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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

The Planning Act 2008 (“the Act”) establishes the Infrastructure Planning Commission (“the IPC”) and provides for the granting of development consent for certain types of nationally significant infrastructure projects. Part 6 of the Act sets out the procedure for examining the majority of applications for development consent.

These Rules prescribe the procedure to be followed in connection with the examination of an application for development consent by a Panel, or a single Commissioner, or the Secretary of State following a direction under section 112(1) of the Act (power of the Secretary of State to intervene). This section provides that the Secretary of State may intervene and decide an application in place of the Commission in certain circumstances, for example where the Secretary of State is satisfied that the intervention would be in the interests of defence or national security.

These Rules do not apply to the examination of an application for development involving the construction, other than by a gas transporter of an oil or gas cross-country pipeline one end of which is in England or Wales and the other end of which is in Scotland.

Rule 3 concerns the submission of “relevant representations”. Rule 4 requires the person who chairs the IPC to notify all interested parties of the appointment of a Panel or a Single Commissioner as the Examining authority. Rule 5 concerns the initial assessment by the Examining authority of the principal issues raised by an application. Rules 6 to 9 relate to the notification of the date of the preliminary meeting, its conduct, the setting of the timetable for the examination of the application and notification of procedural decisions.

Rule 10 concerns the submission of written representations. Rules 11 and 12 relate to the appointment of assessors and barristers, solicitors or advocates respectively. Rules 13 to 15 concern the notification of, procedure for and conduct of hearings. Rule 16 is about site inspections. Rules 17 and 18 contain provisions about further information and additional copies. Rules 19 and 20 make provision for the stages after the completion of an examination and when a decision on an application is quashed in court proceedings. Rules 21 to 23 concern the availability and inspection of representations and documents, the service of notices, representations and documents and allowing of further time. Rule 24 provides that nothing in these Rules is to be taken to require or permit the disclosure of closed evidence to persons other than those specified.

The Schedule to these Rules applies where the Secretary of State has made a direction under section 112(1) of the Act (power of Secretary of State to intervene) by virtue of section 110 (intervention: defence or national security). It contains procedural provisions in respect of a request for a direction under paragraph (2)(6) of Schedule 3 to the Act (examination of matters by Secretary of State: procedure) and the examination of closed evidence. Under paragraph (2)(6) of Schedule 3 the Secretary of State may direct that representations of specified description may be made only to persons of a specified description (instead) of being in public.

Part 1 of the Schedule sets out definitions for the terms used in the Schedule.

Part 2 of the Schedule applies where the Secretary of State has received a request for a direction under paragraph 2(6) of Schedule 3. Paragraph 2 requires the Secretary of State to acknowledge the request for a direction and paragraph 3 provides that the Secretary of State must publicise the request. Paragraph 3 requires the Secretary of State to give notice of any direction made under paragraph 2(6) to the person who requested the direction, the Commission, any precluded person (a person who is prevented from hearing or inspecting closed evidence) and any appointed representative.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Part 3 of the Schedule provides for the examination of closed evidence where a direction under paragraph 2(6) of Schedule 3 has been given by the Secretary of State. Paragraph 5 describes the functions of appointed representatives Paragraph 6 provides that the Secretary of State may hold a pre-hearing meeting, where a timetable for the submission and exchange of representations may be specified, deadlines may be specified for other purposes and procedural decisions made. Paragraph 7 states that the Secretary of State should give not less than 14 days' notice of the date, time and place of the hearing. Paragraph 8 describes the procedure for hearings. Paragraph 9 concerns the appointment of an examiner. Paragraph 10 relates to the procedure after a hearing. Paragraph 11 provides that the Secretary of State may allow further time for the taking of any step. Paragraph 12 enables the Secretary of State to make an unaccompanied site visit without prior notice to the parties or an accompanied site visit.

Paragraph 13 concerns the procedure after the completion of an examination and paragraph 14 contains provision in respect of the statement of reasons that the Secretary of State must prepare in accordance with section 116 of the Act. Paragraph 15 describes the procedure that applies following the quashing of a decision by a court.

A combined impact assessment has been prepared for these Rules and for the Infrastructure Planning (Fees) Regulations 2010. It has been placed in the Library of each House of Parliament and copies may be obtained from the Planning Reform Team, Department for Communities and Local Government, First Floor, Eland House, Bressenden Place, London SW1E 5DU (Telephone 020 7944 0815). The impact assessment can be found on the Communities and Local Government website (<http://www.communities.gov.uk>).