

1988 No. 944

TRIBUNALS AND INQUIRIES

**The Town and Country Planning (Inquiries Procedure)
Rules 1988**

<i>Made</i> - - - -	<i>24th May 1988</i>
<i>Laid before Parliament</i>	<i>16th June 1988</i>
<i>Coming into force</i> -	<i>7th July 1988</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 11 of the Tribunals and Inquiries Act 1971(a), and after consultation with the Council on Tribunals, hereby makes the following Rules:

Citation and Commencement

1. These Rules may be cited as the Town and Country Planning (Inquiries Procedure) Rules 1988 and shall come into force on 7th July 1988.

Interpretation

2. In these Rules, unless the context otherwise requires, references to sections and Schedules are references to sections of, and Schedules to, the Town and Country Planning Act 1971(b) and—

“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” means consent required by section 277A(2)(c);

“development order” has the meaning assigned to it by section 24;

“document” includes a photograph, map or plan;

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

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

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

“listed building consent” has the meaning assigned to it by section 55(3A)(d);

“local authority” has the meaning assigned to it by section 290(1);

“local planning authority” means—

(a) 1971 c.62.

(b) 1971 c.78.

(c) Section 277A was inserted by the Town and Country Amenities Act 1974 (c.32), section 1(1).

(d) Section 55(3A) was inserted by the Local Government, Planning and Land Act 1980 (c.65), Schedule 15, paragraph 6(3).

- (i) in relation to a referred application, the body who would otherwise have dealt with the application;
- (ii) in relation to 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;

“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;

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

“relevant date” means the date of the Secretary of State’s written notice to the applicant and the local planning authority of his intention to cause an inquiry to be held, and “relevant notice” means that notice;

“the 1974 Rules” means the Town and Country Planning (Inquiries Procedure) Rules 1974(a);

“section 29(3) party” means—

- (a) a person whose representations the Secretary of State is required by the application of section 29(3)(b) or by regulations under Part I of Schedule 11(c) to take into account in determining the referred application or appeal to which an inquiry relates; and
- (b) in the case of an appeal, a person whose representations the local planning authority were required by section 29(3) or those regulations to take into account in determining the application occasioning the appeal;

“statement of case” means 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;

“tree preservation order” means an order under section 60(d).

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 or Wales before he determines—

- (a) an application in relation to planning permission referred to him under section 35(e) or an appeal to him under section 36(f), or under section 36 as applied by section 37(g);
- (b) an application for consent referred to him under a tree preservation order or an appeal to him under such an order, with the exceptions that rule 4(1) shall not apply and the references to a section 29(3) party shall be omitted;
- (c) an application in relation to listed building consent referred to him under paragraph 4 of Schedule 11 or an appeal to him under paragraph 8 of Schedule 11, or under paragraph 8 as applied by paragraph 9 of that Schedule, including an application or appeal referred or made under any of those paragraphs as applied by section 56B(2)(h);

(a) S.I. 1974/419, amended by S.I. 1986/420.

(b) See sections 35(4) and 36(5).

(c) The relevant regulations are the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987 (S.I. 1987/349), regulations 5 and 6.

(d) Section 60 was amended by the Town and Country Amenities Act 1974, section 10(1) and (2), and by the Local Government, Planning and Land Act 1980, Schedule 15, paragraph 13.

(e) Section 35 was amended by the Town and Country Planning (Minerals) Act 1981 (c.36), Schedule 1, paragraph 2; and by the Housing and Planning Act 1986 (c.63), Schedule 11, paragraph 17.

(f) Section 36 was amended by the Local Government, Planning and Land Act 1980, Schedule 15, paragraph 4(2); by the Town and Country Planning (Minerals) Act 1981, Schedule 1, paragraph 3; and by the Housing and Planning Act 1986, Schedule 11, paragraphs 17 and 18.

(g) Section 37 was amended by the Local Government, Planning and Land Act 1980, Schedule 15, paragraph 4(3).

(h) Section 56B was inserted by the Housing and Planning Act 1986, Schedule 9, paragraph 4.

- (d) an application in relation to conservation area consent referred to him under paragraph 4 of Schedule 11 or an appeal to him under paragraph 8 of Schedule 11, or under paragraph 8 as applied by paragraph 9 of that Schedule, as those paragraphs are applied in the case of such an application or appeal by virtue of section 277A(a), including an application or appeal to which section 56B(2) is applied by section 277A,

but do not apply in relation 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) Rules 1988(b) or Rules superseded by those Rules(c), 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 a notice from the Secretary of State of his intention to cause an inquiry to be held ("the relevant notice"), forthwith inform him and the applicant in writing of the name and address of any section 29(3) 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 section 29(3) party who has made representations to him.

