
STATUTORY INSTRUMENTS

2005 No. 2115

The Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2005

Date and notification of inquiry

14.—(1) The date fixed by the Secretary of State for the holding of an inquiry shall be, unless he considers such a date impracticable, not later than 10 weeks after the conclusion of the pre-inquiry meeting.

(2) Where the Secretary of State considers it impracticable to fix a date in accordance with paragraph (1), the date fixed shall be the earliest date after the end of the period mentioned in that paragraph which he considers to be practicable.

(3) Unless the Secretary of State agrees a lesser period of notice with the applicant and the local planning authority, he shall give not less than 4 weeks' written notice of the date, time and place fixed by him for the holding of an inquiry to every person entitled to appear at the inquiry.

(4) The Secretary of State may vary the date fixed for the holding of an inquiry, whether or not the date as varied is within the period mentioned in paragraph (1); and paragraph (3) shall apply to a variation of a date as they applied to the date originally fixed.

(5) The Secretary of State may vary the time or place for the holding of an inquiry and shall give such notice of any variation as appears to him to be reasonable.

(6) The Secretary of State may in writing require the local planning authority to take one or more of the following steps—

- (a) not less than 2 weeks before the date fixed for the holding of an inquiry, to publish by local advertisement and in the London Gazette a notice of the inquiry;
- (b) to send a notice of the inquiry to such persons or classes of persons as he may specify, within such period as he may specify; or
- (c) to post a notice of the inquiry in such places near to the land, and within such period, as he may specify.

(7) Where the land is under the control of the applicant he shall—

- (a) if so required in writing by the Secretary of State, affix a notice of the inquiry firmly to the land or to some object on or near the land, in such manner as to be readily visible to and legible by members of the public; and
- (b) not remove the notice, or cause or permit it to be removed, for such period before the inquiry as the Secretary of State may specify.

(8) Every notice of inquiry published, sent or posted pursuant to paragraph (6), or affixed pursuant to paragraph (7), shall contain—

- (a) a clear statement of the date, time and place of the inquiry and of the powers enabling the Secretary of State to determine the application in question;
- (b) a written description of the land sufficient to identify approximately its location;
- (c) a brief description of the subject matter of the application; and

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- (d) details of where and when copies of any documents sent by and copied to the local planning authority pursuant to rule 11 may be inspected.
- (9) A written notice shall be taken to have been given by the Secretary of State for the purposes of paragraph (3) where he and any person entitled to appear at the inquiry have agreed that notice of the matters mentioned in that paragraph may instead be accessed by that person via a website, and—
 - (a) the notice is a notice to which that agreement applies;
 - (b) the Secretary of State has published that notice on the website; and
 - (c) not less than 4 weeks before the date fixed by the Secretary of State for the holding of the inquiry, the person is notified of—
 - (i) the publication of the notice on the website;
 - (ii) the address of the website; and
 - (d) the place on the website where the notice may be accessed, and how it may be accessed.