
STATUTORY INSTRUMENTS

2000 No. 1624

TRIBUNALS AND INQUIRIES, ENGLAND

The Town and Country Planning (Inquiries
Procedure) (England) Rules 2000

<i>Made</i>	- - - -	<i>17th June 2000</i>
<i>Laid before Parliament</i>		<i>27th June 2000</i>
<i>Coming into force</i>	- -	<i>1st August 2000</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 9 of the Tribunals and Inquiries Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, and after consultation with the Council of Tribunals, hereby makes the following Rules:—

Citation, commencement, and extent

1.—(1) These Rules may be cited as the Town and Country Planning (Inquiries Procedure) (England) Rules 2000.

(2) These Rules shall come into force on 1st August 2000.

(3) These Rules extend to England only.

Interpretation

2. In these Rules—

“applicant” in the case of an appeal, means the appellant;

“assessor” means a person appointed by the Secretary of State to sit with an inspector at an inquiry or re-opened inquiry to advise the inspector on such matters arising as the Secretary of State may specify;

“the Commission” means the Historic Buildings and Monuments Commission for England;

“conservation area consent” has the meaning given in section 74(1) of the Listed Buildings Act;

“development order” has the meaning given in section 59 of the Planning Act;

“document” includes a photograph, map or plan;

“inquiry” means a local inquiry in relation to which these Rules apply;

(1) 1992 c. 53, to which there are amendments not relevant to these Rules.

“inspector” means a person appointed by the Secretary of State to hold an inquiry or a re-opened inquiry;

“land” means the land or building to which an inquiry relates;

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(2);

“listed building consent” has the meaning given in section 8(7) of the Listed Buildings Act;

“local planning authority” means in relation to—

- (i) a referred application, the body who would otherwise have dealt with the application;
- (ii) an appeal, the body who were responsible for dealing with the application occasioning the appeal;

“outline statement” means a written statement of the principal submissions which a person proposes to put forward at an inquiry;

“the Planning Act” means the Town and Country Planning Act 1990(3);

“pre-inquiry meeting” means a meeting held before an inquiry to consider what may be done with a view to securing that the inquiry is conducted efficiently and expeditiously, and where two or more such meetings are held references to the conclusion of a pre-inquiry meeting are references to the conclusion of the final meeting;

“questionnaire” means a document in the form supplied by the Secretary of State to local planning authorities for the purpose of proceedings under these Rules;

“referred application” means an application of any description mentioned in rule 3(1) which is referred to the Secretary of State for determination;

“relevant notice” means the Secretary of State’s written notice informing the applicant and the local planning authority that an inquiry is to be held;

“the 1992 Rules” means the Town and Country Planning (Inquiries Procedure) Rules 1992(4);

“starting date” means the date of the—

- (a) Secretary of State’s written notice to the applicant and the local planning authority that he has received all the documents required to enable him to entertain the application or appeal; or

- (b) relevant notice,
- whichever is the later;

“statement of case” means, and is comprised of, a written statement which contains full particulars of the case which a person proposes to put forward at an inquiry and a list of any documents which that person intends to refer to or put in evidence;

“statement of common ground” means a written statement prepared jointly by the local planning authority and the applicant, which contains agreed factual information about the proposal, which is the subject of the application or appeal;

“statutory party” means—

(2) 1990 c. 9, Schedule 3 was amended by the Planning and Compensation Act 1991 (c. 34), section 25 and Schedule 3, part II, paragraph 28 and by S.I.1997/2971. Section 12 was amended by section 17 of the Transport and Works Act 1992 (c. 42). There are other amendments not relevant to these Rules.

(3) 1990 c. 8, section 78 was amended by the Planning and Compensation Act 1991 (c. 34), section 17(2), Schedule 6 was amended by the Planning and Compensation Act 1991 (c. 34), section 32 and 84(6) and Schedule 7 paragraphs 8 and 54 and Schedule 19, part I, the Tribunal and Inquiries Act 1992 (c. 53), section 18 and Schedule 3, paragraph 28, the Environment Act 1995 (c. 25), Schedule 22, paragraph 44, S.I. 1992/1630, S.I. 1992/1491 and S.I. 1997/2971. There are also other amendments not relevant to these Rules.

(4) S.I. 1992/2038, to which there are amendments not relevant to these Rules.

- (a) a person mentioned in paragraph (1)(b)(i) of article 19 of the Town and Country Planning (General Development Procedure) Order 1995⁽⁵⁾ whose representations the Secretary of State is required by paragraph (3) of that article to take into account in determining the referred application or appeal to which an inquiry relates; and, in the case of an appeal, such a person whose representations the local planning authority were required by paragraph (1) of that article to take into account in determining the application occasioning the appeal; and
- (b) a person whose representations the Secretary of State is required by paragraphs (3) (b) and (5) of regulation 6 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990⁽⁶⁾ to take into account in determining the referred application or appeal to which an inquiry relates; and, in the case of an appeal, a person whose representations the local planning authority were required by paragraph (3)(b) of that regulation to take into account in determining the application occasioning the appeal.

Application of Rules

3.—(1) These Rules apply in relation to any local inquiry caused by the Secretary of State to be held in England before he determines—

- (a) an application for planning permission referred to him under section 77, or an appeal to him under section 78, of the Planning Act;
- (b) an application for listed building consent referred to him under section 12, or for variation or discharge of conditions referred to him under that section as applied by section 19, or an appeal to him under section 20, of the Listed Buildings Act;
- (c) an application for conservation area consent referred to him under section 12 (including an application to which that section is applied by section 19), or an appeal to him under section 20, of the Listed Buildings Act as those sections are applied by section 74(3) of that Act,

but do not apply to any local inquiry by reason of the application of any provision mentioned in this paragraph by any other enactment.

