

SCHEDULE 1

Article 16

PART 1

“PART 13

DEVELOPMENT BY HIGHWAY AUTHORITIES

Class A

Permitted development

- A.** The carrying out by a highway authority—
- (a) on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b)(1) of the Act; or
 - (b) on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.

Class B

Permitted development

B. The carrying out by the Secretary of State of works in exercise of his functions under the Highways Act 1980(2), or works in connection with, or incidental to, the exercise of those functions.”

PART 2

“PART 34

DEVELOPMENT BY THE CROWN

Class A

Permitted development

- A.** The erection or construction and the maintenance, improvement or other alteration by or on behalf of the Crown of—
- (a) any small ancillary building, works or equipment on Crown land required for operational purposes;

(1) Section 55(2)(b) was amended by the Planning and Compulsory Purchase Act 2004 (c. 5), section 118 and paragraph 2 of Schedule 6.
(2) 1980 c. 66.

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- (b) lamp standards, information kiosks, passenger shelters, shelters and seats, telephone boxes, fire alarms, drinking fountains, refuse bins or baskets, barriers for the control of people and vehicles, and similar structures or works required in connection with the operational purposes of the Crown.

Interpretation of Class A

A.1 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

Class B

Permitted development

B. The extension or alteration by or on behalf of the Crown of an operational Crown building.

Development not permitted

B.1 Development is not permitted by Class B if—

- (a) the building as extended or altered is to be used for purposes other than those of—
 - (i) the Crown; or
 - (ii) the provision of employee facilities;
- (b) the height of the building as extended or altered would exceed the height of the original building;
- (c) the cubic content of the original building would be exceeded by more than—
 - (i) 10%, in respect of development on any article 1(5) land; or
 - (ii) 25%, in any other case;
- (d) the floor space of the original building would be exceeded by more than—
 - (i) 500 square metres in respect of development on any article 1(5) land; or
 - (ii) 1,000 square metres in any other case;
- (e) the external appearance of the original building would be materially affected;
- (f) any part of the building as extended or altered would be within 5 metres of any boundary of the curtilage of the original building; or
- (g) the development would lead to a reduction in the space available for the parking or turning of vehicles.

Interpretation of Class B

B.2 For the purposes of Class B—

- (a) the erection of any additional building within the curtilage of another building (whether by virtue of Class B or otherwise) and used in connection with it is to be treated as the extension of that building, and the additional building is not to be treated as an original building;
- (b) where two or more original buildings are within the same curtilage and are used for the same operational purposes, they are to be treated as a single original building in making any measurement;

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- (c) “employee facilities” means social, care or recreational facilities provided for employees or servants of the Crown, including crèche facilities provided for the children of such employees or servants.

Class C

Permitted development

C. Development carried out by or on behalf of the Crown on operational Crown land for operational purposes consisting of—

- (a) the installation of additional or replacement plant or machinery;
- (b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus; or
- (c) the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.

Development not permitted

C.1 Development described in Class C(a) is not permitted if—

- (a) it would materially affect the external appearance of the premises; or
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

Interpretation of Class C

C.2 In Class C, “Crown land” does not include land in or adjacent to and occupied together with a mine.

Class D

Permitted development

D. The provision by or on behalf of the Crown of a hard surface within the curtilage of an operational Crown building.

PART 35

AVIATION DEVELOPMENT BY THE CROWN

Class A

Permitted development

A. The carrying out on operational Crown land, by or on behalf of the Crown, of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at an airbase.

Development not permitted

A.1 Development is not permitted by Class A if it would consist of or include—

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- (a) the construction or extension of a runway;
- (b) the construction of a passenger terminal the floor space of which would exceed 500 square metres;
- (c) the extension or alteration of a passenger terminal, where the floor space of the building as existing at 7th June 2006 or, if built after that date, of the building as built, would be exceeded by more than 15%;
- (d) the erection of a building other than an operational building;
- (e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.

Condition

A.2 Development is permitted by Class A subject to the condition that the relevant airbase operator consults the local planning authority before carrying out any development, unless that development falls within the description in paragraph A.4.

Interpretation of Class A

A.3 For the purposes of paragraph A.1, floor space shall be calculated by external measurement and without taking account of the floor space in any pier or satellite.

A.4 Development falls within this paragraph if—

- (a) it is urgently required for the efficient running of the airbase, and
- (b) it consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building, or equipment do not exceed 4 metres in height or 200 cubic metres in capacity.

A.5 For the purposes of Class A, “operational building” means an operational Crown building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, military or civilian personnel, goods, military equipment, munitions and other items.

Class B

Permitted development

B. The carrying out on operational land within the perimeter of an airbase, by or on behalf of the Crown, of development in connection with the provision of air traffic services.

Class C

Permitted development

C. The carrying out on operational land outside but within 8 kilometres of the perimeter of an airbase, by or on behalf of the Crown, of development in connection with the provision of air traffic services.

Development not permitted

C.1 Development is not permitted by Class C if—

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- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;
- (b) any building erected would exceed a height of 4 metres; or
- (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast antenna or apparatus, if greater.

Class D

Permitted development

D. The carrying out on operational land, by or on behalf of the Crown, of development in connection with the provision of air traffic services.

Development not permitted

D.1 Development is not permitted by Class D if—

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;
- (b) any building erected would exceed a height of 4 metres; or
- (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.

Class E

Permitted development

E. The use of land by or on behalf of the Crown in an emergency to station moveable apparatus replacing unserviceable apparatus in connection with the provision of air traffic services.

Condition

E.1 Development is permitted by Class E subject to the condition that on or before the expiry of a period of six months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

Class F

Permitted development

F. The use of land by or on behalf of the Crown to provide services and facilities in connection with the provision of air traffic services and the erection or placing of moveable structures on the land for the purposes of that use.

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Condition

F.1 Development is permitted by Class F subject to the condition that, on or before the expiry of the period of six months beginning with the date on which the use began, the use shall cease, any structure shall be removed, and the land shall be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

Class G

Permitted development

G. The use of land by or on behalf of the Crown for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.

Condition

G.1 Development is permitted by Class G subject to the condition that on or before the expiry of the period of six months beginning with the date on which the use began, the use shall cease, any apparatus shall be removed, and the land shall be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

Class H

Permitted development

H. The use of buildings by or on behalf of the Crown within the perimeter of an airbase for purposes connected with air transport services or other flying activities at that airbase.

Interpretation of Part 35

I. For the purposes of Part 35—

“airbase” means the aggregate of the land, buildings and works comprised in a Government aerodrome within the meaning of article 155 of the Air Navigation Order 2005⁽³⁾; and

“air traffic services” has the same meaning as in section 98 of the Transport Act 2000⁽⁴⁾ (air traffic services).

⁽³⁾ S.I.2005/1970.

⁽⁴⁾ 2000 c. 38.

PART 36

CROWN RAILWAYS, DOCKYARDS ETC. AND LIGHTHOUSES

Class A

Permitted development

A. Development by or on behalf of the Crown on operational Crown land, required in connection with the movement of traffic by rail.

Development not permitted

A.1 Development is not permitted by Class A if it consists of or includes—

- (a) the construction of a railway;
- (b) the construction or erection of a hotel, railway station or bridge; or
- (c) the construction or erection otherwise than wholly within a railway station of an office, residential or educational building, car park, shop, restaurant, garage, petrol filling station or a building used for an industrial process.

Interpretation of Class A

A.2 For the purposes of Class A, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

Class B

Permitted development

B. Development by or on behalf of the Crown or its lessees on operational Crown land where the development is required—

- (a) for the purposes of shipping; or
- (b) at a dock, pier, pontoon or harbour in connection with the embarking, disembarking, loading, discharging or transport of military or civilian personnel, military equipment, munitions, or other items.

Development not permitted

B.1 Development is not permitted by Class B if it consists of or includes the construction or erection of a bridge or other building not required in connection with the handling of traffic.

