Town and Country Planning Act 1971

1971 CHAPTER 78

PART III

GENERAL PLANNING CONTROL

Reference of certain matters to Planning Inquiry Commission or independent tribunal

48 References to a Planning Inquiry Commission

(1) The following matters may, in the circumstances mentioned in subsection (2) of this section, be referred to a Planning Inquiry Commission, that is to say—

(a) an application for planning permission which the Secretary of State has under section 35 of this Act directed to be referred to him instead of being dealt with by a local planning authority;

(b) an appeal under section 36 of this Act (including that section as applied by or under any other provision of this Act);

(c) a proposal that a government department should give a direction under section 40 of this Act that planning permission shall be deemed to be granted for development by a local authority or by statutory undertakers which is required by any enactment to be authorised by that department;

(d) a proposal that development should be carried out by or on behalf of a government department.

(2) Any of the matters mentioned in subsection (1) of this section may be referred to any such commission under this section if it appears expedient to the responsible Minister or Ministers that the question whether the proposed development should be permitted to be carried out should be the subject of a special inquiry on either or both of the following grounds—

(a) there are considerations of national or regional importance which are relevant to the determination of that question and require evaluation, but a proper evaluation thereof cannot be made unless there is a special inquiry for the purpose ;

Status: *This is the original version (as it was originally enacted).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

(b) the technical or scientific aspects of the proposed development are of so unfamiliar a character as to jeopardise a proper determination of that question unless there is a special inquiry for the purpose.

(3) Two or more of the matters mentioned in subsection (1) of this section may be referred to the same commission under this section if it appears to the responsible Minister or Ministers that they relate to proposals to carry out development for similar purposes on different sites.

(4) Where a matter referred to a commission under this section relates to a proposal to carry out development for any purpose at a particular site, the responsible Minister or Ministers may also refer to the commission the question whether development for that purpose should instead be carried out at an alternative site.

(5) The responsible Minister or Ministers shall, on referring a matter to a commission under this section, state in the reference the reasons therefor and may draw the attention of the commission to any points which seem to him or them to be relevant to their inquiry.

(6) A commission inquiring into a matter referred to them under this section shall—

(a) identify and investigate the considerations relevant to, or the technical or scientific aspects of, that matter which in their opinion are relevant to the question whether the proposed development should be permitted to be carried out and assess the importance to be attached to those considerations or aspects ;

(b) thereafter, if the applicant, in the case of a matter mentioned in subsection (1)(a), (b) or (c) of this section, or the local planning authority in any case so desire, afford to each of them, and, in the case of an application or appeal mentioned in the said subsection (1)(a) or (b), to any person who has made representations relating to the subject matter of the application or appeal which the authority are required to take into account under section 29 (2) or (3) of this Act, an opportunity of appearing before and being heard by one or more members of the commission;

(c) report to the responsible Minister or Ministers on the matter referred to them.

(7) Any such commission may, with the approval of the Secretary of State and at his expense, arrange for the carrying out (whether by the commission themselves or by others) of research of any kind appearing to them to be relevant to a matter referred to them for inquiry and report.

In this subsection "the Secretary of State", in relation to any matter affecting both England and Wales, means the Secretary of State for the time being having general responsibility in planning matters in relation to England or the Secretary of State for the time being having such responsibility in relation to Wales acting, by arrangements between the two of them, on behalf of both.

(8) Schedule 10 to this Act shall have effect for the construction of references in this section and in section 49 of this Act to " the responsible Minister or Ministers ".