(2) Where these Rules apply in relation to an appeal which at some time fell to be disposed of in accordance with the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000⁽⁷⁾ or Rules superseded by those Rules⁽⁸⁾ any step taken or thing done under those Rules which could have been done under any corresponding provision of these Rules shall have effect as if it had been taken or done under that corresponding provision.

Preliminary information to be supplied by local planning authority

4.—(1) The local planning authority shall, on receipt of the relevant notice, forthwith inform the Secretary of State and the applicant in writing of the name and address of any statutory party who has made representations to them; and the Secretary of State shall, as soon as practicable thereafter, inform the applicant and the local planning authority in writing of the name and address of any statutory party who has made representations to him.

(2) This paragraph applies where—

(5) S.I. 1995/419, to which there are amendments not relevant to these Rules.
(6) S.I. 1990/1519, regulation 6 is modified where listed building consent or conservation consent is required for the purposes of certain proposals included in an application under section 6 of the Transport and Works Act 1992 (c. 42) by S.I. 1992/3138. There are also other amendments not relevant to these Rules.
(7) S.I. 2000/1625.
(8) The Rules superseded are S.I. 1992/2039.

- (a) the Secretary of State has given to the local planning authority a direction restricting the grant of planning permission for which application was made; or
 - (b) in a case relating to listed building consent, the Commission has given a direction to the local planning authority pursuant to section 14(2) of the Listed Buildings Act as to how the application is to be determined; or
 - (c) the Secretary of State or any other Minister of the Crown or any government department, or any body falling within rule 11(1)(c), 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
 - (d) any person consulted in pursuance of a development order has made representations to the local planning authority about the application.
- (3) Where paragraph (2) applies, the local planning authority shall forthwith after the starting date inform the person concerned of the inquiry and, unless they have already done so, that person shall thereupon give the local planning authority a written statement of the reasons for making the direction, expressing the view or making the representations, as the case may be.
- (4) Subject to paragraph (5), the local planning authority shall ensure that within 2 weeks of the starting date—
- (a) the Secretary of State and the applicant have received a completed questionnaire and a copy of each of the documents referred to in it;
 - (b) any—
 - (i) statutory party; and
 - (ii) other person who made representations to the local planning authority about the application occasioning the appeal,
 has been notified that an appeal has been made and of the address to which and of the period within which they may make representations to the Secretary of State.
- (5) The requirements of the previous paragraph do not apply in respect of referred applications.

Procedure where Secretary of State causes pre-inquiry meeting to be held

- 5.—(1) The Secretary of State shall hold a pre-inquiry meeting—
- (a) if he expects an inquiry to last for 8 days or more, unless he considers it is unnecessary;
 - (b) in respect of shorter inquiries, if it appears to him necessary.
- (2) Where the Secretary of State decides to hold a pre-inquiry meeting the following provisions shall apply—
- (a) the Secretary of State shall send with the relevant notice—
 - (i) notice of his intention to hold a pre-inquiry meeting;
 - (ii) a statement of the matters about which he particularly wishes to be informed for the purposes of his consideration of the application or appeal in question and where another Minister of the Crown or a government department has expressed in writing to the Secretary of State a view which is mentioned in rule 4(2)(c), the Secretary of State shall set this out in his statement;
 - (b) the Secretary of State shall send a copy of the statement described in the previous paragraph to the Minister or government department concerned;
 - (c) the local planning authority shall publish in a newspaper circulating in the locality in which the land is situated a notice of the Secretary of State's intention to hold a pre-inquiry meeting and of the statement sent in accordance with paragraph (2)(a)(ii) above; and

- (d) the applicant and the local planning authority shall ensure that within 8 weeks of the starting date 2 copies of their outline statement have been received by the Secretary of State.
- (3) The Secretary of State shall, as soon as practicable after receipt, send a copy of the local planning authority's outline statement to the applicant and a copy of the applicant's outline statement to the local planning authority.
- (4) Where rule 4(2) applies, the local planning authority shall—
- (a) include in their outline statement—
 - (i) the terms of any direction given together with a statement of the reasons for it; and
 - (ii) any view expressed or representation made on which they intend to rely in their submissions at the inquiry; and
 - (b) within the period mentioned in paragraph (2)(d) send a copy of their outline statement to the person concerned.
- (5) The Secretary of State may in writing require any other person who has notified him of an intention or a wish to appear at the inquiry to send an outline statement to him, the applicant and the local planning authority and the person shall ensure that they are received by the Secretary of State, the applicant and the local planning authority within 4 weeks of the date of the Secretary of State's written requirement.
- (6) The pre-inquiry meeting (or, where there is more than one, the first pre-inquiry meeting) shall be held within 16 weeks of the starting date.
- (7) The Secretary of State shall give not less than 3 weeks written notice of the pre-inquiry meeting to—
- (a) the applicant;
 - (b) the local planning authority;
 - (c) any person known at the date of the notice to be entitled to appear at the inquiry; and
 - (d) any other person whose presence at the pre-inquiry meeting appears to him to be desirable, and he may require the local planning authority to take, in relation to notification of the pre-inquiry meeting, one or more of the steps which he may under rule 10(6) require them to take in relation to notification of the inquiry.
- (8) The inspector—
- (a) shall preside at the pre-inquiry meeting;
 - (b) shall determine the matters to be discussed and the procedure to be followed;
 - (c) may require any person present at the pre-inquiry meeting who, in his opinion, is behaving in a disruptive manner to leave; and
 - (d) may refuse to permit that person to return or to attend any further pre-inquiry meeting, or may permit him to return or attend only on such conditions as he may specify.
- (9) Where a pre-inquiry meeting has been held pursuant to paragraph (1), the inspector may hold a further pre-inquiry meeting and he shall arrange for such notice to be given of a further pre-inquiry meeting as appears to him necessary; and paragraph (8) shall apply to such a pre-inquiry meeting.
- (10) If the Secretary of State requests any further information from the applicant or the local planning authority at the pre-inquiry meeting, they shall ensure that 2 copies of it have been received by him and a copy has been received by any statutory party within 4 weeks of the conclusion of the pre-inquiry meeting and the Secretary of State shall, as soon as practicable after receipt, send a copy of the further information received from the applicant to the local planning authority and a copy of the further information received from the local planning authority to the applicant.