(2) This paragraph applies where—

- (a) the Secretary of State or any local authority 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 paragraph 6(2)(b) of Schedule 11 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 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 replanting; or
- (d) any authority or 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 date of the relevant notice ("the relevant date") inform the person or body concerned of the inquiry and, unless they have already done so, that person or body 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.

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

5.—(1) The Secretary of State may cause a pre-inquiry meeting to be held if it appears to him desirable and where he does so the following paragraphs apply.

(2) The Secretary of State shall serve with the relevant notice a notification of his intention to cause a meeting to be held and a statement of the matters which appear to him to be likely to be relevant to 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 and shall supply a copy of the statement to the Minister or government department concerned.

(a) Subsection (8) of section 277A was substituted by the Housing and Planning Act 1986, Schedule 9, paragraph 8(2); see also S.I. 1987/349, regulation 12 and Schedule 3.

(b) S.I. 1988/945.

(c) The Rules superseded are S.I. 1974/420, amended by S.I. 1986/420.

(3) The local planning authority shall cause to be published in a newspaper circulating in the locality in which the land is situated a notice of the Secretary of State's intention to cause a meeting to be held and of the statement served in accordance with paragraph (2) in such form as the Secretary of State may specify.

(4) The local planning authority and the applicant shall, not later than 8 weeks after the relevant date, each serve an outline statement on the other and on the Secretary of State.

(5) Where rule 4(2) applies, the local planning authority shall—

(a) include in their outline statement the terms of—

- (i) any direction given together with a statement of the reasons therefor; 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 (4), supply a copy of their statement to the person or body concerned.

(6) 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 serve, within 4 weeks of being so required, an outline statement on him, the applicant and the local planning authority.

(7) The meeting (or, where there is more than one, the first meeting) shall be held not later than 16 weeks after the relevant date.

(8) The Secretary of State shall give not less than 21 days written notice of the meeting to the local planning authority, the applicant, any person known at the date of the notice to be entitled to appear at the inquiry and any other person whose presence at the meeting seems to him to be desirable; and he may require the local planning authority to take, in relation to notification of the 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.

(9) The inspector shall preside at the meeting and shall determine the matters to be discussed and the procedure to be followed, and he may require any person present at the meeting who, in his opinion, is behaving in a disruptive manner to leave and may refuse to permit that person to return or to attend any further meeting, or may permit him to return or attend only on such conditions as he may specify.

(10) Where a pre-inquiry meeting has been held pursuant to paragraph (1), the inspector may hold a further meeting. He shall arrange for such notice to be given of a further meeting as appears to him necessary; and paragraph (9) shall apply to such a meeting.

Service of statements of case etc.

6.—(1) The local planning authority shall, not later than—

(a) 6 weeks after the relevant date, or

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

serve a statement of case on the Secretary of State, the applicant and any section 29(3) party.

(2) Where rule 4(2) applies, the local planning authority shall, unless they have already done so in an outline statement, include in their statement of case the matters mentioned in rule 5(5)(a) and shall supply a copy of the statement to the person or body concerned.

(3) The applicant shall, not later than—

(a) in the case of a referred application where no pre-inquiry meeting is held pursuant to rule 5, 6 weeks after the relevant date, or

(b) in the case of an appeal where no such meeting is held, 9 weeks after the relevant date, or

(c) in any case where a pre-inquiry meeting is held pursuant to rule 5, 4 weeks after the conclusion of that meeting,

serve a statement of case on the Secretary of State, the local planning authority and any section 29(3) party.

(4) The Secretary of State may in writing require any other person who has notified him of an intention or a wish to appear at an inquiry to serve a statement of case, within

4 weeks of being so required, on the applicant, the local planning authority, the Secretary of State and any (or any other) section 29(3) party.

(5) The Secretary of State shall supply any person from whom he requires a statement of case in accordance with paragraph (4) with a copy of the local planning authority's and the applicant's statement of case and shall inform that person of the name and address of every person on whom his statement of case is required to be served.

(6) The Secretary of State or an inspector may require any person who has served a statement of case in accordance with this rule to provide such further information about the matters contained in the statement as he may specify.

(7) Any person serving a statement of case on the local planning authority shall serve with it a copy of any document, or of the relevant part of any document, referred to in it.

(8) Unless he has already done so, the Secretary of State, in the case of a referred application, shall, and, in the case of an appeal, may, not later than 12 weeks from the relevant date, serve a written statement of the matters referred to in that paragraph on the applicant, the local planning authority, any section 29(3) party and any person from whom he has required a statement of case.

(9) The local planning authority shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of any statement or document which, or a copy of which, has been served on them in accordance with any of the preceding paragraphs of this rule, and of any statement so served by them together with a copy of any document, or of the relevant part of any document, referred to in it; and shall specify in the statement served in accordance with paragraph (1) the time and place at which the opportunity will be afforded.

