‘*revolutionary*’ and ‘*unprecedented*’ in its impacts. The new National Planning Policy Framework, characterised by Travers et al (2013) as ‘determinedly brief’ was seen as ‘*loose in many respects*’. The NPPF was widely seen as having increased ambiguity within the planning system, resulting, as a senior member of the Inspectorate put it, in inspectors ‘*in effect making policy themselves*’. Another respondent observed that:

A well-run planning regime has minimum grey, maximum black and white, the difficulties start to arise when there's ... a large amount of grey ... the shades of grey have increased ...

And another, referring to the often-quoted role of inspectors as being to stand in the shoes of the Minister, commented:

If you are going to stand in the shoes of the Secretary of State, then you need to know what the shoes are, what they look like. There are big problems now because policy is delightfully unclear.

The loss of strategic planning as the intermediate layer between national policy and local plans was seen as key. That local authorities were now to determine their own ‘objectively assessed’ housing need was a matter many interviewees saw as ‘*a significant weakness*’. It

³ The value of elite interviews is highly dependent on a researcher gaining the trust of and establishing a rapport with the interviewee, (Dexter 2006, Harvey, 2011). Access was facilitated for this study in that one of the researchers had previously held senior roles in planning and governance at a regional level, which helped to secure credibility and trust.

left inspectors having to decide whether local authorities had acted reasonably in the context of local assessments of housing need, and to do so without guidance:

With no warning inspectors had to sort out the mess. There was no template for what it [housing numbers] ought roughly to be. All hell broke loose – we kept on having to send local authorities away.

The result was inspectors performing ‘*a de facto strategic policy function*’ and ‘*in effect making policy themselves, especially where the NPPF is silent*’. This related not only to housing allocations in local plans, but also to planning appeal decisions relating, for example, to on-shore wind farms and green belt developments as cited by interviewees. Interviewees also suggested that increased ministerial interest in planning outcomes and unease at the decisions of some inspectors reflected the tensions inherent in the NPPF referred to earlier between localism and the presumption in favour of sustainable development which planning inspectors faced in practical terms. Interviewees commented on this lack of clarity:

There is a judgement that inspectors are making decisions that are not in accordance with the policy that ministers want – well that might be the case but it might be that the policy is not written down.

If the Secretary of State does not like decisions that PINS is making then they should change the policy formally in an appropriate and democratic and transparent way ... it's the fudging of those issues which creates the tension between PINS and DCLG, between ministers and inspectors.

This, then, was the policy context within which the Inspectorate saw themselves as operating in post-planning reform.

Ministerial interventions and the desire for control

In this context of ambiguity what we saw was a range of measures on the part of ministers aiming to exert greater control over the policy agenda and decision making. These have taken four main forms: (i) ministerial statements and letters to the Inspectorate; (ii) direct intervention in decision-making over local plan approval; (iii) ministerial intervention in decisions on appeals where planning permission has been refused; and finally, (iv) pressure on inspectors to exercise greater pragmatism in order to secure the early approval of local plans.

(i) *Ministerial statements and letters*

Interviewees frequently referred to an ‘*unprecedented*’ series of public letters from ministers to PINS ‘reminding’ inspectors of core principles and ‘ensuring our policy position is clear’ (see DCLG 2014a, 2014b, 2015a). In the first of these, the minister described being ‘disturbed by an Inspector’s use of language, which invited misinterpretation of government policy’, and ended with the instruction to circulate the letter throughout the Inspectorate to ‘ensure that they [inspectors] understand the need to choose their words carefully and reflect government policy’ (DCLG 2014a, 1). It was suggested that these communications represented ‘*a personal attack on the Inspectorate*’, and a direct response to local political pressures. According to one respondent:

Boles had to be seen to be doing something, to reassure constituency colleagues, because everything coming out from Gov seemed to be very pro-housing.

This first letter was described as ‘*a game changer*’, with PINS, according to one interviewee, ‘*having to sense-test everything that inspectors are writing*’.

Ministers also used ad-hoc policy statements to publicly address the interpretation of planning policy by inspectors. One former inspector commented that statements were a way of exerting control:

Ministerial statements are definitely a way of exerting control over PINS ... they are trying to tell PINS how to do something when they [government] should change the NPPF. Statements have deflected attention away from Government by targeting inspectors. Ministers are boasting that “we are telling inspectors what to do”. It’s not how the system is supposed to work.