Receipt of statements of case etc.

6.—(1) The local planning authority shall ensure that within—

- (a) 6 weeks of the starting date, or
- (b) where a pre-inquiry meeting is held pursuant to rule 5, 4 weeks of the conclusion of that pre-inquiry meeting,

2 copies of their statement of case have been received by the Secretary of State and a copy of their statement of case has been received by any statutory party.

(2) The local planning authority shall—

- (a) include in their statement of case—
 - (i) details of the time and place where the opportunity to inspect and take copies described in paragraph (13) below shall be afforded; and
 - (ii) where rule 4(2) applies, the matters mentioned in rule 5(4)(a)(ii), unless they have already included these in an outline statement; and
- (b) where rule 4(2) applies, within the period specified in paragraph (1) send a copy of their statement of case to the person concerned.

(3) The applicant shall ensure that within—

- (a) in the case of an appeal or a referred application where no pre-inquiry meeting is held pursuant to rule 5, 6 weeks of the starting date, or
- (b) in any case where a pre-inquiry meeting is held pursuant to rule 5, 4 weeks of the conclusion of that pre-inquiry meeting,

2 copies of their statement of case have been received by the Secretary of State and a copy of their statement of case has been received by any statutory party.

(4) The Secretary of State shall, as soon as practicable after receipt, send a copy of the local planning authority's statement of case to the applicant and a copy of the applicant's statement of case to the local planning authority.

(5) The applicant and the local planning authority may in writing each require the other to send them a copy of any document, or of the relevant part of any document, referred to in the list of documents comprised in the party's statement of case; and any such document, or relevant part, shall be sent, as soon as practicable, to the party who required it.

(6) The Secretary of State may in writing require any other person, who has notified him of an intention or wish to appear at an inquiry, to send—

- (a) 3 copies of their statement of case to him within 4 weeks of being so required; and
- (b) a copy of their statement of case to any statutory party,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of each such statement of case to the local planning authority and to the applicant.

(7) The Secretary of State shall as soon as practicable—

- (a) send to a person from whom he requires a statement of case in accordance with paragraph (6) a copy of the statements of case of the applicant and the local planning authority; and
- (b) inform that person of the name and address of every person to whom his statement of case is required to be sent.

(8) The Secretary of State or the inspector may in writing require any person, who has sent to him a statement of case in accordance with this rule, to provide such further information about the matters contained in the statement of case as he may specify and may specify the time within which the information shall be received by him.

(9) A local planning authority or applicant required to provide further information, shall ensure that—

- (a) 2 copies of that information in writing have been received by the Secretary of State, or as the case may be the inspector, within the specified time; and
- (b) a copy has been received by any statutory party within the specified time,

and the Secretary of State, or as the case may be the inspector, shall, as soon as practicable after receipt, send a copy of the further information received from the local planning authority to the applicant and a copy of the further information received from the applicant to the local planning authority.

(10) Any other person required to provide further information shall ensure that—

- (a) 3 copies of that information in writing have been received by the Secretary of State, or as the case may be the inspector, within the specified time; and
- (b) a copy has been received by any statutory party within the specified time,

and the Secretary of State, or as the case may be the inspector, shall, as soon as practicable after receipt, send a copy of the further information to the local planning authority and the applicant.

(11) Any person other than the applicant who sends a statement of case to the Secretary of State shall send with it a copy of—

- (a) any document; or
- (b) the relevant part of any document,

referred to in the list comprised in that statement, unless a copy of the document or part of the document in question is already available for inspection pursuant to paragraph (13).

(12) Unless he has already done so, the Secretary of State shall within 12 weeks of the starting date send a written statement of the matters referred to in rule 5(2)(a)(ii) to—

- (a) the applicant;
- (b) the local planning authority;
- (c) any statutory party; and
- (d) any person from whom he has required a statement of case.

(13) The local planning authority shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of—

- (a) any statement of case, written comments, information or other document a copy of which has been sent to the local planning authority in accordance with this rule; and
- (b) the local planning authority's completed questionnaire and statement of case together with a copy of any document, or of the relevant part of any document, referred to in the list comprised in that statement, and any written comments, information or other documents sent by the local planning authority pursuant to this rule.

(14) If the local planning authority or the applicant wish to comment on another person's statement of case they shall ensure that within 9 weeks of the starting date—

- (a) 2 copies of their written comments have been received by the Secretary of State; and
- (b) a copy of their written comments has been received by any statutory party,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of the written comments received from the applicant to the local planning authority and a copy of the written comments received from the local planning authority to the applicant.