Interpretation of Class B

B.2 For the purposes of Class B, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

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Class C

Permitted development

C. The use of any land by or on behalf of the Crown for the spreading of any dredged material resulting from a dock, pier, harbour, water transport, canal or inland navigation undertaking.

Class D

Permitted development

D. Development by or on behalf of the Crown on operational Crown land, or for operational purposes, consisting of—

- (a) the use of the land as a lighthouse, with all requisite works, roads and appurtenances;
- (b) the extension of, alteration, or removal of a lighthouse; or
- (c) the erection, placing, alteration or removal of a buoy or beacon.

Development not permitted

D.1 Development is not permitted by Class D if it consists of or includes the erection of offices, or the reconstruction or alteration of offices where their design or external appearance would be materially affected.

Interpretation of Class D

D.2 For the purposes of Class D—

- “buoys and beacons” includes all other marks and signs of the sea; and
- “lighthouse” includes any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signals.

PART 37

EMERGENCY DEVELOPMENT BY THE CROWN

Class A

Permitted development

A. Development by or on behalf of the Crown on Crown land for the purposes of—

- (a) preventing an emergency;
- (b) reducing, controlling or mitigating the effects of an emergency; or
- (c) taking other action in connection with an emergency.

Conditions

A.1 Development is permitted by Class A subject to the following conditions—

- (a) the developer shall, as soon as practicable after commencing development, notify the local planning authority of that development; and

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- (b) on or before the expiry of the period of six months beginning with the date on which the development began—
 - (i) any use of that land for a purpose of Class A shall cease and any buildings, plant, machinery, structures and erections permitted by Class A shall be removed; and
 - (iii) the land shall be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

Interpretation of Class A

A2.—(1) For the purposes of Class A, “emergency” means an event or situation which threatens serious damage to—

- (a) human welfare in a place in the United Kingdom;
- (b) the environment of a place in the United Kingdom; or
- (c) the security of the United Kingdom.

(2) For the purposes of paragraph (1)(a) an event or situation threatens damage to human welfare only if it involves, causes or may cause—

- (a) loss of human life;
- (b) human illness or injury;
- (c) homelessness;
- (d) damage to property;
- (e) disruption of a supply of money, food, water, energy or fuel;
- (f) disruption of a system of communication;
- (g) disruption of facilities for transport; or
- (h) disruption of services relating to health.

(3) For the purposes of paragraph (1)(b) an event or situation threatens damage to the environment only if it involves, causes or may cause—

- (a) contamination of land, water or air with biological, chemical or radio-active matter;
or
- (b) disruption or destruction of plant life or animal life.

PART 38

DEVELOPMENT FOR NATIONAL SECURITY PURPOSES

Class A

Permitted development

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure by or on behalf of the Crown on Crown land for national security purposes.

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Development not permitted

A.1 Development is not permitted by Class A if the height of any gate, fence, wall or other means of enclosure erected or constructed would exceed 4.5 metres above ground level.

Class B

Permitted development

B. The installation, alteration or replacement by or on behalf of the Crown on Crown land of a closed circuit television camera and associated lighting for national security purposes.

Development not permitted

B.1 Development is not permitted by Class B if—

- (a) the dimensions of the camera including its housing exceed 75 centimetres by 25 centimetres by 25 centimetres;
- (b) the uniform level of lighting provided exceeds 10 lux measured at ground level.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- (a) the camera shall, so far as practicable, be sited so as to minimise its effect on the external appearance of any building to which it is fixed;
- (b) the camera shall be removed as soon as reasonably practicable after it is no longer required for national security purposes.

Interpretation of Class B

B.3 For the purposes of Class B—

“camera” except in paragraph B1(a) includes its housing, pan and tilt mechanism, infra red illuminator, receiver, mountings and brackets; and

“ground level” means the level of the surface of the ground immediately adjacent to the building to which the camera is attached or, where the level of the surface of the ground is not uniform, the level of the lowest part of the surface of the ground adjacent to it.

Class C

Permitted development

C. Development by or on behalf of the Crown for national security purposes in, on, over or under Crown land, consisting of—

- (a) the installation, alteration or replacement of any electronic communications apparatus;
- (b) the use of land in an emergency for a period not exceeding six months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use; or
- (c) development ancillary to radio equipment housing.

Development not permitted

C.1 Development is not permitted by Class C(a) if—

- (a) in the case of the installation of apparatus (other than on a building) the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;
- (b) in the case of the alteration or replacement of apparatus already installed (other than on a building), the apparatus, excluding any antenna, would, when altered or replaced, exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;
- (c) in the case of the installation, alteration or replacement of apparatus on a building, the height of the apparatus (taken by itself) would exceed the height of the existing apparatus or—
 - (i) 15 metres, where it is installed, or is to be installed, on a building which is 30 metres or more in height; or
 - (ii) 10 metres in any other case,whichever is the greater;
- (d) in the case of the installation, alteration or replacement of apparatus on a building, the highest part of the apparatus when installed, altered or replaced would exceed the height of the highest part of the building by more than the height of the existing apparatus or—
 - (i) 10 metres, where it is installed, or is to be installed, on a building which is 30 metres or more in height;
 - (ii) 8 metres, in the case of a building which is more than 15 metres but less than 30 metres in height; or
 - (iii) 6 metres in any other case.whichever is the greater;
- (e) in the case of the installation, alteration or replacement of apparatus (other than an antenna) on a mast, the height of the mast and the apparatus supported by it would, when the apparatus was installed, altered or replaced, exceed any relevant height limit specified in respect of apparatus in paragraphs C.1(a), (b), (c) and (d), and for the purposes of applying the limit specified in sub-paragraph (c), the words “(taken by itself)” shall be disregarded;
- (f) in the case of the installation, alteration or replacement of any apparatus other than—
 - (i) a mast;
 - (ii) an antenna;
 - (iii) any apparatus which does not project above the level of the surface of the ground; or
 - (iv) radio equipment housing,the ground or base area of the structure would exceed the ground or base area of the existing structure or 1.5 square metres, whichever is the greater;
- (g) in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is less than 15 metres in height; on a mast located on such a building; or, where the antenna is to be located below a height of 15 metres above ground level, on a building (other than a mast) which is 15 metres or more in height—
 - (i) the antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located, unless it

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is essential for operational purposes that the antenna is located in that position;
or

- (ii) in the case of dish antennas, the size of any dish would exceed the size of the existing dish when measured in any dimension or 1.3 metres when measured in any dimension, whichever is the greater;
- (h) in the case of the installation, alteration or replacement of a dish antenna on a building (other than a mast) which is 15 metres or more in height, or on a mast located on such a building, where the antenna is located at a height of 15 metres or above, measured from ground level the size of any dish would exceed the size of the existing dish when measured in any dimension or 1.3 metres when measured in any dimension, whichever is the greater;
- (i) in the case of the installation of a mast, on a building which is less than 15 metres in height, such a mast would be within 20 metres of a highway, unless it is essential for operational purposes that the mast is installed in that position;
- (j) in the case of the installation, alteration or replacement of radio equipment housing—
 - (i) the development is not ancillary to the use of any other electronic communications apparatus; or
 - (ii) the development would exceed 90 cubic metres or, if located on the roof of a building, the development would exceed 30 cubic metres.

C.2. Development consisting of the installation of apparatus is not permitted by Class C(a) on article 1(5) land unless—

- (a) the land on which the apparatus is to be installed is, or forms part of, a site on which there is existing electronic communication apparatus;
- (b) the existing apparatus was installed on the site on or before the relevant day; and
- (c) the site was Crown land on the relevant day.

C.3.—(1) Subject to paragraph (2), development is not permitted by Class C(a) if it will result in the installation of more than one item of apparatus (“the original apparatus”) on a site in addition to any item of apparatus already on that site on the relevant day.