Interviewees observed that these communications could have been better directed towards MPs or even local authorities themselves, but in the absence of strategic plans, targets and guidance, the Inspectorate became Government’s key regulatory mechanism: ‘*what reforms have done is exposed the Planning Inspectorate as the only mechanism left to use.*’

(ii) *Intervention in local plan examinations*

Since 2010, ministers have taken the previously unprecedented step of ‘calling-in’ local plans (five to date), for ministers to review – and potentially overturn - the judgement of inspectors following examination. In 2016, existing legislation was strengthened giving greater and more detailed powers of direction, enabling the Secretary of State ‘to direct the appointed

person to ‘suspend’ the examination, to consider specified matters, to hear from specified persons, or to take other specified procedural steps’ (Parliament 2016, 39, quoted in Vickery 2016, 540). Vitriolic in his criticism, former planning inspector, Vickery, stated ‘It is clear that centralised control of inspectors *and* authorities is the aim” (ibid). Vickery asserted that even the *possibility* of intervention would on its own create a behavioural shift on the part of inspectors: ‘the threat of these draconian intervention powers by the Secretary of State ... will be enough to cow ... the appointed Inspector ... and will ensure that they follow the required ‘direction of travel’ at DCLG. The Inspector will self-censor him or herself and will ‘work towards’ what is perceived to be the Minister’s latest desire’ (ibid). Interviewees saw use of these powers as the:

‘outcome of an intensely political period driven by lack of control. Ministers have got no control, that’s the end of it. They didn’t like the fact they couldn’t have ultimate sign off. This was a control shift.

Inspectors were described as being ‘*angered*’ at such intervention:

With Birmingham it was clear that the only way was to take land out of the green belt. It was the first call-in situation. The inspector was pissed off. A level of political interference was imposed ... the local MP stirred it up – it was called in to keep him quiet.

The main outcomes of the five interventions have in practice *only* been substantial delays to plans being finalised. Ministers - perhaps ironically – conceding in all five cases that the inspectors’ recommendations had in fact been in line with national policy. Politically, however, intervention may in part at least have had the desired effect of demonstrating to local elected MPs, Councillors and voters, that Ministers had been prepared to take strong measures.

(iii) Intervention in appeals

There is clear evidence of increased ministerial intervention in appeal decisions under the new planning system. There was a spike in numbers of appeals against refusal of planning permission ‘called in’ from 2012/13 rising to a peak in 2015/16 – ministers in effect taking over decision-making powers (see Garton-Grimwood and Barton 2019). As detailed elsewhere many such cases related to estimates of future housing need and residential development at a local level (Boddy and Hickman 2018). Reinforcing this, in 2012 delegation to the Inspectorate of decision-making powers was removed in cases that “may

have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority” (Boles, quoted in Hansard 26 October 2012). Planning lawyers Thirty Nine Essex Street in their annual review (2015,12) noted the Secretary of State’s ‘enthusiasm for recovering appeals’ whilst one MP described ‘recovered appeals’ as ensuring that community concerns ‘will not be ignored by the “man from the Ministry”’ (Aldous, quoted in Hansard 2014, Column104). Ministers justified these shifts as the need to “consider the extent to which planning policy ... is meeting the Government’s clear policy intentions” (quoted in Smith, 2017, 11), and “to illustrate” how policy should “apply in practice” (ibid, 16)⁴.

Interviewees largely saw recovered appeals as an entirely ‘*unsatisfactory way of seeking to provide guidance*’ in the context of ambiguity, and perceived increased recovery as symptomatic of ‘*the fact that the Secretary of State does not trust PINS*’ to take the decisions that are expedient in political terms:

The secretary of state ... has a policy that he doesn't really like, he's unable to change that policy because it's a coalition government ... the temptation to pervert the decision making through recovered appeals is not quite the way the original arrangements for calling things in was intended. There's a high degree of bias around which ones get called in.

There is more interest in outcomes. Look at wind-turbines – the ministerial interest was unprecedented. That all of them were recovered – ministers were concerned that inspectors wouldn't take the decisions they wanted.

(iv) *The push for pragmatism*

Inspectors can, when considering whether a local plan meets the criteria for it to be approved, pause an examination and require a local council to undertake further work in line with an inspector’s interpretation of national planning policy. This can significantly delay the process of getting an approved plan in place. Many such cases turned on a local council’s view on planned provision for future housing need, ‘objectively assessed need’. With local plans at the heart of the new national planning framework and up-to-date plans providing greater certainty in terms of decision-making on the ground, Ministers, were, however increasingly

⁴ Johnston (2017) cited evidence that the then Secretary of State, Sajid Javid, had been using his powers in called-in applications and recovered appeals disproportionately in Conservative seats and observed that ‘an appreciable proportion are being refused against inspectors' advice’ (1).

concerned at lack of progress in getting local plans in place. One interviewee reported a minister on a visit to PINS urging inspectors to *'for God's sake find more plans sound'*.

