

This Statutory Instrument has been made in consequence of defects in S.I. 2003/1266, 2003/1267, 2003/1268, 2003/1269, 2003/1270 and 2003/1271 and is being issued free of charge to all known recipients of those Statutory Instruments

STATUTORY INSTRUMENTS

2007 No. 2285

**TOWN AND COUNTRY PLANNING, WALES
TRIBUNALS AND INQUIRIES, WALES**

**The Town and Country Planning (Amendment
of Appeals Procedures) (Wales) Rules 2007**

<i>Made</i>	- - - -	<i>26th July 2007</i>
<i>Laid before Parliament</i>		<i>2nd August 2007</i>
<i>Coming into force</i>	- -	<i>1st September 2007</i>

The Lord Chancellor, in exercise of the powers conferred upon him by section 9 of the Tribunals and Inquiries Act 1992(1), and after consultation with the Council on Tribunals, makes the following Rules:

Citation, commencement and application

1.—(1) These Rules may be cited as the Town and Country Planning (Amendment of Appeals Procedures) (Wales) Rules 2007 and come into force on 1 September 2007.

(2) These Rules apply in relation to Wales.

Amendment of the Town and Country Planning (Inquiries Procedure) (Wales) Rules 2003

2. The Town and Country Planning (Inquiries Procedure) (Wales) Rules 2003(2) are amended as follows—

(a) in rule 2 (interpretation), for the definition of “starting date” substitute—

““starting date” means the date of the notice given by the Welsh Ministers under rule 3A or the date of the relevant notice, whichever is the later;”;

(b) after rule 3 (application of these Rules), insert—

(1) 1992 c.53.
(2) S.I. 2003/1266.

- “**3A.** When the Welsh Ministers have received all the documents they require to enable them to entertain the appeal, they must, as soon as practicable thereafter, give written notice of that fact to the local planning authority and the applicant.”;
- (c) in rule 4, before paragraph (1) (preliminary information to be supplied by the local planning authority) insert—
- “(A) Where the Welsh Ministers propose to determine the appeal by holding an inquiry, they must send a copy of the relevant notice to the local planning authority and the applicant.”; and
- (d) in rule 6 (receipt of statements of case etc)—
- (i) for paragraph (6) substitute—
- “(6) The Welsh Ministers may, in writing, require any other person, who has notified them of an intention or wish to attend and take part at an inquiry, to send—
- (a) 3 copies of that person’s statement of case to the Welsh Ministers; and
- (b) a copy of that person’s statement of case to any statutory party,
- so as to be received within 4 weeks of being so required; and the Welsh Ministers must, as soon as practicable after receipt, send a copy of each such statement of case to the local planning authority and to the applicant.”; and
- (ii) in paragraph (14), after “starting date” add “or, where a pre-inquiry meeting has been held, within 7 weeks of the conclusion of that meeting”.

Amendment of the Town and Country Planning (Determination by Inspectors) (Inquiries Procedure) (Wales) Rules 2003

3. The Town and Country Planning (Determination by Inspectors) (Inquiries Procedure) (Wales) Rules 2003(3) are amended as follows—

- (a) in rule 2 (interpretation), for the definition of “starting date” substitute—
- ““starting date” means the date of the notice given by the Welsh Ministers under rule 3A or the date of the relevant notice, whichever is the later;”;
- (b) after rule 3 (application of these Rules), insert—
- “**3A.** When the Welsh Ministers have received all the documents they require to enable them to entertain the appeal, they must, as soon as practicable thereafter, give written notice of that fact to the local planning authority and the appellant.”;
- (c) in rule 4, before paragraph (1) (preliminary information to be supplied by the local planning authority) insert—
- “(A) Where the Welsh Ministers propose to determine the appeal by holding an inquiry, they must send a copy of the relevant notice to the local planning authority and the appellant.”; and
- (d) in rule 6 (receipt of statements of case etc)—
- (i) for paragraph (6) substitute—
- “(6) The Welsh Ministers may, in writing, require any other person, who has notified them of an intention or wish to attend and take part at an inquiry, to send—
- (a) 3 copies of that person’s statement of case to the Welsh Ministers; and
- (b) a copy of that person’s statement of case to any statutory party,

so as to be received within 4 weeks of being so required; and the Welsh Ministers must, as soon as practicable after receipt, send a copy of each such statement of case to the local planning authority and to the appellant.”, and

- (ii) in paragraph (14), after “starting date” add “or, where a pre-inquiry meeting has been held, within 7 weeks of the conclusion of that meeting”.