(15) Any person, who sends a statement of case to the Secretary of State under this rule and who wishes to comment on another person's statement of case, shall ensure that not less than 4 weeks before the date fixed for the holding of the inquiry—

(a) 3 copies of their written comments have been received by the Secretary of State; and
(b) a copy of their written comments has been received by any statutory party,
and the Secretary of State shall, as soon as practicable after receipt, send a copy of the written comments to the local planning authority and the applicant.

(16) The Secretary of State shall, as soon as practicable after receipt, send to the inspector any statement of case, document or further information or written comments sent to him in accordance with this rule and received by him within the relevant period, if any, specified in this rule.

Further power of inspector to hold pre-inquiry meetings

7.—(1) Where no pre-inquiry meeting is held pursuant to rule 5, an inspector may hold one if he thinks it necessary.

(2) An inspector shall give not less than 2 weeks written notice of a pre-inquiry meeting he proposes to hold under paragraph (1) to—

- (a) the applicant;
 - (b) the local planning authority;
 - (c) any person known at the date of the notice to be entitled to appear at the inquiry; and
 - (d) any other person whose presence at the pre-inquiry meeting appears to him to be desirable.
- (3) Rule 5(8) shall apply to a pre-inquiry meeting held under this rule.

Inquiry timetable

8.—(1) The inspector shall arrange a timetable for the proceedings at, or at part of, an inquiry where—

- (a) a pre-inquiry meeting is held pursuant to rule 5; or
 - (b) it appears to the Secretary of State likely that an inquiry will last for 8 days or more.
- (2) The inspector may arrange a timetable for the proceedings at, or at part of, any other inquiry.
(3) The inspector may, at any time, vary the timetable arranged under the preceding paragraphs.
(4) The inspector may specify in a timetable arranged pursuant to this rule a date by which any proof of evidence and summary sent in accordance with rule 13(1) shall be received by the Secretary of State.

Notification of appointment of assessor

9. Where the Secretary of State appoints an assessor, he shall notify every person entitled to appear at the inquiry of the name of the assessor and of the matters on which he is to advise the inspector.

Date and notification of inquiry

10.—(1) The date fixed by the Secretary of State for the holding of an inquiry shall be, unless he considers such a date impracticable, not later than—

- (a) Subject to paragraph (b), 22 weeks after the starting date; or
- (b) in a case where a pre-inquiry meeting is held pursuant to rule 5, 8 weeks after the conclusion of that meeting.

(2) Where the Secretary of State considers it impracticable to fix a date in accordance with paragraph (1), the date fixed shall be the earliest date after the end of the relevant period mentioned in that paragraph which he considers to be practicable.

(3) Unless the Secretary of State agrees a lesser period of notice with the applicant and the local planning authority, he shall give not less than 4 weeks written notice of the date, time and place fixed by him for the holding of an inquiry to every person entitled to appear at the inquiry.

(4) The Secretary of State may vary the date fixed for the holding of an inquiry, whether or not the date as varied is within the relevant period mentioned in paragraph (1); and paragraph (3) shall apply to a variation of a date as it applied to the date originally fixed.

(5) The Secretary of State may vary the time or place for the holding of an inquiry and shall give such notice of any variation as appears to him to be reasonable.

(6) The Secretary of State may in writing require the local planning authority to take one or more of the following steps—

- (a) not less than 2 weeks before the date fixed for the holding of an inquiry, to publish a notice of the inquiry in one or more newspapers circulating in the locality in which the land is situated;
- (b) to send a notice of the inquiry to such persons or classes of persons as he may specify, within such period as he may specify; or
- (c) to post a notice of the inquiry in a conspicuous place near to the land, within such period as he may specify.

(7) Where the land is under the control of the applicant he shall—

- (a) if so required in writing by the Secretary of State, affix a notice of the inquiry firmly to the land or to some object on or near the land, in such manner as to be readily visible to and legible by members of the public; and
- (b) not remove the notice, or cause or permit it to be removed, for such period before the inquiry as the Secretary of State may specify.

(8) Every notice of inquiry published, sent or posted pursuant to paragraph (6), or affixed pursuant to paragraph (7), shall contain—

- (a) a clear statement of the date, time and place of the inquiry and of the powers enabling the Secretary of State to determine the application or appeal in question;
- (b) a written description of the land sufficient to identify approximately its location;
- (c) a brief description of the subject matter of the application or appeal; and
- (d) details of where and when copies of the local planning authority's completed questionnaire and any documents sent by and copied to the authority pursuant to rule 6 may be inspected.

Appearances at inquiry

11.—(1) The persons entitled to appear at an inquiry are—

- (a) the applicant;
- (b) the local planning authority;
- (c) any of the following bodies if the land is situated in their area and they are not the local planning authority—
 - (i) a county or district council;
 - (ii) an enterprise zone authority designated under Schedule 32 to the Local Government, Planning and Land Act 1980⁽⁹⁾;
 - (iii) the Broads Authority, within the meaning of the Norfolk and Suffolk Broads Act 1988⁽¹⁰⁾;

⁽⁹⁾ 1980 c. 65, to which there are amendments not relevant to these Rules.

⁽¹⁰⁾ 1988 c. 4, to which there are amendments not relevant to these Rules.