A public letter to the Inspectorate and subsequent ministerial statement, during this period called for greater pragmatism on the part of inspectors. The Minister stated that local councils: *'... should be able to rely on Planning Inspectors to support them in the examination process'* (DCLG 2015c, 1). Inspectors were *'instructed'* to allow councils to undertake additional work rather than be required to withdraw a plan, or for a local plan to be adopted pending early review despite *'shortcomings'* – typically in terms of provision for future housing growth. Interviewees perceived this instruction as being *'very MP focussed ... protecting politicians locally'*. Another more bluntly observed that: *'It looks like a retraction ... – a farce - going against everything Government has been saying.'* On the other hand, according to one ex-inspector:

It was the only practical approach to get plans moving – we couldn't get perfect plans. This is all we can do. QC's will say the same – it's all that can be done given the contradictions between OAN [objectively assessed housing need] and localism.

Pragmatism was subsequently evident in an increasing number of cases where inspectors approved plans with a shortfall of land-supply for housing but subject to an immediate or early review (Edgar, 2017).

Shifts in governance culture

Impacts of planning reform as described above, combined with more explicit measures on the part of government to secure greater control over the policy agenda, drove a significant shift in the overall *'culture of governance'* within which the Inspectorate operated, culture in the sense of shared norms, behaviours and practices. We would suggest that although this is more difficult to pin down in terms of hard evidence, this has been more significant and pervasive than individual interventions on their own. We would also argue that it represents the coming together of multiple forms of intervention set out above to create a more pervasive shift in the context within which individual inspectors now dealt with individual cases. Reinforcing this, respondents with recent experience within PINS referred to *'subtle shifts'* in context, a sense that *'life has undoubtedly changed in PINS'*.

One inspector referred specifically to the *'framework document'* (The Planning Inspectorate, Welsh Government, Department for Communities and Local Government, 2012) which sets out the formal relationship between PINS and its parent departments,

including ‘arrangements for governance, financial delegations and the payment and expenditure of public money and expectations on monitoring, reporting and exchange of information’ (4). Highlighting the ‘sponsorship’ element of the framework, they observed::

The PINS framework document absolutely reads like ‘control’ ... There has definitely been a change of emphasis.

Another respondent suggested that the framework was a direct product of the Coalition’s civil service reform agenda, stating:

Those outcomes of the civil service reform plan – like frameworks - which are about civil servants delivering what ministers want ... are not appropriate to an agency like PINS. PINS is supposed to be an arms-length body, semi-autonomous.

The reference in the framework to a vertical hierarchy between PINS and its parent department, in contrast to the original hub-and-spoke conception of agencies (Rutter, 2014, Elston 2014) was particularly striking. It states that ‘issues arising are to be resolved by DCLG’ and that PINs will only ‘have the opportunity to comment’ (The Planning Inspectorate et al, 2012, 5). Effective governance is expected to be managed by a substantial list of regular liaison meetings, including ‘regular day to day contact’ (ibid, para 27), perceived by a number of interviewees as an increase compared to previous levels of communication. One respondent observed that: ‘*When X was Chief Executive of PINS X went out of his way to keep it out of Whitehall and to keep Whitehall out of PINS. The relationship is much more personal now – CLG ringing us to discuss cases is now the mainstream approach.*’ One inspector described the increased interaction between PINS and its parent department as ‘*attempts at soft control arising out of problems in the NPPF*’ and several interviewees noted ‘*a trend of Whitehall engaging more closely*’, and ‘*a mainstream culture of constant telephone calls*’ with ‘*pressures to acquiesce*’. The framework document also acknowledges the ‘need for changes ... in light of evolving departmental policy aims, operational factors, and the performance of PINS’ (ibid, 5) and states that PINS will be subject to triennial review, including the need ‘to provide robust challenge of the continuing need for PINS, both in terms of its functions and its form as an Executive Agency’ (ibid, 29).