(2) In addition to the original apparatus which may be installed on a site by virtue of Class C(a), for every four items of apparatus which existed on that site on the relevant day, one additional item of small apparatus may be installed.

(3) In paragraph (2), “small apparatus” means—

- (a) a dish antenna, other than on a building, not exceeding 5 metres in diameter and 7 metres in height;
- (b) an antenna, other than a dish antenna and other than on a building, not exceeding 7 metres in height;
- (c) a hard standing or other base for any apparatus described in sub-paragraphs (a) and (b), not exceeding 7 metres in diameter;
- (d) a dish antenna on a building, not exceeding 1.3 metres in diameter and 3 metres in height;
- (e) an antenna, other than a dish antenna, on a building, not exceeding 3 metres in height;
- (f) a mast on a building, not exceeding 3 metres in height;
- (g) equipment housing not exceeding 3 metres in height and of which the area, when measured at ground level, does not exceed 9 square metres.

Conditions

C.4.—(1) Class C(a) and Class C(c) development is permitted subject to the condition that any antenna or supporting apparatus, radio equipment housing or development ancillary to radio equipment housing constructed, installed, altered or replaced on a building in accordance with that permission shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.

(2) Class C(a) development consisting of the installation of any additional apparatus on article 1(5) land is permitted subject to the condition that the apparatus shall be installed as close as is reasonably practicable to any existing apparatus.

(3) Class C(b) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall, at the expiry of the relevant period be removed from the land and the land restored to its condition before the development took place.

(4) Class C development—

- (a) on article 1(5) land or land which is, or is within, a site of special scientific interest; or
- (b) on any other land and consisting of the construction, installation, alteration or replacement of a mast; or of an antenna on a building or structure (other than a mast) where the antenna (including any supporting structure) would exceed the height of the building or structure at the point where it is installed or to be installed by 4 metres or more; or of radio equipment housing with a volume in excess of 2.5 cubic metres; or of development ancillary to radio equipment housing—

is permitted subject, except in case of emergency, to the conditions set out in C.5.

C.5.—(1) The developer shall, before commencing development, give notice of the proposed development to any person (other than the developer) who is an owner or tenant of the land to which the development relates—

- (a) by serving the appropriate notice on every such person whose name and address is known to him; and
- (b) where he has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by local advertisement.

(2) Where the proposed development consists of the installation of a mast within 3 kilometres of the perimeter of an aerodrome, the developer shall, before commencing development, notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate.

Interpretation of Class C

C.6 For the purposes of Class C—

“aerodrome operator” means the person who is for the time being responsible for the management of the aerodrome;

“development ancillary to radio equipment housing” means the construction, installation, alteration or replacement of structures, equipment or means of access which are ancillary to and reasonably required for the purposes of the radio equipment housing;

“appropriate notice” means a notice signed and dated by or on behalf of the developer and containing—

- (a) the name of the developer;
- (b) the address or location of the proposed development;

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(c) a description of the proposed development (including its siting and appearance and the height of any mast);

“local advertisement” means by publication of the notice in a newspaper circulating in the locality in which the land to which the proposed development relates is situated;

“mast” means a radio mast or a radio tower;

“owner” means any person who is the estate owner in respect of the fee simple, or who is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired;

“relevant day” means—

(a) 7th June 2006; or

(b) where apparatus is installed pursuant to planning permission granted on or after 7th June 2006, the date when that apparatus is finally installed pursuant to that permission,

whichever is later;

“relevant period” means a period which expires—

(a) six months from the commencement of the construction, installation, alteration or replacement of any apparatus or structure permitted by Class C(a) or Class C(c) or from the commencement of the use permitted by Class C(b), as the case may be; or

(b) when the need for such apparatus, structure or use ceases,

whichever occurs first; and

“tenant” means the tenant of an agricultural holding any part of which is comprised in the land to which the proposed development relates.”

SCHEDULE 2

Article 24

MODIFICATIONS TO THE TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000

“SCHEDULE

Rule 23A

PART 1

MODIFICATIONS WHERE NATIONAL SECURITY DIRECTION GIVEN

Interpretation

1. In rule 2(1)—

(a) after the definition of “applicant” insert—

““appointed representative” means a person appointed under—

(a) section 321(5) or (6) of the Planning Act; or

(b) paragraph 6A(1) or (2) of Schedule 3 to the Listed Buildings Act;”;

(b) after the definition of “assessor” insert—

““closed evidence” means evidence which is subject to a security direction;”;

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- (c) after the definition of “the 1992 Rules” insert—
 - “security direction” means a direction given by the Secretary of State under—
 - (a) section 321(3) of the Planning Act (matters related to national security); or
 - (b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act (matters related to national security);”;
- (d) in the definition of “statement of common ground” after “local planning authority” insert “, or appointed representative, as the case may be,”.

Procedure where Secretary of State causes a pre-inquiry meeting to be held

- 2. In rule 5—
 - (a) for paragraph (3) substitute—

“(3) The Secretary of State shall, as soon as practicable after receipt, send a copy of the local planning authority’s outline statement to the applicant, a copy of the applicant’s outline statement to the appointed representative and a copy of the applicant’s open outline statement to the local planning authority.

(3A) In this rule “open outline statement” means such part (if any) of an outline statement as does not include or refer to closed evidence.”;
 - (b) in paragraph (5) after “statement to him,” insert “and the open outline statement to”; and
 - (c) after paragraph (5) insert—

“(5A) The Secretary of State shall, as soon as practicable after receipt, send to the appointed representative any outline statement received in accordance with paragraph (5).”.

Receipt of statement of case etc

- 3. In rule 6—
 - (a) in paragraph (3) for “copy of their statement of case” substitute “copy of their open statement”;
 - (b) in paragraph (4) for “statement of case to the local planning authority” substitute “open statement to the local planning authority”;
 - (c) in paragraph (6)—
 - (i) in sub-paragraph (b) for “statement of case” substitute “open statement”;
 - (ii) for “send a copy of each such statement of case” substitute “send a copy of any open statement received by him in accordance with sub-paragraph (a)”;
 - (d) in paragraph (7)—
 - (i) in sub-paragraph (a) for “statements of case of the applicant and the local planning authority” substitute “open statement of the applicant and the statement of case of the local planning authority”;
 - (ii) in sub-paragraph (b) for “statement of case” substitute “open statement”;
 - (e) in paragraph (16) after “inspector” insert “and appointed representative”; and
 - (f) after paragraph (16) insert—

“(17) For the purposes of this rule “open statement” means such part (if any) of a statement of case as does not include or refer to closed evidence.”.

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Appearances at inquiry

4. In rule 11(1) after sub-paragraph (a) insert—
“(aa) the appointed representative;”.

Proofs of evidence

5. In rule 13—
- (a) in paragraph (1) for “Any person” substitute “Subject to paragraph (1A), any person”; and
- (b) after paragraph (1) insert—
“(1A) Paragraph (1B) applies where the proof of evidence includes or refers to closed evidence.
(1B) Where this paragraph applies, any person entitled to appear at an inquiry, who proposes to give, or to call another person to give evidence at the inquiry by reading a proof of evidence, shall—
(a) send to the Secretary of State 2 copies, in the case of the local planning authority and the applicant, or 3 copies in the case of any other person, of—
(i) the proof of evidence including closed evidence together with any written summary of it;
(ii) the proof of evidence excluding closed evidence (“the open proof”) together with any written summary of it; and
(b) simultaneously send copies of the open proof and any written summary of it to any statutory party,
and the Secretary of State shall, as soon as practicable after receipt, send a copy of each open proof together with any written summary of it to the local planning authority and the applicant.”;
- (c) in paragraph (4) after “inspector” insert “and appointed representative”; and
- (d) in paragraph (5) after “paragraph (1)” insert “or (1B)”.