- (iv) a housing action trust specified in an order made under section 67(1) of the Housing Act 1988⁽¹¹⁾;
 - (d) where the land is in an area previously designated as a new town, the Commission for the New Towns;
 - (e) any statutory party;
 - (f) the council of the parish in which the land is situated, if that council made representations to the local planning authority in respect of the application in pursuance of a provision of a development order;
 - (g) where the application was required to be notified to the Commission under section 14 of the Listed Buildings Act, the Commission;
 - (h) any other person who has sent a statement of case in accordance with rule 6(6) or who has sent an outline statement in accordance with rule 5(5).
- (2) Nothing in paragraph (1) shall prevent the inspector from permitting any other person to appear at an inquiry, and such permission shall not be unreasonably withheld.
- (3) Any person entitled or permitted to appear may do so on his own behalf or be represented by any other person.

Representatives of government departments and other authorities at inquiry

12.—(1) Where—

- (a) the Secretary of State or the Commission has given a direction described in rule 4(2)(a) or (b); or
- (b) the Secretary of State or any other Minister of the Crown or any government department, or any body falling within rule 11(1)(c), has expressed a view described in rule 4(2)(c) and the local planning authority have included the terms of the expression of view in a statement sent in accordance with rule 5(2) or 6(1); or
- (c) another Minister of the Crown or any government department has expressed a view described in rule 4(2)(c) and the Secretary of State has included its terms in a statement sent in accordance with rule 5(2) or 6(12),

the applicant, the local planning authority or a person entitled to appear may, not later than 4 weeks before the date of an inquiry, apply in writing to the Secretary of State for a representative of the Secretary of State or of the other Minister, department or body concerned to be made available at the inquiry.

(2) Where an application is made in accordance with paragraph (1), the Secretary of State shall make a representative available to attend the inquiry or, as the case may be, send the application to the other Minister, department or body concerned, who shall make a representative available to attend the inquiry.

(3) Any person attending an inquiry as a representative in pursuance of this rule shall state the reasons for the direction or expressed view and shall give evidence and be subject to cross-examination to the same extent as any other witness.

(4) Nothing in paragraph (3) shall require a representative of a Minister or a government department to answer any question which in the opinion of the inspector is directed to the merits of government policy.

⁽¹¹⁾ 1988 c. 50, Section 67(1) was amended by sections 3, 4, Schedule 1 Part 1, Schedule 2 paragraph 79(3) of the Planning (Consequential Provisions) Act 1990 (c. 11).

Proofs of evidence

13.—(1) Any person entitled to appear at an inquiry, who proposes to give, or to call another person to give evidence at the inquiry by reading a proof of evidence, shall—

(a) send 2 copies, in the case of the local planning authority and the applicant, or 3 copies in the case of any other person, of the proof of evidence together with any written summary, to the Secretary of State; and

(b) simultaneously send copies of these to any statutory party,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of each proof of evidence together with any summary to the local planning authority and the applicant.

(2) No written summary shall be required where the proof of evidence proposed to be read contains no more than 1500 words.

(3) The proof of evidence and any summary shall be received by the Secretary of State no later than —

(a) 4 weeks before the date fixed for the holding of the inquiry, or

(b) where a timetable has been arranged pursuant to rule 8 which specifies a date by which the proof of evidence and any summary shall be received by the Secretary of State, that date.

(4) The Secretary of State shall send to the inspector, as soon as practicable after receipt, any proof of evidence together with any summary sent to him in accordance with this rule and received by him within the relevant period, if any specified in this rule.

(5) Where a written summary is provided in accordance with paragraph (1), only that summary shall be read at the inquiry, unless the inspector permits or requires otherwise.

(6) Any person, required by this rule to send copies of a proof of evidence to the Secretary of State, shall send with them the same number of copies of the whole, or the relevant part, of any document referred to in the proof of evidence, unless a copy of the document or part of the document in question is already available for inspection pursuant to rule 6(13).

(7) The local planning authority shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of any document sent to or by them in accordance with this rule.

Statement of common ground

14.—(1) The local planning authority and the applicant shall—

(a) together prepare an agreed statement of common ground; and

(b) ensure that the Secretary of State receives it and that any statutory party receives a copy of it not less than 4 weeks before the date fixed for the holding of the inquiry.

(2) The local planning authority shall afford to any person who so requests, a reasonable opportunity to inspect, and where practicable, take copies of the statement of common ground sent to the Secretary of State.

Procedure at inquiry

15.—(1) Except as otherwise provided in these Rules, the inspector shall determine the procedure at an inquiry.

(2) At the start of the inquiry the inspector shall identify what are, in his opinion, the main issues to be considered at the inquiry and any matters on which he requires further explanation from the persons entitled or permitted to appear.

(3) Nothing in paragraph (2) shall preclude any person entitled or permitted to appear from referring to issues which they consider relevant to the consideration of the application or appeal but which were not issues identified by the inspector pursuant to that paragraph.

(4) Unless in any particular case the inspector otherwise determines, the local planning authority shall begin and the applicant shall have the right of final reply; and the other persons entitled or permitted to appear shall be heard in such order as the inspector may determine.

(5) A person entitled to appear at an inquiry shall be entitled to call evidence and the applicant, the local planning authority and any statutory party shall be entitled to cross-examine persons giving evidence, but, subject to the foregoing and paragraphs (6) and (7), the calling of evidence and the cross-examination of persons giving evidence shall otherwise be at the discretion of the inspector.

(6) The inspector may refuse to permit the—

- (a) giving or production of evidence;
- (b) cross-examination of persons giving evidence; or
- (c) presentation of any other matter,

which he considers to be irrelevant or repetitious; but where he refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit to him any evidence or other matter in writing before the close of the inquiry.

