STATUTORY INSTRUMENTS

2015 No. 316

TRIBUNALS AND INQUIRIES, ENGLAND

The Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment and Revocation) Rules 2015

Made - - - -	*18th February 2015*
Laid before Parliament	*23rd February 2015*
Coming into force - -	*6th April 2015*

The Lord Chancellor, in exercise of the powers conferred by section 9 of the Tribunals and Inquiries Act 1992(**1**), makes the following Rules:

Citation, commencement and application

1.—(1) These Rules may be cited as the Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment and Revocation) Rules 2015 and come into force on 6th April 2015.

(2) These Rules apply in relation to England only.

Amendment of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000

2.—(1) The Town and Country Planning (Inquiries Procedure) (England) Rules 2000(**2**) are amended as follows.

(2) In rule 3 (application of rules), in paragraph (1)—

(a) in sub-paragraph (a) after "an appeal to him under section 78" insert "(including an appeal under section 78 as applied by regulations made under section 220)"; and

(b) omit the words from "but do not apply" to the end of that sentence.

3. In rule 3A (notice from the Secretary of State), in paragraph (1) after "section 78 of the Planning Act", insert "(including an appeal under section 78 of the Planning Act as applied by regulations made under section 220 of that Act),".

4. In rule 23B (modifications for most appeals)—

(**1**) 1992 c.53. Section 9 was amended by paragraph 11 of the Schedule to S.I. 2013/2042. There are other amendments to section 9 which are not relevant to these Rules.

(**2**) S.I. 2000/1624, amended by S.I. 2009/455, S.I. 2013/2137 and S.I. 2013/2146; there are other amending instruments but none is relevant. Rule 3A was inserted into the 2000 Rules by S.I. 2009/455 and rule 23B by S.I. 2013/2137.

(a) at the end of paragraph (1)(a) add "or";

(b) in paragraph (1)(b), after "the Listed Buildings Act" insert a full stop and omit "; or";

(c) omit paragraph (1)(c); and

(d) in paragraph (2)—

(i) at the end of paragraph (2)(c) omit "or";

(ii) at the end of paragraph (2)(d) omit the full-stop and add "; or"; and

(iii) after paragraph (2)(d) insert—

"(e) in relation to any appeal made under section 78 of the Planning Act as applied by regulations made under section 220 of that Act.".

Amendment of the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000

5.—(1) The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000(**3**) are amended as follows.

(2) In rule 3 (application of rules)—

(a) in paragraph (1) omit from "but do not apply" to the end of the sentence; and

(b) after paragraph (1) insert—

"(1A) These Rules apply in relation to any local inquiry held in England by an inspector before he determines an appeal under section 78 of the Planning Act (as applied by regulations made under section 220 of that Act) subject to the modifications in rule 24A.".

(3) In rule 3A (notice from the Secretary of State), in paragraph (1), after "section 78 of the Planning Act", insert "(including an appeal under section 78 of the Planning Act as applied by regulations made under section 220 of that Act),".

(4) After rule 24 (Mayor of London) insert—

"**Advertisement appeals**

24A.—(1) Where an inquiry is held into an appeal under section 78 of the Planning Act, as applied by regulations made under section 220 of that Act, these Rules shall apply, subject to the modifications in this rule.

(2) In rule 2 (interpretation), after the definition of "starting date", insert—

""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;".

(3) In rule 4(4) (preliminary information to be supplied by local planning authority) for "1 week" substitute "2 weeks".

(4) In rule 6 (receipt of full statements of case etc)—

(a) in the heading, omit the word "full";

(b) for "full statement of case" substitute "statement of case" wherever it appears;

(c) in paragraph (1) for "5 weeks" substitute "6 weeks";

(d) for paragraph (3) substitute—

(**3**) S.I.2000/1625. Amended by S.I. 2003/956, S.I. 2009/455, S.I. 2013/2137 and S.I. 2013/2146; there are other amending instruments but none is relevant. Rule 3A was inserted into the 2000 Rules by S.I. 2009/455.