Second, respondents also spoke of greater difficulty as compared to pre-2010 arrangements in budget sign-off. One talked of ‘*departmental meddling in detail*’:

“There were definite attempts to control where the money was being spent – it’s now not so easy to get budget signed off.”

and another intimated that the ‘Centre’ wished to re-gain overall budgetary control of PINS:

“X said I think the finance director should account directly to the finance director in London Where they sit in London they see these people down in Bristol, we need command and control, so if we’re looking after their accounts ... then they're going to need my approval.

Third, several interviewees suggested the appointment in 2014 of Simon Ridley as PINS chief executive - a career civil servant with a Treasury background - as an attempt to exert control over PINS. Previously this role had been filled by an external appointee or by the Chief Planning Inspector. Ridley, it was observed, had no previous planning experience, and whilst lack of direct substantive experience relevant to a new role was by no means unusual in civil service terms in general, historically, it had been in relation to the Planning Inspectorate. As one ex-inspector observed, *‘we are in a different place because we are just one stop on a civil servants’ career’*. Another ex-inspector observed:

When Simon Ridley was appointed we all thought, ‘bloody hell, a bloke from the Treasury ... well that spells the end of PINS.

Finally, the Planning Inspectorate, in its own Annual Report, highlighted the ‘increased political focus’ as a risk ‘peaking at very high at the start of the year’, the consequences of which were described as ‘increased criticism of inspectors’ decisions ... and damage to our reputation with communities, developers and Ministers” (Planning Inspectorate, 2016, 13).

In terms of quantifiable impacts on planning outcomes, interviewees were more circumspect:

There are attempts without outcomes ... or should I say no significant outcomes, one or two minor influences. If planning was further down the political agenda it would be easier.

The impacts of attempts to control are largely subtle, and we are probably protected by our quasi-judicial function. But attempts can’t work, we can’t allow them to work. They are rare but I think they are happening more often. There are no examples to quote prior to 2010 on the level and scale of recent attempts.

For interviewees however, the greatest risk was to the Inspectorate's culture of independence which was described as '*becoming tarnished*' and having '*shifted with the coalition government*'. It was reported by one interviewee, that an internal review had taken place into the PINS' independence during 2013-2014⁵, prompted by ministerial concerns about their lack of control over PINS and the potential benefits of re-integration into its parent department'⁶:

Ministers wanted far greater control over independent inspectors - they didn't like this element of the Planning Inspectorate and wanted to be able to more closely influence outcomes.

Lots of ministers would like to see PINS brought back in-house – to have greater control over decision making.

Striking was the observation that inspectors historically saw themselves '*as planning inspectors first and civil servants second*', whereas now '*they are increasingly seeing themselves as agents in the delivery of government policy, that's a shift*'. Critical however was that independence was perceived widely by those interviewed as fundamental to the legitimacy of planning decisions:

The differences between ourselves and other arms-length bodies is the quasi-judicial role, the history of independence ... The arms-length thing has got to be there. If independence goes – the planning system goes.

Formally, the Inspectorate is an arms-length-body, charged with implementing government – and ministerial policy. In terms of organisational culture however, it still clings strongly to its quasi-judicial, tribunal-like status and the Franks Committee principles of fairness, openness and impartiality. This in, itself is, in part responsible for the tension between the Inspectorate on the one hand and government and ministers of state on the other.

Discussion and conclusion

There is substantial evidence of a tightening of executive influence and control over both the overall governance of the Planning Inspectorate and over the decisions of individual

⁵ Whilst no direct causal link can be inferred, over the same period, abolition of PINS was proposed in the course of two separate adjournment debates in the Parliament (see for example, Hansard 2013).

⁶ An initial request made to DCLG under the freedom information act returned 'no information' on a potential review of PINS' agency positioning. A further request confirmed that a review did take place over the 2013-14 period considering the re-integration of PINS into DCLG, but no further information on content was traceable.

inspectors. Here we return to our original research questions to consider what drove these changes over this particular period, the implications for the Inspectorate and the planning system, and the value of New Political Governance as a lens through which to observe and understand these changes.