Statement of common ground

6. In rule 14—
- (a) in paragraph (1)(a) after “ground” insert “insofar as it does not relate to closed evidence”; and
- (b) after paragraph (3) insert—
“(4) Where the application or appeal is made by or on behalf of the Crown, the appointed representative and the applicant shall—
(a) together prepare an agreed statement of common ground insofar as it relates to closed evidence; and
(b) ensure that the Secretary of State receives it not less than 4 weeks before the date fixed for the holding of the inquiry.”.

Site inspections

7. In rule 16—
- (a) in paragraph (1) for “The inspector” substitute “Subject to paragraph (1A), the inspector”; and
- (b) after paragraph (1) insert—

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- “(1A) Paragraph (1) does not apply where a site inspection will involve inspection of closed evidence.”;
- (c) in paragraph (2) for “During” substitute “Subject to paragraph (2A), during”;
- (d) after paragraph (2) insert—
- “(2A) Where an accompanied site inspection will involve the inspection of closed evidence, paragraph (2) does not apply and the inspector—
- (a) may inspect the land in the company of the applicant and the appointed representative, where one has been appointed; and
- (b) shall make such an inspection if so requested by the applicant or the appointed representative before or during an inquiry.”; and
- (e) in paragraph (4) after “paragraph (2)” insert “or (2A)”.

Procedure after inquiry

8. In rule 17—
- (a) after paragraph (3) insert—
- “(3A) Where closed evidence was considered at the inquiry—
- (a) the inspector and assessor, where one has been appointed, shall set out in a separate part (“the closed part”) of their reports any description of that evidence together with any conclusions or recommendations in relation to that evidence; and
- (b) where an assessor has been appointed, the inspector shall append the closed part of the assessor’s report to the closed part of his own report and shall state in the closed part of his own report how far he agrees or disagrees with the closed part of the assessor’s report and, where he disagrees with the assessor, his reasons for that disagreement.”;
- (b) at the beginning of paragraph (5) insert “Subject to paragraph (5A)”;
- (c) after paragraph (5) insert—
- “(5A) Where the Secretary of State differs from the inspector on any matter of fact mentioned in, or appearing to him to be material to, a conclusion reached by the inspector in relation to a matter in respect of which closed evidence has been given, the notification referred to in paragraph (5) shall include the reasons for the Secretary of State’s disagreement unless—
- (a) the notification is addressed to a person who is neither the appointed representative nor any person specified, or of a description specified, in the security direction; and
- (b) inclusion of the reasons would disclose any part of the closed evidence.”.

Notification of decision

9. In rule 18—
- (a) in paragraph (1) for “the Secretary of State” substitute “Subject to paragraph (1B), the Secretary of State”;
- (b) after paragraph (1A) insert—
- “(1B) Where the Secretary of State’s reasons for a decision relate to matters in respect of which closed evidence has been given, nothing in paragraph (1) requires the Secretary of State to notify those reasons to any person other than—

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- (a) the appointed representative; or
- (b) a person specified, or of any description specified, in the security direction.”;
- (c) in paragraph (2) for “Where a copy” substitute “Subject to paragraph (2A), where a copy”; and
- (d) after paragraph (2) insert—
 - “(2A) Nothing in paragraph (2) requires the disclosure of the closed part of the inspector’s report referred to in rule 17(2A) to a person other than—
 - (a) the appointed representative; or
 - (b) a person specified, or of any description specified, in the security direction.”.

Procedure following quashing of decision

- 10. In rule 19—
 - (a) at the beginning of sub-paragraph (a) of paragraph (1) insert “subject to paragraph (1A)”; and
 - (b) after paragraph (1) insert—
 - “(1A) Where the matters referred to in paragraph (1)(a) will involve consideration of closed evidence, the Secretary of State shall only send the written statement to—
 - (a) the appointed representative; and
 - (b) a person specified, or of any description specified, in the security direction.”.

Closed evidence not to be disclosed

- 11. After rule 22A insert—
 - “**Closed evidence not to be disclosed**
 - 22B.** Nothing in these Rules shall be taken to require or permit closed evidence to be disclosed to a person other than—
 - (a) the Secretary of State;
 - (b) the appointed representative; or
 - (c) a person specified, or of any description specified, in the security direction.”

PART 2

**MODIFICATIONS FOR URGENT CROWN DEVELOPMENT
OR URGENT WORKS AFFECTING CROWN LAND**

Interpretation

- 1. In rule 2(1) in paragraph (a) of the definition of “statutory party” after “in determining the” insert “application,”.

Application of Rules

- 2. In rule 3—
 - (a) after paragraph (1)(a) insert—

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- “(aa) an application for planning permission made to the Secretary of State under section 293A(5) of the Planning Act (urgent Crown development);”;
- and
- (b) after paragraph (1)(b) insert—
 - “(bb) an application for listed building consent made to the Secretary of State under section 82B(6) of the Listed Buildings Act (urgent works relating to Crown land);”.

Preliminary information to be supplied

3. For rule 4 substitute—

“Preliminary information to be supplied by the Secretary of State

4.—(1) The Secretary of State shall, as soon as practicable after the date of the relevant notice inform the applicant and the local planning authority in writing of the name and address of any statutory party who has made representations to him.

(2) This paragraph applies where—

- (a) any Minister of the Crown (other than the Secretary of State), any government department, or any body falling within rule 11(1)(c), has expressed in writing to the Secretary of State the view that the application should not be granted either wholly or in part, or should be granted subject only to conditions; or
- (b) any person consulted in pursuance of a development order has made representations to the Secretary of State about the application.

(3) Where paragraph (2) applies, the Secretary of State shall forthwith after the date of the relevant notice inform the person concerned of the inquiry and, unless they have already done so, that person shall thereupon give the Secretary of State a written statement of the reasons for expressing the view or making the representations, as the case may be.”.

Procedure where Secretary of State causes pre-inquiry meeting to be held

4. In rule 5—

- (a) in paragraph (2)(d) for “8” substitute “6”;
- (b) in paragraph (5) for “4” substitute “3”;
- (c) in paragraph (6) for “16” substitute “10”;
- (d) in paragraph (7) for “3” substitute “2”; and
- (e) in paragraph (10) for “4” substitute “3”.

Receipt of statements of case etc

5. In rule 6—

- (a) in paragraph (1)(a) for “6” substitute “4”;
- (b) in paragraph (1)(b) for “4” substitute “3”;
- (c) in paragraph (3)(a) for “6” substitute “4”;
- (d) in paragraph (3)(b) for “4” substitute “3”;
- (e) in paragraph (6)(a) for “4” substitute “3”;

(5) Section 293A was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 82(1).

(6) Section 82B was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 82(2).

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- (f) in paragraph (12) for “12” substitute “8”;
- (g) in paragraph (14) for “9” substitute “6”; and
- (h) in paragraph (15) for “4” substitute “3”.

Date and notification of inquiry

- 6. In rule 10—
 - (a) in paragraph (1)(a) for “22” substitute “14”;
 - (b) in paragraph (1)(b) for “8” substitute “5”; and
 - (c) in paragraph (6)—
 - (i) omit “in writing require the local planning authority to”;
 - (ii) in sub-paragraph (a) omit “to”;
 - (iii) in sub-paragraphs (b) and (c) omit the first “to” in each place.

Proofs of evidence

- 7. In rule 13(3)(a) for “4” substitute “3”.

