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## STATUTORY INSTRUMENTS

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### 1974 No. 419

#### The Town and Country Planning (Inquiries Procedure) Rules 1974

##### **Procedure after inquiry**

**12.**—(1) The appointed person shall after the close of the inquiry make a report in writing to the Secretary of State which shall include the appointed person's findings of fact and his recommendations, if any, or his reason for not making any recommendations.

(2) Where the Secretary of State—

- (a) differs from the appointed person on a finding of fact, or
- (b) after the close of the inquiry takes into consideration any new evidence (including expert opinion on a matter of fact) or any new issue of fact (not being a matter of government policy) which was not raised at the inquiry,

and by reason thereof is disposed to disagree with a recommendation made by the appointed person, he shall not come to a decision which is at variance with any such recommendation without first notifying the applicant, the local planning authority and any section 29 party who appeared at the inquiry of his disagreement and the reasons for it and affording them an opportunity of making representations in writing within 21 days or (if the Secretary of State has taken into consideration any new evidence or any new issue of fact, not being a matter of government policy) of asking within 21 days for the re-opening of the inquiry.

(3) The Secretary of State may in any case if he thinks fit cause the inquiry to be re-opened, and shall cause it to be re-opened if asked to do so in accordance with the last foregoing paragraph; and, if the inquiry is re-opened, paragraphs (1) and (2) of rule 5 shall apply as they applied to the original inquiry, with the substitution in paragraph (1) of “28” for “42”.