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STATUTORY INSTRUMENTS

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**2002 No. 2685**

**The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002**

**Service of statements of case etc.**

6.—(1) The local planning authority shall, within 6 weeks of the starting date, serve 2 copies of their statement of case on the Secretary of State and, in the case of an enforcement appeal, a copy on any person on whom a copy of the enforcement notice has been served.

(2) The local planning authority shall include in their statement of case details of the time and place where the opportunity will be given to inspect and take copies described in paragraph (13).

(3) The appellant shall, within 6 weeks of the starting date, serve 2 copies of his statement of case on the Secretary of State and, in the case of an enforcement appeal, a copy on any person on whom a copy of the enforcement notice has been served.

(4) The Secretary of State shall, as soon as practicable after receipt, send a copy of the local planning authority's statement of case to the appellant and a copy of the appellant's statement of case to the local planning authority.

(5) The appellant and the local planning authority may in writing each require the other to send them a copy of any document, or the relevant part of any document, referred to in the list of documents comprised in that party's statement of case; and any such document, or relevant part, shall be sent, as soon as practicable, to the party who required it.

(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—

- (a) 3 copies of their statement of case on him within 4 weeks of being so required; and
- (b) in the case of an enforcement appeal, simultaneously, a copy of their statement of case on any person specified by the Secretary of State,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of each such statement of case to the local planning authority and to the appellant.

(7) The Secretary of State shall, as soon as practicable—

- (a) send to any person from whom he requires a statement of case in accordance with paragraph (6) a copy of the statements of case of the appellant and the local planning authority; and
- (b) inform that person of the name and address of every person to whom his statement of case is required to be sent.

(8) The Secretary of State may in writing require any person, who has served on him a statement of case in accordance with this rule, to provide such further information about the matters contained in the statement of case as he may specify and may specify the time within which the information shall be sent to him.

(9) A local planning authority or appellant required to provide further information, shall send within the time specified—

- (a) 2 copies of that information in writing to the Secretary of State; and

- (b) in the case of an enforcement appeal, a copy to any person on whom a copy of the enforcement notice has been served,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of the further information received from the local planning authority to the appellant and a copy of the further information received from the appellant to the local planning authority.

(10) Any other person required to provide further information shall send within the time specified—

- (a) 3 copies of that information in writing to the Secretary of State; and
- (b) in the case of an enforcement appeal, a copy to any person on whom a copy of the enforcement notice has been served,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of the further information to the local planning authority and the appellant.

(11) Any person other than the appellant who serves a statement of case on 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).

(12) The Secretary of State shall, as soon as practicable after receipt, send to the inspector any statement of case, document, further information and written comments sent to him in accordance with this rule and received by him within the relevant period, if any, specified in this rule.

(13) The local planning authority shall give any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of—

- (a) any statement of case, written comments, further information or other document a copy of which has been sent to the local planning authority in accordance with this rule; and
- (b) the local planning authority's completed questionnaire and statement of case together with a copy of any document, or of the relevant part of any document, referred to in the list comprised in that statement, and any written comments, information or other document sent by the local planning authority pursuant to this rule.

(14) If the local planning authority or the appellant wish to comment on another person's statement of case, they shall send within 9 weeks of the starting date—

- (a) 2 copies of their written comments to the Secretary of State; and
- (b) in the case of an enforcement appeal, a copy of their written comments to any person on whom a copy of the enforcement notice has been served,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of the written comments received from the appellant to the local planning authority and a copy of the written comments received from the local planning authority to the appellant.

(15) Any person, other than the local planning authority or the appellant, who serves a statement of case on the Secretary of State under this rule and who wishes to comment on another person's statement of case, shall send, not less than 4 weeks before the date fixed for the holding of the inquiry—

- (a) 3 copies of their written comments to the Secretary of State; and
- (b) in the case of an enforcement appeal, a copy of their written comments to any person on whom a copy of the enforcement notice has been served,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of the written comments to the local planning authority and to the appellant.