SCHEDULE 3

Article 26

MODIFICATIONS TO THE TOWN AND COUNTRY PLANNING (MAJOR INFRASTRUCTURE PROJECT INQUIRIES PROCEDURE) (ENGLAND) RULES 2002

“SCHEDULE

Rule 25A

MODIFICATIONS WHERE NATIONAL SECURITY DIRECTION GIVEN

Interpretation

- 1. In rule 2—
 - (a) after the definition of “applicant” insert—
 - ““appointed representative” means a person appointed under—
 - (a) section 321(5) or (6) of the Planning Act; or
 - (b) paragraph 6A(1) or (2) of Schedule 3 to the Listed Buildings Act;”;
 - (b) after the definition of “by local advertisement” insert—
 - ““closed evidence” means evidence which is subject to a security direction;”;
 - (c) after the definition of “the 2000 Rules” insert—
 - ““security direction” means a direction given by the Secretary of State under—
 - (a) section 321(3) of the Planning Act (matters related to national security); or
 - (b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act (matters related to national security);”;
 - (d) in the definition of “statement of common ground” after “local planning authority” insert “, or appointed representative, as the case may be,”.

Procedure for pre-inquiry and other meetings

2. In rule 6—

(a) for paragraph (3) substitute—

“(3) The Secretary of State shall, as soon as practicable after receipt, send a copy of the local planning authority’s outline statement to the applicant, a copy of the applicant’s outline statement to the appointed representative and a copy of the applicant’s open outline statement to the local planning authority.

(3A) In this rule “open outline statement” means such part (if any) of an outline statement as does not include or refer to closed evidence.”;

(b) in paragraph (5) after “statement to him,” insert “and the open outline statement to”; and

(c) after paragraph (5) insert—

“(5A) The Secretary of State shall, as soon as practicable after receipt, send to the appointed representative any outline statement received in accordance with paragraph (5).”.

Receipt of statements of case etc

3. In rule 7—

(a) in paragraph (1) after “one copy” insert “of the local planning authority’s statement of case and one copy of the applicant’s open statement”;

(b) in paragraph (3) for “applicant’s statement of case” substitute “applicant’s open statement”;

(c) in paragraph (5)—

(i) in sub-paragraph (b) for “statement of case” substitute “open statement”;

(ii) for “send a copy of each such statement of case” substitute “send a copy of any open statement received by him in accordance with sub-paragraph (a)”;

(d) in paragraph (6)—

(i) in sub-paragraph (a) for “statements of case of the applicant and the local planning authority” substitute “open statement of the applicant and the statement of case of the local planning authority”;

(ii) in sub-paragraph (b) for “statement of case” substitute “open statement”;

(e) in paragraph (15) after “inspector” insert “and appointed representative”; and

(f) after paragraph (15) insert—

“(16) For the purposes of this rule “open statement” means such part (if any) of a statement of case as does not include or refer to closed evidence.”.

Appearances at inquiry

4. In rule 13(1) after sub-paragraph (a) insert—

“(aa) the appointed representative;”.

Proofs of evidence

5. In rule 15—

(a) in paragraph (1) for “Any person” substitute “Subject to paragraph (1A), any person”; and

(b) after paragraph (1) insert—

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“(1A) Paragraph (1B) applies where the proof of evidence includes or refers to closed evidence.

(1B) Where this paragraph applies, any person entitled to appear at an inquiry, who proposes to give, or to call another person to give evidence at the inquiry by reading a proof of evidence, shall—

- (a) send to the Secretary of State 2 copies, in the case of the local planning authority and the applicant, or 3 copies in the case of any other person, of—
 - (i) the proof of evidence including closed evidence together with any written summary of it;
 - (ii) the proof of evidence excluding closed evidence (“the open proof”) together with any written summary of it; and
- (b) simultaneously send copies of the open proof and any written summary of it to any statutory party,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of each open proof together with any written summary of it to the local planning authority and the applicant.”;

- (c) in paragraph (4) after “inspector” insert “and appointed representative”;
- (d) in paragraph (5) after “paragraph (1)” insert “or (1B)”.

Statement of common ground

6. In rule 16—

- (a) in paragraph (1)(a) after “ground” insert “insofar as it does not relate to closed evidence”; and
- (b) after paragraph (2) insert—

“(3) Where the appeal or application is made by or on behalf of the Crown, the appointed representative and the applicant shall—

 - (a) together prepare an agreed statement of common ground insofar as it relates to closed evidence; and
 - (b) ensure that the Secretary of State receives it not less than 4 weeks before the date fixed for the holding of the inquiry.”.

Site inspections

7. In rule 18—

- (a) in paragraph (1) for “the inspector” substitute “Subject to paragraph (1A), the inspector”;
- (b) after paragraph (1) insert—

“(1A) Paragraph (1) does not apply where a site inspection will involve the inspection of closed evidence.”;
- (c) in paragraph (2) for “During” substitute “Subject to paragraph (2A), during”;
- (d) after paragraph (2) insert—

“(2A) Where an accompanied site inspection will involve the inspection of closed evidence, paragraph (2) does not apply and the inspector—

 - (a) may inspect the land in the company of the applicant and the appointed representative, where one has been appointed; and

- (b) shall make such an inspection if so requested by the applicant or the appointed representative before or during an inquiry.”; and
- (e) in paragraph (4) after “paragraph (2)” insert “or (2A)”.

Procedure after inquiry

8. In rule 19—

- (a) after paragraph (4) insert—
 - “(4A) Where closed evidence was considered at the inquiry—
 - (a) the inspector and assessor, where one has been appointed, shall set out in a separate part (“the closed part”) of their reports any description of that evidence together with any conclusions or recommendations in relation to that evidence; and
 - (b) where an assessor has been appointed, the inspector shall append the closed part of the assessor’s report to the closed part of his own report and shall state in the closed part of his own report how far he agrees or disagrees with the closed part of the assessor’s report and, where he disagrees with the assessor, his reasons for that disagreement.”;
- (b) at the beginning of paragraph (6) insert “Subject to paragraph (6A)”;
- (c) after paragraph (6) insert—
 - “(6A) Where the Secretary of State differs from the inspector on any matter of fact mentioned in, or appearing to him to be material to, a conclusion reached by the inspector in relation to a matter in respect of which closed evidence has been given, the notification referred to in paragraph (6) shall include the reasons for the Secretary of State’s disagreement unless—
 - (a) the notification is addressed to a person who is neither the appointed representative nor any person specified, or of a description specified, in the security direction; and
 - (b) inclusion of the reasons would disclose any part of the closed evidence.”.

Notification of decision

9. In rule 20—

- (a) in paragraph (1) for “The Secretary of State” substitute “Subject to paragraph (1A), the Secretary of State”;
- (b) after paragraph (1) insert—
 - “(1A) Where the Secretary of State’s reasons for a decision relate to matters in respect of which closed evidence has been given, nothing in paragraph (1) requires the Secretary of State to notify those reasons to any person other than—
 - (a) the appointed representative; or
 - (b) a person specified, or of any description specified, in the security direction.”;
- (c) in paragraph (2) for “Where a copy” substitute “Subject to paragraph (2A), where a copy”;
- (d) after paragraph (2) insert—
 - “(2A) Nothing in paragraph (2) requires the disclosure of the closed part of the inspector’s report referred to in rule 19(3A) to a person other than—

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- (a) the appointed representative; or
- (b) a person specified, or of any description specified, in the security direction.”.

Procedure following quashing of decision

10. In rule 21—

- (a) at the beginning of sub-paragraph (a) of paragraph (1) insert “subject to paragraph (1A)”; and
- (b) after paragraph (1) insert—
 - “(1A) Where the matters referred to in paragraph (1)(a) will involve consideration of closed evidence, the Secretary of State shall only send the written statement to—
 - (a) the appointed representative; and
 - (b) such other persons or persons of such description as are specified in the direction.”.

Closed evidence not to be disclosed

11. After rule 24 insert—

“Closed evidence not to be disclosed

24A. Nothing in these Rules shall be taken to require or permit closed evidence to be disclosed to a person other than—

- (a) the Secretary of State;
- (b) the appointed representative; or
- (c) a person specified, or of any description specified in the security direction.”.