(7) Where a person gives evidence at an inquiry by reading a summary of his proof of evidence in accordance with rule 13(5)—

- (a) the proof of evidence referred to in rule 13(1) shall be treated as tendered in evidence, unless the person required to provide the summary notifies the inspector that he now wishes to rely on the contents of that summary alone; and
- (b) the person whose evidence the proof of evidence contains shall then be subject to cross-examination on it to the same extent as if it were evidence he had given orally.

(8) The inspector may direct that facilities shall be afforded to any person appearing at an inquiry to take or obtain copies of documentary evidence open to public inspection.

(9) The inspector may—

- (a) require any person appearing or present at an inquiry who, in his opinion, is behaving in a disruptive manner to leave; and
- (b) refuse to permit that person to return; or
- (c) permit him to return only on such conditions as he may specify,

but any such person may submit to him any evidence or other matter in writing before the close of the inquiry.

(10) The inspector may allow any person to alter or add to a statement of case received by the Secretary of State or him under rule 6 so far as may be necessary for the purposes of the inquiry; but he shall (if necessary by adjourning the inquiry) give every other person entitled to appear who is appearing at the inquiry an adequate opportunity of considering any fresh matter or document.

(11) The inspector may proceed with an inquiry in the absence of any person entitled to appear at it.

(12) The inspector may take into account any written representation or evidence or any other document received by him from any person before an inquiry opens or during the inquiry provided that he discloses it at the inquiry.

(13) The inspector may from time to time adjourn an inquiry and, if the date, time and place of the adjourned inquiry are announced at the inquiry before the adjournment, no further notice shall be required.

(14) In respect of any inquiry that the Secretary of State expects to last for 8 or more days, any person, who appears at the inquiry and makes closing submissions, shall by the close of the inquiry provide the inspector with a copy of their closing submission in writing.

Site inspections

16.—(1) The inspector may make an unaccompanied inspection of the land before or during an inquiry without giving notice of his intention to the persons entitled to appear at the inquiry.

(2) During an inquiry or after its close, the inspector—

- (a) may inspect the land in the company of the applicant, the local planning authority and any statutory party; and
- (b) shall make such an inspection if so requested by the applicant or the local planning authority before or during an inquiry.

(3) In all cases where the inspector intends to make an accompanied site inspection he shall announce during the inquiry the date and time at which he proposes to make it.

(4) The inspector shall not be bound to defer an inspection of the kind referred to in paragraph (2) where any person mentioned in that paragraph is not present at the time appointed.

Procedure after inquiry

17.—(1) After the close of an inquiry, the inspector shall make a report in writing to the Secretary of State which shall include his conclusions and his recommendations or his reasons for not making any recommendations.

(2) Where an assessor has been appointed, he may, after the close of the inquiry, make a report in writing to the inspector in respect of the matters on which he was appointed to advise.

(3) Where an assessor makes a report in accordance with paragraph (2), the inspector shall append it to his own report and shall state in his own report how far he agrees or disagrees with the assessor's report and, where he disagrees with the assessor, his reasons for that disagreement.

(4) When making his decision the Secretary of State may disregard any written representations, evidence or any other document received after the close of the inquiry.

(5) If, after the close of an inquiry, the Secretary of State—

- (a) differs from the inspector on any matter of fact mentioned in, or appearing to him to be material to, a conclusion reached by the inspector; or
- (b) takes into consideration any new evidence or new matter of fact (not being a matter of government policy),

and is for that reason disposed to disagree with a recommendation made by the inspector, he shall not come to a decision which is at variance with that recommendation without first notifying the persons entitled to appear at the inquiry who appeared at it of his disagreement and the reasons for it; and affording them an opportunity of making written representations to him or (if the Secretary of State has taken into consideration any new evidence or new matter of fact, not being a matter of government policy) of asking for the re-opening of the inquiry.

(6) Those persons making written representations or requesting the inquiry to be re-opened under paragraph (5), shall ensure that such representations or requests are received by the Secretary of State within 3 weeks of the date of the Secretary of State's notification under that paragraph.

(7) The Secretary of State may, as he thinks fit, cause an inquiry to be re-opened, and he shall do so if asked by the applicant or the local planning authority in the circumstances mentioned in paragraph (5) and within the period mentioned in paragraph (6); and where an inquiry is re-opened (whether by the same or a different inspector)—

- (a) the Secretary of State shall send to the persons entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further evidence is invited; and
- (b) paragraphs (3) to (8) of rule 10 shall apply as if the references to an inquiry were references to a re-opened inquiry.

Notification of decision

18.—(1) The Secretary of State shall, as soon as practicable, notify his decision on an application or appeal, and his reasons for it in writing to—

- (a) all persons entitled to appear at the inquiry who did appear, and
- (b) any other person who, having appeared at the inquiry, has asked to be notified of the decision.

(2) Where a copy of the inspector's report is not sent with the notification of the decision, the notification shall be accompanied by a statement of his conclusion and of any recommendations made by him, and if a person entitled to be notified of the decision has not received a copy of that report, he shall be supplied with a copy of it on written application to the Secretary of State.

(3) In this rule "report" includes any assessor's report appended to the inspector's report but does not include any other documents so appended; but any person who has received a copy of the report may apply to the Secretary of State in writing, within 6 weeks of the date of the Secretary of State's decision, for an opportunity of inspecting any such documents and the Secretary of State shall afford him that opportunity.

(4) Any person applying to the Secretary of State under paragraph (2) shall ensure that his application is received by the Secretary of State within 4 weeks of the Secretary of State's determination.

