
STATUTORY INSTRUMENTS

1974 No. 419

The Town and Country Planning (Inquiries Procedure) Rules 1974

Statements to be served before inquiry

6.—(1) In the case of a referred application, the Secretary of State shall (where this has not already been done), not later than 28 days before the date of the inquiry (or such later date as he may specify under proviso (i) to paragraph (1) of rule (5), serve or cause to be served on the applicant, on the local planning authority and on the section 29 parties a written statement of the reasons for his direction that the application be referred to him and of any points which seem to him to be likely to be relevant to his consideration of the application; and where a government department has expressed in writing to the Secretary of State the view that the application should not be granted either wholly or in part, or should be granted only subject to conditions, or, in the case of an application for consent under a tree preservation order, should be granted together with a direction requiring the replanting of trees, the Secretary of State shall include this expression of view in his statement and shall supply a copy of the statement to the government department concerned.

(2) Not later than 28 days before the date of the inquiry (or such later date as the Secretary of State may specify under proviso (i) to paragraph (1) of rule 5), the local planning authority shall—

- (a) serve on the applicant and on the section 29 parties a written statement of any submission which the local planning authority propose to put forward at the inquiry, and
- (b) supply a copy of the statement to the Secretary of State.

(3) Where the Secretary of State or a local authority has given a direction restricting the grant of permission for the development for which application was made or a direction as to how the application was to be determined, the local planning authority shall mention this in their statement and shall include in the statement a copy of the direction and the reasons given for it and shall, within the period specified in paragraph (2) above, supply a copy of the statement to the Secretary of State or local authority concerned; and where a government department or a local authority has expressed in writing to the local planning authority the view that the application should not be granted either wholly or in part, or should be granted only subject to conditions, or, in the case of an application for consent under a tree preservation order, should be granted together with a direction requiring the replanting of trees, and the local planning authority propose to rely on such expression of view in their submissions at the inquiry, they shall include it in their statement and shall, within the period specified in paragraph (2) above, supply a copy of the statement to the government department or local authority concerned.

(4) Where the local planning authority intend to refer to, or put in evidence, at the inquiry documents (including maps and plans), the authority's statement shall be accompanied by a list of such documents, together with a notice stating the times and place at which the documents may be inspected by the applicant and the section 29 parties; and the local planning authority shall afford them a reasonable opportunity to inspect and, where practicable, to take copies of the documents.

(5) The local planning authority shall afford any other person interested a reasonable opportunity to inspect and, where practicable, to take copies of any statement served by the Secretary of State under paragraph (1) or by the authority under paragraph (2) and of the other documents referred to in

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paragraph (4) as well as of any statement served on the authority by the applicant under paragraph (6) of this rule.

(6) The applicant shall, if so required by the Secretary of State, serve on the local planning authority, on the section 29 parties and on the Secretary of State, within such time before the inquiry as the Secretary of State may specify, a written statement of the submissions which he proposes to put forward at the inquiry; and such statement shall be accompanied by a list of any documents (including maps and plans) which the applicant intends to refer to or put in evidence at the inquiry, and he shall, if so required by the Secretary of State, afford the local planning authority and the section 29 parties a reasonable opportunity to inspect and, where practicable, to take copies of such documents.