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WELSH STATUTORY INSTRUMENTS

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**2016 No. 56**

The Developments of National  
Significance (Wales) Regulations 2016

PART 8

Inquiries

**Application of Part 8**

**30.**—(1) This Part applies where—

- (a) notice of acceptance has been given; and
- (b) the Welsh Ministers determine that the application is to be considered in whole or in part by way of a local inquiry.

(2) This Part also applies where—

- (a) the Welsh Ministers have made a determination that all or part the application is to be considered on the basis of written representations or a hearing; and
- (b) they subsequently vary that determination such that the application or parts of the application is or are to be considered on the basis of an inquiry,

to such extent as the Welsh Ministers may specify having regard to any steps already taken in relation to the application.

(3) Regulations [22](#) to [25](#) and [28](#) apply to local inquiries as they apply to hearings and accordingly those regulations are to be read as if references to hearings include references to inquiries so far as the context permits and subject to any provision in this Part.

**Pre-inquiry meetings**

**31.**—(1) The appointed person may hold a pre-inquiry meeting prior to an inquiry to consider what may be done with a view to securing that the inquiry is conducted efficiently and expeditiously.

(2) An appointed person must give not less than two weeks' written notice of a pre-inquiry meeting which the appointed person proposes to hold under paragraph (1) to—

- (a) the applicant;
- (b) the local planning authority;
- (c) any person invited by the appointed person to take part at the pre-inquiry meeting.

(3) Where a pre-inquiry meeting has been held pursuant to paragraph (1), the appointed person may hold a further pre-inquiry meeting and must arrange for such notice to be given of a further pre-inquiry meeting as appears necessary.

(4) The appointed person—

- (a) is to preside at any pre-inquiry meeting;
- (b) is to 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 the appointed person's 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
- (e) may permit that person to return or attend only on such conditions as the appointed person may specify.

### **Date and place of inquiry**

**32.**—(1) The Welsh Ministers must fix the date for the inquiry.

(2) Subject to paragraph (2), the date fixed for the holding of an inquiry must be—

(a) no later than—

(i) 13 weeks after the end of the representation period; or

(ii) (if later) in a case where a pre-inquiry meeting is held pursuant to regulation 31, four weeks after the conclusion of that meeting (or such shorter period after conclusion of that meeting as the applicant, the local planning authority and the appointed person may agree); and

(b) at least one week after the period allowed for further representations requested in accordance with regulation 15 and (3).

(3) Where the Welsh Ministers consider it impracticable for the inquiry to be held on a date fixed in accordance with paragraph (2), the date for the inquiry must be the earliest date which the Welsh Ministers consider is practicable.

(4) The place at which an inquiry is to be held must be determined by the Welsh Ministers.

(5) Where the Welsh Ministers are satisfied, having regard to the nature of the application, that it is reasonable to do so, the Welsh Ministers may direct that different parts of an inquiry are held at different locations.

(6) Unless the Welsh Ministers agree a shorter period of notice with the applicant and the local planning authority, the Welsh Ministers must give at least four weeks' written notice of the date, time and place fixed by them for the holding of the inquiry to the applicant, the local planning authority and any person invited to take part in the inquiry.

(7) The Welsh Ministers may vary the date fixed for the inquiry, whether or not the date as varied is within the period of thirteen weeks mentioned in paragraph (1)(a); and paragraph (5) applies to a variation of a date as it applies to the date originally fixed.

(8) The Welsh Ministers may vary the time or place for the holding of inquiry and must give such notice of any variation as appears to them to be reasonable.

### **Procedure at inquiry**

**33.**—(1) The appointed person presides at any inquiry and must determine the procedure at the inquiry, subject to these Regulations.

(2) Unless in any particular case the appointed person otherwise determines, the applicant is to begin and the local planning authority and other persons taking part are to be heard in such order as the appointed person may determine.

(3) At the start of the inquiry the appointed person must identify what are, in the appointed person's opinion, the matters on which the appointed person requires representations at the inquiry.

(4) The applicant, the local planning authority and any person invited to take part in an inquiry may call evidence.

(5) The appointed person may permit any other person to call evidence.

(6) The applicant and the local planning authority are entitled to cross-examine persons giving evidence, subject to paragraph (6).

(7) The appointed person 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 the appointed person considers to be irrelevant or repetitious.

(8) Where the appointed person refuses to permit the giving of oral evidence, any person wishing to give the evidence may submit the evidence in writing to the appointed person before the close of the inquiry.

(9) The appointed person may—

- (a) require any person taking part in, or present at, an inquiry who, in the appointed person's opinion, is behaving in a disruptive manner to leave; and
- (b) refuse to permit that person to return; or
- (c) permit that person to return only on such conditions as the appointed person may specify,

but any such person may submit to the appointed person representations in writing before the close of the inquiry.

(10) Regulation 15(2) to (6) apply to any evidence or representation in writing submitted to the appointed person in accordance with paragraph (7) or (8) of this regulation.

(11) The appointed person may direct that facilities are afforded to any person taking part in an inquiry to take or obtain copies of documents open to public inspection.

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

(13) The appointed person may invite any person taking part in the inquiry to make closing submissions.

(14) Any person who makes closing submissions must by the close of the inquiry provide the appointed person with a copy of those closing submissions in writing.

### **Inquiry inappropriate**

34. If at any time during an inquiry it appears to the Welsh Ministers that the inquiry procedure is inappropriate, the Welsh Ministers may decide to close the inquiry and arrange for a hearing to be held instead or may determine that the matter proceeds by way of written representations, having regard to any steps already taken in relation to the application.

### **Determination**

35. The Welsh Ministers may proceed to determine an application—

- (a) after close of the inquiry or any reopened inquiry; or
- (b) if later, when the period allowed for the provision of written representations in accordance with regulation 28(6) (as applied by regulation 30(3)) has expired whether or not representations were received during that period.

### **Notice of decision**

**36.**—(1) The Welsh Ministers must notify the decision to any person who has asked to be notified of the decision and whom the Welsh Ministers consider it reasonable to notify.

(2) Notification of a decision and reasons under this regulation are taken to have been given to a person where—

- (a) the Welsh Ministers have published the decision and reasons on a website; and
- (b) the person is notified of—
  - (i) the publication of the decision and reasons on a website;
  - (ii) the address of the website.

(3) Where a copy of the appointed person’s report is not sent with the notification of the decision, the notification must be accompanied by a statement of the appointed person’s conclusions and of any recommendations made by the appointed person.

(4) In this regulation, “report” (“*adroddiad*”) does not include any documents appended to the appointed person’s report; but any person who has received a copy of the report may apply to the Welsh Ministers in writing for an opportunity to inspect any such documents and the Welsh Ministers must afford that person that opportunity.

(5) For the purposes of paragraph (3), an opportunity is to be taken to have been afforded to a person where that person is notified of—

- (a) publication of the relevant documents on a website;
- (b) the address of the website; and
- (c) the place on the website where the documents may be accessed and how they may be accessed.