Procedure following quashing of decision

19.—(1) Where a decision of the Secretary of State on an application or appeal in respect of which an inquiry has been held is quashed in proceedings before any court, the Secretary of State—

- (a) shall send to the persons entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further representations are invited for the purposes of his further consideration of the application or appeal;
- (b) shall afford to those persons the opportunity of making written representations to him in respect of those matters or of asking for the re-opening of the inquiry; and
- (c) may, as he thinks fit, cause the inquiry to be re-opened (whether by the same or a different inspector) and if he does so paragraphs (3) to (8) of the rule 10 shall apply as if the references to an inquiry were references to a re-opened inquiry.

(2) Those persons making representations or asking for the inquiry to be re-opened under paragraph (1)(b) shall ensure that such representations or requests are received by the Secretary of State within 3 weeks of the date of the written statement sent under paragraph (1)(a).

Allowing further time

20. The Secretary of State may at any time in any particular case allow further time for the taking of any step which is required or enabled to be taken by virtue of these Rules, and references in these Rules to a day by which, or a period within which, any step is required or enabled to be taken shall be construed accordingly.

Additional copies

21.—(1) The Secretary of State may at any time before the close of an inquiry request from any person entitled to appear additional copies of the following—

- (a) an outline statement sent in accordance with rule 5;
- (b) a statement of case or comments sent in accordance with rule 6;
- (c) a proof of evidence sent in accordance with rule 13; or
- (d) any other document or information sent to the Secretary of State before or during an inquiry,

and may specify the time within which such copies should be received by him.

(2) Any person so requested shall ensure that the copies are received by the Secretary of State within the period specified.

Notices by post

22. Notices or documents required or authorised to be sent under these Rules may be sent by post.

Mayor of London

23.—(1) In this rule “the Mayor” means the Mayor of London.

(2) Where an inquiry is held into an application, or an appeal arising from such an application, in respect of which the Mayor has directed the local planning authority to refuse the application these Rules shall apply subject to the following modifications—

- (a) in rule 2—
 - (i) in the definition of the “relevant notice” after “the applicant” insert “, the Mayor”;
 - (ii) in sub-paragraph (a) of the definition of the “starting date” after “the applicant” insert “, the Mayor”;
- (b) in rule 4—
 - (i) in paragraph (1) after “inform the Secretary of State” and after “inform the applicant” insert “, the Mayor”;
 - (ii) in paragraph (2) after sub-paragraph (d) insert—
 - “or
 - (e) the Mayor has given to the local planning authority a direction to refuse the application for planning permission.”;
 - (iii) in paragraph (4)(a) after the “Secretary of State” insert “, the Mayor”;
- (c) in rule 5—
 - (i) in paragraph (2)(d) after “the applicant” insert “, the Mayor”;
 - (ii) for paragraph (3) substitute—
 - “The Secretary of State shall as soon as practicable after receipt send—
 - (a) copies of the outline statements of the applicant and the Mayor to the local planning authority;
 - (b) copies of the outline statements of the applicant and the local planning authority to the Mayor; and
 - (c) copies of the outline statements of the local planning authority and the Mayor to the applicant.”;
 - (iii) in paragraph (5) after both references to “the applicant” insert “, the Mayor”;

- (iv) in paragraph (10) after the first reference to “from the applicant” insert “the Mayor”, for “2” substitute “3” and for “send a copy of the further information received from the applicant to the local planning authority and a copy of the further information received from the local planning authority to the applicant” substitute—
 - “send—
 - (a) copies of the further information received from the applicant and the Mayor to the local planning authority;
 - (b) copies of the further information received from the applicant and the local planning authority to the Mayor; and
 - (c) copies of the further information received from the local planning authority and the Mayor to the applicant.”;
- (d) in rule 6—
 - (i) in paragraph (1) after “The local planning authority” insert “and the Mayor” and for “2” substitute “3”;
 - (ii) in paragraph (3) for “2” substitute “3”;
 - (iii) for paragraph (4) substitute—
 - “The Secretary of State shall as soon as practicable after receipt send—
 - (a) copies of the statements of case of the applicant and the Mayor to the local planning authority;
 - (b) copies of the statements of case of the applicant and the local planning authority to the Mayor; and
 - (c) copies of the statements of case of the local planning authority and the Mayor to the applicant.”;
 - (iv) in paragraph (5) for “The applicant and the local planning authority may in writing each require the other” substitute—
 - “Any party required to provide a statement of case pursuant to paragraph (1) or (3) may in writing require any other party so required”;
 - (v) in paragraph (6) for “3” substitute “4” and after “the local planning authority” insert “, to the Mayor”;
 - (vi) in paragraph (7)(a) after “the applicant” insert “, the Mayor”;
 - (vii) in paragraph (9) after “A local planning authority” insert “, the Mayor”, in sub-paragraph (a) for “2” substitute “3” and for “send a copy of the further information received from the local planning authority to the applicant and copy of the further information received from the applicant to the local planning authority” substitute—
 - “send—
 - (a) copies of the further information received from the applicant and the Mayor to the local planning authority;
 - (b) copies of the further information received from the applicant and the local planning authority to the Mayor; and
 - (c) copies of the further information received from the local planning authority and the Mayor to the applicant.”;
 - (viii) in paragraph (10) for “3” substitute “4” and after “the local planning authority” insert “, the Mayor”;
 - (ix) in paragraph (12) at the end of sub-paragraph (c) delete “and” and after paragraph (d) add—