Amendment of the Town and Country Planning (Enforcement) (Hearings Procedure) (Wales) Rules 2003

4. In rule 4(1) (preliminary information to be supplied by the local planning authority) of the Town and Country Planning (Enforcement) (Hearings Procedure) (Wales) Rules 2003(4), for “inform the appellant and the local planning authority in writing that a hearing is to be held” substitute “send a copy of the relevant notice to the appellant and the local planning authority”.

Amendment of the Town and Country Planning (Enforcement) (Inquiries Procedure) (Wales) Rules 2003

5. The Town and Country Planning (Enforcement) (Inquiries Procedure) (Wales) Rules 2003(5) are amended as follows—

- (a) in rule 4(1) (preliminary information to be supplied by the local planning authority), for “inform the appellant and the local planning authority in writing that an inquiry is to be held” substitute “send a copy of the relevant notice to the appellant and the local planning authority”; and
- (b) in rule 8(14) (service of statements of case etc), after “starting date” add “or, where a pre-inquiry meeting has been held, within 7 weeks of the conclusion of that meeting”.

Amendment of the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (Wales) Rules 2003

6. The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (Wales) Rules 2003(6) are amended as follows—

- (a) in the definition of “starting date” in rule 2 (interpretation), for “2002” substitute “2003”;
- (b) in rule 4(1) (preliminary information to be supplied by local planning authority), for “inform the appellant and the local planning authority in writing that an inquiry is to be held” substitute “send a copy of the relevant notice to the appellant and the local planning authority”; and
- (c) in rule 6(14) (service of statements of case etc), after “starting date” add “or, where a pre-inquiry meeting has been held, within 7 weeks of the conclusion of that meeting”.

Amendment of the Town and Country Planning (Hearings Procedure) (Wales) Rules 2003

7. The Town and Country Planning (Hearings Procedure) (Wales) Rules 2003(7) are amended as follows—

- (a) in rule 2 (interpretation), for the definition of “starting date” substitute—
““starting date” means the date of the notice given by the Welsh Ministers under rule 3A or the date of the relevant notice, whichever is the later;”;

(4) S.I. 2003/1268.
(5) S.I. 2003/1269.
(6) S.I. 2003/1270.
(7) S.I. 2003/1271.

(b) after rule 3 (application of these Rules), insert—

“**3A.** When the Welsh Ministers have received all the documents they require to enable them to entertain the appeal, they must, as soon as practicable thereafter, give written notice of that fact to the local planning authority and the appellant.”; and

(c) in rule 4, before paragraph (1) (preliminary information to be supplied by the local planning authority) insert—

“(A) Where the Welsh Ministers propose to determine the appeal by holding a hearing, they must send a copy of the relevant notice to the local planning authority and the appellant.”.

Signed by authority of the Lord Chancellor

Date 26th July 2007

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make minor amendments to six sets of Rules.

Rule 2 amends the Town and Country Planning (Inquiries Procedure) (Wales) Rules 2003 ([S.I. 2003/1266](#)) by making the amendments set out in (a), (b), (c) and (d) below and by substituting a new definition of “starting date”.

Rule 3 amends the Town and Country Planning (Determination by Inspectors) (Inquiries Procedure) (Wales) Rules 2003 ([S.I. 2003/1267](#)) by making the amendments set out in (a), (b), (c) and (d) below and by substituting a new definition of “starting date”.

Rule 4 amends the Town and Country Planning (Enforcement) (Hearings Procedure) (Wales) Rules 2003 ([S.I. 2003/1268](#)) by making the amendment set out in (b) below.

Rule 5 amends the Town and Country Planning (Enforcement) (Inquiries Procedure) (Wales) Rules 2003 ([S.I. 2003/1269](#)) by making the amendments set out in (b) and (d) below.

Rule 6 amends the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (Wales) Rules 2003 ([S.I. 2003/1270](#)) by making the amendments set out in (b) and (d) below and by correcting a typographical error in the definition of “starting date”.

Rule 7 amends the Town and Country Planning (Hearings Procedure) (Wales) Rules 2003 ([S.I. 2003/1271](#)) by making the amendments set out in (a) and (b) below and by substituting a new definition of “starting date”.

These amendments —

- (a) place a duty on the Welsh Ministers (referred to in the original Rules as “the National Assembly for Wales” but now referred to as “the Welsh Ministers” in accordance with the terminology used to reflect the new devolved institutions established by the Government of Wales Act 2006) to notify the appellant and the local planning authority that they have received all the documents they require to enable them to entertain an appeal;
- (b) place a duty on the Welsh Ministers to notify the appellant and the local planning authority that the appeal is to be dealt with by holding a hearing or, as the case may be, an inquiry;
- (c) specify the period of time within which statements of case must be sent by the parties; and
- (d) specify, where a pre-inquiry meeting has been held, the period of time within which the exchange of representations between the parties must be completed.

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