SCHEDULE 4

Article 34

MODIFICATIONS TO THE TOWN AND COUNTRY PLANNING (ENFORCEMENT) (INQUIRIES PROCEDURE) (ENGLAND) RULES 2002

“SCHEDULE

Rule 25B

MODIFICATIONS WHERE NATIONAL SECURITY DIRECTION GIVEN

Interpretation

1. In rule 2(1)—

- (a) before the definition of “assessor” insert—
 - ““appointed representative” means a person appointed under—
 - (a) section 321(5) or (6) of the Planning Act; or
 - (b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act;”;
- (b) after the definition of “certificate of lawful use or development” insert—
 - ““closed evidence” means evidence which is subject to a security direction;”;
- (c) after the definition of “relevant notice” insert—

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- “security direction” means a direction given by the Secretary of State under—
- (a) section 321(3) of the Planning Act (matters related to national security); or
 - (b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act (matters related to national security); and
- (d) in the definition of “statement of common ground” after “local planning authority” insert “, or appointed representative, as the case may be,”.

Procedure where pre-inquiry meeting is to be held

2. In rule 6—

- (a) for paragraph (3) substitute—

“(3) The Secretary of State shall, as soon as practicable after receipt, send a copy of the local planning authority’s outline statement to the appellant, a copy of the appellant’s outline statement to the appointed representative and a copy of the appellant’s open outline statement to the local planning authority.

(3A) In this rule “open outline statement” means such part (if any) of an outline statement as does not include or refer to closed evidence.”;
- (b) in paragraph (4) after “statement to him” insert “and the open outline statement to”;
- (c) in paragraph (5) after “outline” insert “, or outline open,”; and
- (d) after paragraph (5) insert—

“(5A) The Secretary of State shall, as soon as practicable after receipt, send a copy of any outline statement received in accordance with paragraph (4) to the appointed representative.”.

Service of statements of case etc

3. In rule 8—

- (a) in paragraph (3) for “copy on any person” substitute “copy of their open statement on any person”;
- (b) in paragraph (4) for “statement of case to the local planning authority” substitute “open statement to the local planning authority”;
- (c) in paragraph (6)—
 - (i) in sub-paragraph (b) for “statement of case” substitute “open statement”;
 - (ii) for “send a copy of each such statement of case” substitute “send a copy of any open statement received by him in accordance with sub-paragraph (a)”;
- (d) in paragraph (7)—
 - (i) in sub-paragraph (a) for “statements of case of the appellant and the local planning authority” substitute “open statement of the appellant and the statement of case of the local planning authority”;
 - (ii) in sub-paragraph (b) for “statement of case” substitute “open statement”;
- (e) in paragraph (16) after “inspector” insert “and appointed representative”; and
- (f) after paragraph (16) insert—

“(17) For the purposes of this rule “open statement” means such part (if any) of a statement of case as does not include or refer to closed evidence.”.

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Appearances at inquiry

4. In rule 13(1) after sub-paragraph (a) insert—
“(aa) the appointed representative;”.

Proofs of evidence

5. In rule 16—
- (a) in paragraph (1) for “Any person” substitute “Subject to rule (1A), any person”;
- (b) after paragraph (1) insert—
“(1A) Paragraph (1B) applies where the proof of evidence includes or refers to closed evidence.
(1B) Where this paragraph applies, any person entitled to appear at an inquiry, who proposes to give, or to call another person to give evidence at the inquiry by reading a proof of evidence, shall—
(a) send to the Secretary of State 2 copies, in the case of the local planning authority and the appellant, or 3 copies in the case of any other person, of—
(i) the proof of evidence including closed evidence together with any written summary of it;
(ii) the proof of evidence excluding closed evidence (“the open proof”) together with any written summary of it; and
(b) simultaneously send copies of the open proof and any written summary of it to any statutory party,
and the Secretary of State shall, as soon as practicable after receipt, send a copy of each open proof together with any written summary of it to the local planning authority and the appellant.”;
- (c) in paragraph after “inspector” insert “and appointed representative”; and
- (d) in paragraph (5) after “paragraph (1)” insert “or (1B)”.

Statement of common ground

6. In rule 17—
- (a) in paragraph (1) after “ground” insert “insofar as it does not relate to closed evidence”; and
- (b) after paragraph (3) insert—
“(4) Where the appeal is made by or on behalf of the Crown, the appointed representative and the appellant shall—
(a) together prepare an agreed statement of common ground insofar as it relates to closed evidence; and
(b) ensure that the Secretary of State receives it not less than 4 weeks before the date fixed for the holding of the inquiry.”.

Site inspections

7. In rule 19—
- (a) in paragraph (1) for “The inspector” substitute “Subject to paragraph (1A), the inspector”;
- (b) after paragraph (1) insert—

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- “(1A) Paragraph (1) does not apply where a site inspection will involve the inspection of closed evidence.”;
- (c) in paragraph (2) for “During” substitute “Subject to paragraph (2A), during”;
- (d) after paragraph (2) insert—
- “(2A) Where an accompanied site inspection will involve the inspection of closed evidence, paragraph (2) does not apply and the inspector—
- (a) may inspect the land in the company of the appellant and the appointed representative, where one has been appointed; and
- (b) shall make such an inspection if so requested by the appellant or the appointed representative before or during an inquiry.”; and
- (e) in paragraph (4) after “paragraph (2)” insert “or (2A)”.

Procedure after inquiry

8. In rule 20—
- (a) after paragraph (3) insert—
- “(3A) Where closed evidence was considered at the inquiry—
- (a) the inspector and assessor, where one has been appointed, shall set out in a separate part (“the closed part”) of their reports any description of that evidence together with any conclusions or recommendations in relation to that evidence; and
- (b) where an assessor has been appointed, the inspector shall append the closed part of the assessor’s report to the closed part of his own report and shall state in the closed part of his own report how far he agrees or disagrees with the closed part of the assessor’s report and, where he disagrees with the assessor, his reasons for that disagreement.”;
- (b) at the beginning of paragraph (5) insert “Subject to paragraph (5A)”;
- (c) after paragraph (5) insert—
- “(5A) Where the Secretary of State differs from the inspector on any matter of fact mentioned in, or appearing to him to be material to, a conclusion reached by the inspector in relation to closed evidence, the notification referred to in paragraph (5) shall include the reasons for the Secretary of State’s disagreement unless—
- (a) the notification is addressed to a person who is neither the appointed representative nor any person specified, or of a description specified, in the security direction; and
- (b) inclusion of the reasons would disclose any part of the closed evidence.”.

Notification of decision

9. In rule 21—
- (a) in paragraph (1) for “The Secretary of State” substitute “Subject to paragraph (1B), the Secretary of State”;
- (b) after paragraph (1A) insert—
- “(1B) Where the Secretary of State’s reasons for a decision relate to matters in respect of which closed evidence has been given, nothing in paragraph (1) requires the Secretary of State to notify those reasons to any person other than—

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- (a) the appointed representative; or
- (b) a person specified, or of any description specified, in the security direction.”;
- (c) in paragraph (2) for “Where a copy” substitute “Subject to paragraph (2A), where a copy”; and
- (d) after paragraph (2) insert—
 - “(2A) Nothing in paragraph (2) requires the disclosure of any closed evidence to a person other than—
 - (a) the appointed representative; or
 - (b) a person specified, or of any description specified, in the security direction.”.

Procedure following remitting of appeal

- 10.** In rule 22—
- (a) at the beginning of sub-paragraph (a) of paragraph (1) insert “subject to paragraph (1A)”; and
 - (b) after paragraph (1) insert—
 - “(1A) Where the matters referred to in paragraph (1)(a) will involve consideration of closed evidence, the Secretary of State shall only send the written statement to—
 - (a) the appointed representative; and
 - (b) a person specified, or of any description specified, in the security direction.”.

Closed evidence not to be disclosed

- 11.** After rule 25A insert—

“Closed evidence not to be disclosed

- 25B.** Nothing in these Rules shall be taken to require or permit closed evidence to be disclosed to a person other than—
- (a) the Secretary of State;
 - (b) the appointed representative; or
 - (c) a person specified, or of any description specified, in the security direction.”.