- “and
- (e) the Mayor.”;
 - (x) in paragraph (14) after the first reference to “the local planning authority” insert “, the Mayor”, for “2” substitute “3” and for “to the local planning authority and a copy of the written comments received from the local planning authority to the appellant.” substitute—
 - “and the Mayor to the local planning authority, a copy of the written comments received from the applicant and the local planning authority to the Mayor and a copy of the written comments received from the local planning authority and the Mayor to the applicant.”;
 - (xi) in paragraph (15) for “3” substitute “4” and after “to the local planning authority” insert “, the Mayor”.
- (e) in rule 7(2)—
- (i) at the end of sub-paragraph (c) delete “and”,
 - (ii) after sub-paragraph (d) add—
 - “and
 - (e) the Mayor.”;
- (f) in rule 10(3) after “the applicant” insert “, the Mayor”;
- (g) in rule 11(1) after sub-paragraph (h) insert—
- “(i) the Mayor in relation to an inquiry arising from an application in respect of which he has given to the local planning authority a direction to refuse the application.”;
- (h) in rule 12—
- (i) after paragraph(1)(c) insert
 - “or
 - (d) the Mayor has given to the local planning authority a direction to refuse the application for planning permission,”; and
 - (ii) after “body concerned” insert “or of the Mayor”;
- (i) in rule 13—
- (i) in paragraph (1)(a) after “the local planning authority” insert “, the Mayor”, for “2” substitute “3” and for “3” substitute “4”; and
 - (ii) in paragraph (1) after “summary to the local planning authority” insert “, the Mayor”;
- (j) in rule 14(1) after “The local planning authority” insert “, the Mayor”;
- (k) in rule 15(5) after “the local planning authority” insert “, the Mayor”;
- (l) in rule 17(7) after “the applicant” insert “, the Mayor”.
- (3) Where an inquiry is held into an application or an appeal arising from such an application, in respect of which the local planning authority was required to notify the Mayor but which is not an application or an appeal falling within paragraph (2) these Rules shall apply as if the Mayor were a statutory party.

Revocation, savings and transitional provisions

24.—(1) Subject to paragraph (2) the Town and Country Planning (Inquiries Procedure) Rules 1992⁽¹²⁾ are hereby revoked in relation to England except rule 21 of those Rules so far as it makes provision for the continued application of the Town and Country Planning (Inquiries Procedure) Rules 1974⁽¹³⁾.

(2) Subject to paragraph (3) any application or appeal to which the 1992 Rules applied which has not been determined on the date when these Rules come into force shall be continued under the 1992 Rules.

(3) Where a decision of the Secretary of State on an application or appeal to which the 1992 Rules applied is subsequently quashed in proceedings before any court, the decision shall be re-determined in accordance with these Rules.

17th June 2000

Irvine of Lairg, C.

⁽¹²⁾ S.I. [1992/2038](#) to which there are amendments not relevant to these Rules.

⁽¹³⁾ S.I. [1974/419](#).

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules regulate the procedure to be followed in connection with local inquiries in England held by the Secretary of State before he determines applications referred to him, or appeals made to him, in relation to planning permission, listed building consent and consent for the demolition of unlisted buildings in conservation areas (known as “conservation area consent”). Provision is also made for the participation of the Mayor of London.

They replace, with amendments, the Town and Country Planning (Inquiries Procedure) Rules 1992, which are revoked, subject to the exceptions and transitional provisions contained in rule 24.

The principal changes made by these Rules are follows:—

Rule 4(4) requires local planning authorities to return their completed questionnaires to the Secretary of State within 2 weeks of the starting date.

Rule 5 requires that pre-inquiry meetings are to be held for all inquiries that the Secretary of State expects to last more than 8 days, unless he considers it unnecessary.

Rule 6 requires the applicant and the local planning authority to ensure that 2 copies of their statements of case have been received by the Secretary of State within 6 weeks of the starting date. It provides for the documents to be copied by the Secretary of State to the parties and to be sent to the inspector.

Rule 8 provides that the inspector will arrange a timetable, in respect of inquiries where a pre-inquiry meeting is held or which Secretary of State expects to last 8 days or more, and may vary the timetable.

Rule 13(4) provides for the proofs of evidence to be sent by the Secretary of State to the inspector.

Rule 14 requires the applicant and the local planning authority to prepare a statement of common ground and send it to the Secretary of State and any statutory party 4 weeks before the inquiry.

Rule 15(2) provides that at the start of the inquiry the inspector will state what he considers to be the main issues to be considered at the inquiry.

Rule 15(4) requires that the local planning authority are to present their case first.

Rule 15(14) requires that in respect of any inquiry that the Secretary of State expects to last 8 days or more, any party who appears shall provide a copy of their final submissions in writing.

Rule 17(4) enables the Secretary of State to disregard any representations or evidence received after the close of the inquiry.

Rule 21 enables the Secretary of State to request additional copies of documents.

Rule 23 provides for modification of the Rules in respect of—

- (a) applications and appeals where the Mayor of London has directed the local planning authority, in relation to the application occasioning the inquiry, to refuse the application; and
- (b) applications and appeals, not falling within paragraph (a), where the local planning authority was required to notify the Mayor of London of the application occasioning the inquiry.

Status: *This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.*

There are also minor and drafting amendments.

A Regulatory Impact Appraisal has been prepared in relation to the Rules. It has been placed in the Library of each House of Parliament and copies may be obtained from PD3B Division, Department of the Environment, Transport and the Regions, Eland House, Bressenden Place, London SW1E 5DU, (Telephone 0207 944 3945).