
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules set out the procedure to be followed in connection with local inquiries in Wales held by inspectors appointed by the National Assembly for Wales (“the National Assembly”) to determine appeals against—

- (a) enforcement notices under section 174 of the Town and Country Planning Act 1990;
- (b) the refusal or non-determination of an application for a certificate of lawful use or development under section 195 of that Act; and
- (c) listed building enforcement notices and conservation area enforcement notices under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The procedure for determination of such appeals to be determined by Inspectors and by the National Assembly for Wales (“the National Assembly”) was formerly set out in the Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 1992 (“the 1992 Rules”). The Town and Country Planning (Enforcement) (Inquiries Procedure) (Wales) Rules 2002 revoke the 1992 Rules in relation to Wales (the 1992 Rules were similarly revoked in relation to England by [S.I. 2002/2686](#)) and set out the procedure for such appeals where they are determined by the National Assembly. These Rules set out the procedure where such appeals are to be determined by inspectors.

The principal changes made by these Rules are set out below—

Rule 4(1) contains an additional requirement for the National Assembly to inform the appellant and the local planning authority that an inquiry is to be held and rule 4(2) additionally requires the local planning authority to return its completed questionnaires to the National Assembly within 2 weeks of the starting date.

Rule 6 requires the local planning authority and the appellant to serve 2 copies of their statement of case on the National Assembly and, in the case of an enforcement appeal, a copy on any person upon whom an enforcement notice was served, within 6 weeks of the starting date. It also provides for the statements of case to be copied by the National Assembly to the main parties and sets out time limits for the sending of further information and comments to the National Assembly.

Rule 7 provides that a pre-inquiry meeting must be held in the case of inquiries likely to last for 4 days or more unless the inspector considers it unnecessary. It also allows the inspector to ask parties at the pre-inquiry meeting for further information.

Rule 8 requires the inspector to prepare an inquiry timetable where the inquiry is likely to last for 4 days or more.

Rule 9 requires the date fixed for the holding of the inquiry to be not later than 20 weeks from the starting date, or the earliest practicable date after that.

Rule 11 allows Cadw (the Welsh Historic Monuments agency acting on behalf of the National Assembly) to take part in an inquiry where the inquiry relates to an appeal against an enforcement notice under section 38 of the Listed Buildings Act 1990 and, where an application for listed building consent had been properly made, the National Assembly would have been notified of the application by a direction given under a section 15 of the Listed Buildings Act 1990.

Rule 12 requires any person who proposes to give, or call or another to give, evidence at the inquiry to send particular information to the National Assembly at least 4 weeks before the inquiry.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 15 requires written statements of evidence to be sent to the National Assembly no later than 4 weeks before the inquiry and for the National Assembly to send these on to the inspector.

Rule 16 contains an additional requirement for the local planning authority and the appellant to prepare a statement of common ground and send it to the National Assembly and any person on whom an enforcement notice was served, at least 4 weeks before the inquiry.

Rule 17(2) provides that at the start of the inquiry the inspector will state what they consider to be the main issues to be considered at the inquiry and rule 17(5) allows any person on whom a copy of the enforcement notice was served to cross examine persons giving evidence. Rule 17(14) requires the inspector to be provided with a copy of closing submissions in writing before the close of the inquiry where the inquiry is expected to last for 4 days or more.

Rule 19(2) enables the inspector to disregard any evidence, submissions etc., received after the close of the inquiry.

Rule 20 requires the inspector to notify their decision in writing to the appellant, the local planning authority, all other persons entitled to, and who did, take part in the inquiry and any other person who did take part and asked to be notified of the decision.

Rule 23 allows the National Assembly to request additional copies of documents before the close of the inquiry.

There are also minor and drafting amendments.