SCHEDULE 5

Article 38

MODIFICATIONS TO THE TOWN AND COUNTRY
PLANNING (INQUIRIES PROCEDURE) (WALES) RULES 2003

“SCHEDULE

Rule 22B

PART 1

MODIFICATIONS WHERE NATIONAL SECURITY DIRECTION GIVEN

Interpretation

1. In rule 2(1)—
 - (a) after the definition of “applicant” insert—
 - ““appointed representative” means a person appointed under—
 - (a) section 321(5) or (6) of the Planning Act; or
 - (b) paragraph 6A(1) or (2) of Schedule 3 to the Listed Buildings Act;”;
 - (b) after the definition of “assessor” insert—
 - ““closed evidence” means evidence which is subject to a security direction;”;
 - (c) after the definition of “the 1992 Rules” insert—
 - ““security direction” means a direction given by the National Assembly or the Secretary of State under—
 - (a) section 321(3) of the Planning Act (matters related to national security); or
 - (b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act (matters related to national security);”;
 - (d) in the definition of “statement of common ground” after “local planning authority” insert “, or appointed representative, as the case may be,”.

Procedure where the National Assembly causes a pre-inquiry meeting to be held

2. In rule 5—
 - (a) for paragraph (3) substitute—
 - “(3) The National Assembly must, as soon as practicable after receipt, send a copy of the local planning authority’s outline statement to the applicant, a copy of the applicant’s outline statement to the appointed representative and a copy of the applicant’s open outline statement to the local planning authority.
 - (3A) In this rule “open outline statement” means such part (if any) of an outline statement as does not include or refer to closed evidence.”;
 - (b) in paragraph (5) after “an outline statement,” insert “and the open outline statement “; and
 - (c) after paragraph (5) insert—
 - “(5A) The National Assembly must, as soon as practicable after receipt, send to the appointed representative any outline statement received in accordance with paragraph (5).”.

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Receipt of statement of case etc

3. In rule 6—

- (a) in paragraph (3) for “copy of its statement of case” substitute “copy of the applicant’s open statement”;
- (b) in paragraph (4) for “statement of case to the local planning authority” substitute “open statement to the local planning authority”;
- (c) in paragraph (6)—
 - (i) in sub-paragraph (b) for “statement of case” substitute “open statement”;
 - (ii) for “send a copy of each such statement of case” substitute “send a copy of any open statement received by it in accordance with sub-paragraph (a)”;
- (d) in paragraph (7)—
 - (i) in sub-paragraph (a) for “statements of case of the applicant and the local planning authority” substitute “open statement of the applicant and the statement of case of the local planning authority”;
 - (ii) in sub-paragraph (b) for “statement of case” substitute “open statement”;
- (e) in paragraph (16) after “inspector” insert “and appointed representative”; and
- (f) after paragraph (16) insert—

“(17) For the purposes of this rule “open statement” means such part (if any) of a statement of case as does not include or refer to closed evidence.”.

Participation in an inquiry

4. In rule 11(1) after sub-paragraph (a) insert—

- “(aa) the appointed representative;”.

Written statements of evidence

5. In rule 13—

- (a) in paragraph (1) for “Any person” substitute “Subject to paragraph (1A), any person”; and
- (b) after paragraph (1) insert—

“(1A) Paragraph (1B) applies where the statement of evidence includes or refers to closed evidence.

(1B) Where this paragraph applies, any person entitled to attend an inquiry, who proposes to give, or to call another person to give evidence at the inquiry by reading a statement of evidence, must—

- (a) send to the National Assembly 2 copies, in the case of the local planning authority and the applicant, or 3 copies in the case of any other person, of—
 - (i) the statement of evidence including closed evidence together with any written summary of it;
 - (ii) the statement of evidence excluding closed evidence (“the open statement”) together with any written summary of it; and
- (b) simultaneously send copies of the open statement and any written summary of it to any statutory party,

and the National Assembly must, as soon as practicable after receipt, send a copy of each open statement together with any written summary of it to the local planning authority and the applicant.”;

- (c) in paragraph (4) after “inspector” insert “and appointed representative”; and
- (d) in paragraph (5) after “paragraph (1)” insert “or (1B)”.

Statement of common ground

- 6. In rule 14—
 - (a) in paragraph (1)(a) after “ground” insert “insofar as it does not relate to closed evidence”; and
 - (b) after paragraph (3) insert—
 - “(4) Where the application or appeal is made by or on behalf of the Crown, the appointed representative and the applicant must—
 - (a) together prepare an agreed statement of common ground insofar as it relates to closed evidence; and
 - (b) ensure that the National Assembly receives it not less than 4 weeks before the date fixed for the holding of the inquiry.”.

Site inspections

- 7. In rule 16—
 - (a) in paragraph (1) for “The inspector” substitute “Subject to paragraph (1A), the inspector”;
 - (b) after paragraph (1) insert—
 - “(1A) Paragraph (1) does not apply where a site inspection will involve inspection of closed evidence.”;
 - (c) in paragraph (2) for “During” substitute “Subject to paragraph (2A), during”;
 - (d) after paragraph (2) insert—
 - “(2A) Where an accompanied site inspection will involve the inspection of closed evidence, paragraph (2) does not apply and the inspector—
 - (a) may inspect the land in the company of the applicant and the appointed representative, where one has been appointed; and
 - (b) must make such an inspection if so requested by the applicant or the appointed representative before or during an inquiry.”; and
 - (e) in paragraph (4) after “paragraph (2)” insert “or (2A)”.

Procedure after inquiry

- 8. In rule 17—
 - (a) after paragraph (3) insert—
 - “(3A) Where closed evidence was considered at the inquiry—
 - (a) the inspector and assessor, where one has been appointed, must set out in a separate part (“the closed part”) of their reports any description of that evidence together with any conclusions or recommendations in relation to that evidence; and
 - (b) where an assessor has been appointed, the inspector must append the closed part of the assessor’s report to the closed part of the inspector’s report and must state in the closed part of that report the level of agreement or disagreement with the closed part of the assessor’s report and, where there is disagreement with the assessor, the reasons for that disagreement.”;

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- (b) at the beginning of paragraph (5) insert “Subject to paragraph (5A)”; and
- (c) after paragraph (5) insert—

“(5A) Where the National Assembly differs from the inspector on any matter of fact mentioned in, or appearing to it to be material to, a conclusion reached by the inspector in relation to a matter in respect of which closed evidence has been given, the notification referred to in paragraph (5) must include the reasons for the National Assembly’s disagreement unless—

- (a) the notification is addressed to a person who is neither the appointed representative nor any person specified, or of a description specified, in the security direction; and
- (b) inclusion of the reasons would disclose any part of the closed evidence.”.

Notification of decision

9. In rule 18—

- (a) in paragraph (1) for “The National Assembly” substitute “Subject to paragraph (1B), the National Assembly”;
- (b) after paragraph (1A) insert—

“(1B) Where the National Assembly’s reasons for a decision relate to matters in respect of which closed evidence has been given, nothing in paragraph (1) requires the National Assembly to notify those reasons to any person other than—

- (a) the appointed representative; or
- (b) a person specified, or of any description specified, in the security direction.”;
- (c) in paragraph (2) for “Where a copy” substitute “Subject to paragraph (2A), where a copy”; and
- (d) after paragraph (2) insert—

“(2A) Nothing in paragraph (2) requires the disclosure of the closed part of the inspector’s report referred to in rule 17(2A) to a person other than—

- (a) the appointed representative; or
- (b) a person specified, or of any description specified, in the security direction.”.