"(3) The appellant shall ensure that, within 6 weeks of the starting date, 2 copies of their statement of case have been received by the Secretary of State and a copy has been received by any statutory party.";

(e) in paragraph (4) after "to the appellant" insert "and a copy of the appellant's statement of case to the local planning authority";

(f) after paragraph (4) insert—

"(5) The appellant 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 their statement of case; and any such document or relevant part, shall be sent, as soon as practicable, to the party who required it.";

(g) after paragraph (10), insert—

"(11) Any person other than the appellant 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).";

(h) in paragraph (12) after "specified" insert "in this rule"; and

(i) in paragraph (13)(b) after "statement of case" insert "together with a copy of any document, or of the relevant part of any document referred to in the list comprised in that statement".

(5) In rule 7 (statement of matters and pre-inquiry meetings) for "10 weeks" substitute "12 weeks".

(6) In rule 10 (date and notification of inquiry)—

(a) in paragraph (1)(a) for "16 weeks" substitute "20 weeks"; and

(b) in paragraph (3) for "16 weeks" substitute "20 weeks".

(7) In rule 15 (statement of common ground) in paragraph (1)(b) for "5 weeks" substitute "6 weeks".

(8) In rule 24(2)(c) (Mayor of London: modifications to rule 6)(**4**)—

(a) for paragraph (ii) substitute—

"(ii) in paragraph (3) for "2" substitute "3";";

(b) in paragraph (iii) in the substituted paragraph (4)—

(i) in sub-paragraph (a) for "statement" substitute "statements" and after "of case of" insert "the appellant and"; and

(ii) in sub-paragraph (b) for "statement" substitute "statements" and after "of case of" insert "the appellant and"; and

(c) after paragraph (iii) insert—

"(iiia) in paragraph (5) for "The appellant and the local planning authority may in writing each require the other" substitute "Any party required

(**4**) Rule 24 of S.I. 2000/1625 modifies rule 6 in circumstances where an inquiry is held into an appeal arising from an application in respect of which the Mayor has directed the local planning authority to refuse the application. These Rules modify both rule 6, and the modifications in rule 24, for the purposes of advertisement appeals.

to provide a statement of case pursuant to paragraph (1) or (3) may in writing require any other party so required";"."

Amendment of the Town and Country Planning (Hearings Procedure) (England) Rules 2000

6.—(1) The Town and Country Planning (Hearings Procedure) (England) Rules 2000(**5**) are amended as follows.

(2) In rule 3 (application of Rules)—

(a) in paragraph (1)(b), after "Listed Buildings Act", insert a full-stop and omit from the semi-colon to "any other enactment"; and

(b) after paragraph (1) insert—

"(1A) These Rules apply in relation to any hearing held in England for the purposes of a non-transferred or a transferred appeal under section 78 of the Planning Act (as applied by regulations made under section 220 of that Act) subject to the modifications in rule 20A.".

(3) In rule 3A (notice from the Secretary of State), in paragraph (1), after "section 78 of the Planning Act", insert "(including an appeal under section 78 of the Planning Act as applied by regulations made under section 220 of that Act)".

(4) In rule 8 (method of procedure)—

(a) in paragraph (2), after "under section 78 of the Planning Act", insert "(including an appeal under section 78 of the Planning Act as applied by regulations made under section 220 of that Act)"; and

(b) in paragraph (3), after "under section 78 of the Planning Act", insert "(including an appeal under section 78 of the Planning Act as applied by regulations made under section 220 of that Act)".

(5) After rule 20 (Mayor of London), add—

"**Advertisement appeals**

20A.—(1) Where a hearing is held into an appeal under section 78 of the Planning Act as applied by regulations made under section 220 of that Act, these Rules apply subject to the modifications in this rule.

(2) In rule 2 (interpretation), after the definition of "hearing", insert—

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

(3) In rule 4(2) (preliminary information to be supplied by local planning authority) for "1 week" substitute "2 weeks".

(4) In rule 6 (receipt of hearing statements etc)—

(a) in the heading, for "full statement of case" substitute "hearing statements";

(b) for "full statement of case" substitute "hearing statement" wherever it appears;

(c) for paragraphs (1) and (1A) substitute—

"(1) The appellant and the local planning authority shall ensure that, within 6 weeks of the starting date, 2 copies of their hearing statement have been received by the Secretary of State and a copy has been received by any statutory party.";

(**5**) S.I. 2000/1626. Rule 3A was inserted into the 2000 Rules by S.I. 2009/455.