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 desirable.

(2) An inspector shall arrange for not less than 14 days written notice of a meeting he proposes to hold under paragraph (1) to be given to the applicant, the local planning authority, any person known at the date of the notice to be entitled to appear at the inquiry and any other person whose presence at the meeting appears to him to be desirable.

(3) Rule 5(9) shall apply to a meeting held under this rule.

Inquiry time-table

8. Where a pre-inquiry meeting is held pursuant to rule 5 an inspector shall, and in any other case may, arrange a time-table for the proceedings at, or at part of, an inquiry and may at any time vary the time-table.

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) 22 weeks after the relevant 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 28 days 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 also vary the time or place for the holding of an inquiry and shall give such notice of any such variation as appears to him to be reasonable.

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

- (a) to publish not less than 14 days before the date fixed for the holding of an inquiry in one or more newspapers circulating in the locality in which the land is situated such notice of the inquiry as he may direct;
- (b) to serve within such period as he may specify notice of an inquiry in such form and on such persons or classes of persons as he may specify;
- (c) to post within such period as he may specify such notice of an inquiry as he may direct in a conspicuous place near to the land.

(7) Where the land is under the control of the applicant he shall, if so required by the Secretary of State, affix 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, such notice of the inquiry as the Secretary of State may specify; and he shall 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.

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) a National Park Committee within the meaning of paragraph 5 of Schedule 17 to the Local Government Act 1972(a);
 - (iii) a joint planning board constituted under section 1(2) or a joint planning board or special planning board reconstituted under Part I of Schedule 17 to the Local Government Act 1972;
 - (iv) an urban development corporation established under section 135 of the Local Government, Planning and Land Act 1980;
- (d) where the land is in an area designated as a new town, the development corporation for the new town or the Commission for the New Towns as its successor;
- (e) a section 29(3) party;
- (f) the council of the parish or community 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 paragraph 6 of Schedule 11 (listed building consent in Greater London), the Commission;
- (h) any other person who has served a statement of case in accordance with rule 6(4) or who has served an outline statement in accordance with rule 5(6).

(2) Any other person may appear at an inquiry at the discretion of the inspector.

(3) Any person entitled or permitted to appear may do so on his own behalf or be represented by counsel, solicitor or any other person.

(a) 1972 c.70.

(4) An inspector may allow one or more persons to appear for the benefit of some or all of any persons having a similar interest in the matter under inquiry.

Representatives of government departments and other authorities at inquiry

12.—(1) Where—

- (a) the Secretary of State, any local authority or the Commission have given a direction such as is 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 local authority has expressed a view such as is described in rule 4(2)(c) and the local planning authority have included the terms of the expression of view in a statement served in accordance with rule 5(4) or 6(1); or
- (c) another Minister of the Crown or any government department has expressed a view such as is mentioned in rule 4(2)(c) and the Secretary of State has included its terms in a statement served in accordance with rule 5(2) or rule 6(8),

the applicant may, not later than 14 days 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, transmit the application to the other Minister, department or body concerned, who shall make a representative available to attend the inquiry.

(3) A person attending an inquiry as a representative in pursuance of this rule shall state the reasons for the direction or expression of view in question 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.

Statements of evidence

13.—(1) A 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 written statement shall send a copy of the statement to the inspector and shall, if so required by the inspector, supply a written summary of that evidence.

(2) The statement shall be sent to the inspector not later than 3 weeks before the date on which the person is due to give evidence in accordance with the time-table arranged pursuant to rule 8 or, if there is no such time-table, 3 weeks before the date fixed for the inquiry, and the summary shall be sent within such period as may be specified by the inspector.

(3) Where the applicant or the local planning authority send a copy of a statement of evidence or a summary to an inspector in accordance with paragraph (1) they shall at the same time send a copy to the other party; and where any other party so sends such a copy statement or summary he shall at the same time send a copy to the applicant and the local planning authority.

(4) Where the inspector has required a written summary of evidence in accordance with paragraph (1), the person giving that evidence at the inquiry shall do so only by reading the written summary, unless permitted by the inspector to do otherwise.

(5) Any person required by this rule to send a copy of a statement of evidence to any other person shall send with it a copy of the whole, or the relevant part, of any documents referred to in it, unless copies of the documents or parts of documents in question have already been made available by the local planning authority pursuant to rule 6(9).

Procedure at inquiry

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

(2) Unless in any particular case the inspector with the consent of the applicant otherwise determines, the applicant shall begin and 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.

(3) A person entitled to appear at an inquiry shall be entitled to call evidence and the applicant, the local planning authority and a section 29(3) party shall be entitled to cross-examine persons giving evidence, but, subject to the foregoing and paragraphs (4) and (5), the calling of evidence and the cross-examination of persons giving evidence shall otherwise be at the inspector's discretion.