The drivers of change

Planning and the national planning system, particularly as they related to the politically charged arena of new housebuilding, was high on the agenda of the incoming Coalition Government in 2010. Once elected it rapidly set about implementing major structural reforms of the planning system. This raised the profile of planning in a political context, both locally and nationally. Initially, the swift abolition of the strategic regional tier within the planning system and two-year delay in publishing a new policy framework left a ‘planning vacuum’ (House of Commons, 2011). This, paradoxically, left ministers with weak strategic policy control and little basis to exert operational control. In Flinders and Tonkiss’ (2016) terms there was something of a hiatus with a shift towards a looser framework of parental management of PINS as compared to previous systems. Publication of the NPPF in 2012 did little to address this strategic deficit. Parallel narratives within the framework of on the one hand ‘localism’ (raising expectations about increased local control over planning making) and on the other ‘the presumption in favour of sustainable development’ (support for housing and economic growth) were reflected in ‘incoherence and incompatibility’ (Lees et al 2015). Detailed planning guidance having been swept away, there was lack of clarity in terms of the detailed interpretation and implementation of policy in practical terms, particularly early on. Planning Inspectors were consequently left mediating these tensions, finding themselves in a more active position of adjudication, in some areas effectively making policy through their decisions. This represented a clear shift in both role and practice. Ministers were increasingly faced with parallel – and seemingly irreconcilable – pressures, the need to: evidence their initial claims that reforms would speed up plan-making, support housing delivery and sustainable growth; and, to respond to constituency level pressures where inspectors’ decisions were being publicly maligned as running counter to the Government’s own narrative on localism.

The political fall-out of these pressures heightened ministerial interest in plan-making, planning decisions and projected housing numbers and their desire to influence outcomes to suit political needs, however contradictory. Against the backdrop of the loss of strategic planning, the ‘bonfire’ of regional agencies’ (Cameron, 2009), and major reductions in civil

service capabilities on planning (including in PINS' own parent department), PINS was exposed as one of the few mechanisms available to Government to influence planning outcomes. This – almost inevitably - put PINS in the spotlight with ministers and politicians at both central and local levels increasingly focused on the substance and detail of inspector's decision-making and eager to attempt to 'control' or 'discipline' this activity. This represented a major shift in the relationship between PINS and government ministers as compared to previous depictions of this relationship in which ministers were described as more interested in the quasi-judicial legitimacy rather than substance of decisions (Barker and Couper, 1984).

Implications for the Planning Inspectorate

The impacts of these drivers of change were framed by the Inspectorate's culture of independence, a culture that preceded its status as an agency and stemmed from the quasi-judicial nature of its work. Grant (2000b, 6) had previously noted the 'tension between the theory and the reality of the Planning Inspectorate's independence', identifying the potential for a '[ministerial] direction ... at any time' being 'enough to deprive the inspector of the requisite appearance of independence, notwithstanding the limited exercise of the power in practice' (ibid). But clear evidence from this study of an increase in the use of powers of 'direction' has brought to the fore the tensions and challenges for inspectors operating with 'relative independence' (Mualam, 2014, 49) in a quasi-judicial sphere, where both *de jure* and *de facto* independence have been described as important features of regulatory decision making (Koop and Hanretty 2018).

For the Inspectorate as a whole, the implication that control shifts have overtly challenged its independence – such that it is seen as more proximate to ministers – brings reputational risk, elevates the prospect of court challenge⁷, and has the potential to instigate further debate about PINS' continuing agency status. As Verhoest (2018, 336) observed, 'a strong reputation ... enables agencies to force more autonomy or to protect their autonomy in times of crisis'. For individual inspectors, this post-reform period has been described as "*intensely difficult*", with inspectors publicly exposed in an unprecedented way. This has demonstrably impacted their sense of autonomy, irrespective of whether intervention has materially impacted their decisions. There also appears to have been a shift in the way both inspectors and ministers perceive the role of a planning inspector: away from a previously

⁷ The Inspectorate saw high staff turnover during the research period, and there have been reported and ongoing recruitment challenges (Donnelly, 2018, Richards, 2018, and Rosewell 2018).

envisaged professional role in which an inspector is “*beholden to no-one, not even government*” (research interviewee), towards a more active role as an agent in the delivery of government policy, and more responsive to political will.

Implications for the planning system

For the planning system more broadly, the implications are fundamental. The policy-administrative split brought about by NPM – and represented in agencification - enhanced the legitimacy of planning ministers having both a policy-maker and appellate role. Any tightening of control manifested as political interference in decision making would re-blur the line between policy and administration, posing challenges to the right within the planning system to a fair and impartial appeal by an ‘independent tribunal, whose decisions must take account of all evidence put to them as well as local and national planning policy’ (Pitt, 2013, 1). There has, however, been little substantive evidence of interference resulting in decisions that have not been justifiable in policy terms, with interviewees describing ‘*attempts*’ to influence as ‘*subtle*’, resulting in ‘*no significant outcomes, only one or two minor influences*’. Moreover, it is arguable that ‘*attempts*’ may have – in fact - been restrained by the legal checks and balances of the quasi-judicial nature of the Inspectorate’s work.