(4) The inspector may refuse to permit—

- (a) the giving or production of evidence,
- (b) the cross-examination of persons giving evidence, or
- (c) the 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.

(5) Where a person gives evidence at an inquiry by reading a summary of his evidence in accordance with rule 13(4), the statement of evidence referred to in rule 13(1) may be tendered in evidence, and the person whose evidence the statement contains shall then be subject to cross-examination on it to the same extent as if it were evidence he had given orally.

(6) 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.

(7) The inspector may require any person appearing or present at an inquiry who, in his opinion, is behaving in a disruptive manner to leave and may refuse to permit that person to return, or may 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.

(8) The inspector may allow any person to alter or add to a statement of case served 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.

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

(10) 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.

(11) 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.

Site inspections

15.—(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) The inspector may, during an inquiry or after its close, inspect the land in the company of the applicant, the local planning authority and any section 29(3) party; and he 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 inspection of the kind referred to in paragraph (2) 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

16.—(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) 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 to them an opportunity of making written representations to him within 21 days of the date of the notification, 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 within that period for the re-opening of the inquiry.

(5) The Secretary of State may, as he thinks fit, cause an inquiry to be re-opened to afford an opportunity for persons to be heard on such matters relating to an application or appeal as he may specify, and he shall do so if asked by the applicant or the local planning authority in the circumstances and within the period mentioned in paragraph (4); 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 specified matters; and

(b) paragraphs (3) to (7) of rule 10 shall apply as if the references to an inquiry were references to a re-opened inquiry.

Notification of decision

17.—(1) The Secretary of State shall notify his decision on an application or appeal, and his reasons for it, in writing to all persons entitled to appear at the inquiry who did appear, and to 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 conclusions 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 made to the Secretary of State within 4 weeks of the date of the decision.

(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.

Procedure following quashing of decision

18. 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; and
- (b) shall afford to those persons the opportunity of making, within 21 days of the date of the written statement, 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 reopened (whether by the same or a different inspector) and if he does so paragraphs (3) to (7) of rule 10 shall apply as if the references to an inquiry were references to a re-opened inquiry.

Allowing further time

19. 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.

Service of notices by post

20. Notices or documents required or authorised to be served or sent under any of the provisions of these Rules may be sent by post.

Revocations and savings

21. Subject to rule 22, the Town and Country Planning (Inquiries Procedure) Rules 1974(a) and rule 2(1) of and Schedule 1 to the Town and Country Planning (Various Inquiries) (Procedure) (Amendment) Rules 1986(b) are hereby revoked, except that the 1974 Rules shall continue to apply to any local inquiry or hearing held for the purpose of any application or appeal mentioned in rule 2(1)(d) of those Rules (control of advertisements).

Transitional provisions

22.—(1) The following paragraphs of this rule apply where at the date on which these Rules come into force (“the commencement date”) an application or appeal mentioned in rule 3(1) of these Rules is awaiting the Secretary of State’s determination.

(2) Where at the commencement date a local inquiry has been opened but the inspector has not yet reported, the 1974 Rules shall continue to regulate the procedure until immediately before he reports, but these Rules shall apply to the making of the report and thereafter.

(3) Where at the commencement date a local inquiry has not been opened, the 1974 Rules shall continue to apply until the inquiry is opened, but these Rules shall apply thereafter.

(4) The 1974 Rules shall continue to apply as respects hearings but only if the applicant or the local planning authority have before the commencement date expressed a wish to be heard.

24th May 1988

Mackay of Clashfern, C.

(a) S.I. 1974/419.
(b) S.I. 1986/420.

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 or Wales caused by the Secretary of State to be held by inspectors before he determines applications referred to him, or appeals made to him, in relation to planning permission, consent under tree preservation orders, listed building consent and consent for the demolition of unlisted buildings in conservation areas (known as "conservation area consent").

They replace the Town and Country Planning (Inquiries Procedure) Rules 1974, as amended by the Town and Country Planning (Various Inquiries) (Procedure) (Amendment) Rules 1986, which are revoked, subject to transitional provisions contained in rule 22.

The new Rules provide for a fuller exchange of information among the various interested parties about their respective cases before an inquiry opens, and introduce a more detailed timetable for the steps to be taken before an inquiry. Other new features are that they regulate pre-inquiry meetings and contain provisions relating to assessors, whom the Secretary of State may appoint to sit with and advise inspectors.

The procedural system instituted by the Rules is explained in detail in a Circular dated 16th June 1988 and prepared jointly by the Department of the Environment and the Welsh Office, number 10/88 (Department of the Environment) and 15/88 (Welsh Office). Copies may be purchased through Her Majesty's Stationery Office.