Where ministerial ‘control’ has had a material impact, has been in the use of ‘powers of direction’ (Grant 2000a) – the strengthening of powers on local plan call-in and the recovery of appeals. These mechanisms have publicly reduced the powers of PINS. Their use has also implied a lack of trust in inspectors taking decisions in line with established policy or the Government agenda more generally. Use of these powers has deftly deflected attention away from the inconsistencies and lack of clarity within Government policy, and onto the practice of inspectors.

The Planning Inspectorate and New Political Governance

We look finally at the extent to which the idea of New Political Governance helps us to understand and make sense of shifts in the relationship between PINS, ministers and government. New Public Management, it has been argued had left politicians with ‘feelings of impotence’ (Peters, 2009, 6), and wanting to ‘re-assert their authority’ (Boston and Halligan, 2012, 204). Subsequent reforms focused on ‘strengthening the capacity of the centre, both politically and administratively’ (Christensen and Lægreid 2007, 1060) with an increased emphasis on more formal vertical control in preference to the ‘hub and spoke’ model of NPM. A more politicised environment emerged, with reported behavioural shifts in

the relationship between ministers and civil servants, with politicians challenging ‘these once-secret gardens of professional-administrative decision making’ (Laffin 2016, 358) with ‘the role of ministers shifting towards a greater stress on “political bureaucratic management”’ (ibid).

This clearly captures and helps make sense of the shifts as described here in the relationship between government ministers and the Planning Inspectorate. Those interviewed for this study consistently described the operational environment of PINS as having become, as one respondent put it, ‘*particularly politicised*’. There was an internal review of independence, and the new framework document described greater vertical control, including changes in the nature and frequency of communication between PINS and the core executive. Intervention, control and more detailed and more frequent instruction from ministers and key civil servants clearly increased over this period, symptomatic of the shift from Public Management to Political Governance (James and Thiel 2013; Elston 2017). Planning reform and the new National Planning Policy Framework (DCLG 2012) in particular, can itself be seen as reflecting the more general move under New Political Governance to roll back the state and cut back on top-down rules-based bureaucratic processes. However, in contrast to one of the central narratives of NPG of strengthened central capacity to control sub-ordinate institutions, the desire to control PINS appears to have been driven – at least in part - by decreased institutional capacity on planning and the weak strategic control of the national planning system in the post-reform context, which exposed PINS ‘*as the only mechanism left to use*’ (interviewee).

The behaviour of ministers was, we would suggest, emboldened by wider cultural shifts within the civil service captured in the NPG model of shifts in political-bureaucratic relations. Importantly, however, were the changes specific to the particular policy sector, the impacts of ‘localism’ and the ‘passing of powers and freedoms’ to local communities described earlier, and the particular nature of politicization of plan-making and decision-taking which resulted from these changes, which left PINS and the planning system operating in a more highly politicized context and much more open to ministerial control and political challenge. Whilst some may posit that the NPPF was inadvertently poorly done thus requiring greater ministerial interventions (reflective of NPG by accident rather than design) to manage the entailing political repercussions, our view is that interventions were a more calculated attempt (and therefore a more overt form of NPG) to manage an NPPF that was deliberately ambiguous in order that the potentially competing discourses of development and localism could exist in parallel.

This is also consistent with accounts of New Political Governance which emphasise the importance of sector-specific context and assert that it is the more politically salient policy arenas that are most likely to be impacted (Christensen 2012, Osborne 2010, Aucoin 2012, Grube 2015). It has also been argued that New Political Governance should be seen not so much as fundamental transformation of public administration but as a subtle process of more gradual change modifying and combining with earlier models of governance ‘... used in different ways according to policy area and political saliency’ (Christensen, 2012). As described earlier, PINS experienced a marked shift in the culture of governance within which they operate on a day to day basis. It survived however, more radical moves to absorb it into its parent department and still retains a significant degree of independence and quasi-judicial status. We would conclude, therefore that NPG should not be seen as a form of over-arching meta-narrative, nor as a fundamentally new model of governance replacing what has gone before. It offers instead a way of framing shifts in particular and more specific policy sectors and contexts, the understanding of which requires more detailed empirical analysis of the type which we have aimed to provide here: a means, we would suggest, of better understanding the significant shifts in relations between the Planning Inspectorate and government and in the nature of the national planning system post-planning reform.

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