Procedure following quashing of decision

10. In rule 19—

- (a) at the beginning of sub-paragraph (a) of paragraph (1) insert “subject to paragraph (1A)”; and
- (b) after paragraph (1) insert—

“(1A) Where the matters referred to in paragraph (1)(a) will involve consideration of closed evidence, the National Assembly will only send the written statement to—

- (a) the appointed representative; and
- (b) a person specified, or of any description specified, in the security direction.”.

Closed evidence not to be disclosed

11. After rule 22A insert—

“Closed evidence not to be disclosed

22B. Nothing in these Rules is to be taken so as to require or permit closed evidence to be disclosed to a person other than—

- (a) the National Assembly;
- (b) the appointed representative; or
- (c) a person specified, or of any description specified, in the security direction.”

PART 2

MODIFICATIONS FOR URGENT CROWN DEVELOPMENT OR URGENT WORKS AFFECTING CROWN LAND

Interpretation

1. In rule 2(1) in paragraph (a) of the definition of “statutory party” after “in determining the” insert “application,”.

Application of Rules

2. In rule 3—

(a) after paragraph (1)(a) insert—

“(aa) an application for planning permission made to the National Assembly under section 293A(7) of the Planning Act (urgent Crown development);” and

(b) after paragraph (1)(b) insert—

“(bb) an application for listed building consent made to the National Assembly under section 82B(8) of the Listed Buildings Act (urgent works relating to Crown land);”.

Preliminary information to be supplied

3. For rule 4 substitute—

“Preliminary information to be supplied by the National Assembly

4.—(1) The National Assembly must, as soon as practicable after the date of the relevant notice, inform the applicant and the local planning authority in writing of the name and address of any statutory party who has made representations to it.

(2) This paragraph applies where—

- (a) any Minister of the Crown (other than the National Assembly), any government department, or any body falling within rule 11(1)(c), has expressed in writing to the National Assembly the view that the application should not be granted either wholly or in part, or should be granted subject only to conditions; or
- (b) any person consulted in pursuance of a development order has made representations to the National Assembly about the application.

(7) Section 293A was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 82(1).

(8) Section 82B was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 82(2).

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(3) Where paragraph (2) applies, the National Assembly must forthwith after the date of the relevant notice inform the person concerned of the inquiry and, unless the person concerned has already done so, that person must thereupon give the National Assembly a written statement of the reasons for expressing the view or making the representations, as the case may be.”.

Procedure where the National Assembly causes a pre-inquiry meeting to be held

4. In rule 5—
 - (a) in paragraph (2)(d) for “8” substitute “6”;
 - (b) in paragraph (5) for “4” substitute “3”;
 - (c) in paragraph (6) for “16” substitute “10”;
 - (d) in paragraph (7) for “3” substitute “2”;
 - (e) in paragraph (10) for “4” substitute “3”.

Receipt of statements of case etc

5. In rule 6—
 - (a) in paragraph (1)(a) for “6” substitute “4”;
 - (b) in paragraph (1)(b) for “4” substitute “3”;
 - (c) in paragraph (3)(a) for “6” substitute “4”;
 - (d) in paragraph (3)(b) for “4” substitute “3”;
 - (e) in paragraph (6) for “4” substitute “3”;
 - (f) in paragraph (12) for “12” substitute “8”;
 - (g) in paragraph (14) for “9” substitute “6”;
 - (h) in paragraph (15) for “4” substitute “3”.

Date and notification of inquiry

6. In rule 10—
 - (a) in paragraph (1)(a) for “22” substitute “14”;
 - (b) in paragraph (1)(b) for “8” substitute “5”;
 - (c) in paragraph (6)—
 - (i) omit “in writing require the local planning authority to”;
 - (ii) in sub-paragraph (a) omit “to”;
 - (iii) in sub-paragraphs (b) and (c) omit the first “to” in each place.

Written statements of evidence

7. In rule 13(3)(a) for “4” substitute “3”.

SCHEDULE 6

Article 41

MODIFICATIONS TO THE TOWN AND COUNTRY PLANNING
(ENFORCEMENT) (INQUIRIES PROCEDURE) (WALES) RULES 2003

“SCHEDULE

Rule 25B

MODIFICATIONS WHERE NATIONAL SECURITY DIRECTION GIVEN

Interpretation

1. In rule 2(1)—

(a) before the definition of “assessor” insert—

““appointed representative” means a person appointed under—

(a) section 321(5) or (6) of the Planning Act; or

(b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act;”;

(b) after the definition of “certificate of lawful use or development” insert—

““closed evidence” means evidence which is subject to a security direction;”;

(c) after the definition of “relevant notice” insert—

““security direction” means a direction given by the National Assembly or the Secretary of State under—

(a) section 321(3) of the Planning Act (matters related to national security); or

(b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act (matters related to national security);”;

(d) in the definition of “statement of common ground” after “local planning authority” insert “, or appointed representative, as the case may be,”.

Procedure where pre-inquiry meeting is to be held

2. In rule 6—

(a) for paragraph (3) substitute—

“(3) The National Assembly must, as soon as practicable after receipt, send a copy of the local planning authority’s outline statement to the appellant, a copy of the appellant’s outline statement to the appointed representative and a copy of the appellant’s open outline statement to the local planning authority.

(3A) In this rule “open outline statement” means such part (if any) of an outline statement as does not include or refer to closed evidence.”;

(b) in paragraph (4) after “statement” insert “and the open outline statement”;

(c) in paragraph (5) after “outline” insert “, or outline open,”; and

(d) after paragraph (5) insert—

“(5A) The National Assembly must, as soon as practicable after receipt, send a copy of any outline statement received in accordance with paragraph (4) to the appointed representative.”.

Service of statements of case etc

3. In rule 8—

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- (a) in paragraph (3) for “copy on any person” substitute “copy of their open statement on any person”;
- (b) in paragraph (4) for “statement of case to the local planning authority” substitute “open statement to the local planning authority”;
- (c) in paragraph (6)—
 - (i) in sub-paragraph (b) for “statement of case” substitute “open statement”;
 - (ii) for “send a copy of each such statement of case” substitute “send a copy of any open statement received by it in accordance with sub-paragraph (a)”;
- (d) in paragraph (7)—
 - (i) in sub-paragraph (a) for “statements of case of the appellant and the local planning authority” substitute “open statement of the appellant and the statement of case of the local planning authority”;
 - (ii) in sub-paragraph (b) for “statement of case” substitute “open statement”;
- (e) in paragraph (16) after “inspector” insert “and appointed representative”; and
- (f) after paragraph (16) insert—

“(17) For the purposes of this rule “open statement” means such part (if any) of a statement of case as does not include or refer to closed evidence.”.

Attendance and participation at an inquiry

- 4. In rule 13(1) after sub-paragraph (a) insert—

“(aa) the appointed representative;”.

Written statements of evidence

- 5. In rule 16—
 - (a) in paragraph (1) for “Any person” substitute “Subject to paragraph (1A), any person”;
 - (b) after paragraph (1) insert—

“(1A) Paragraph (1B) applies where the written statement of evidence includes or refers to closed evidence.

(1B) Where this paragraph applies, any person entitled to attend an inquiry, who proposes to give, or to call another person to give evidence at the inquiry by reading a written statement of evidence, must—

 - (a) send to the National Assembly 2 copies, in the case of the local planning authority and the appellant, or 3 copies in the case of any other person, of—
 - (i) the written statement of evidence including closed evidence together with any written summary of it;
 - (ii) the written statement of evidence excluding closed evidence (“the open statement”) together with any written summary of it; and
 - (b) simultaneously send copies of the open statement and any written summary of it to any statutory party,

and the National Assembly must, as soon as practicable after receipt, send a copy of each open statement together with any written summary of it to the local planning authority and the appellant.”;
 - (c) in paragraph (4) after “inspector” insert “and appointed representative”; and
 - (d) in paragraph (5) after “paragraph (1)” insert “or (1B)”.

Statement of common ground

6. In rule 17—
- (a) in paragraph (1) after “ground” insert “insofar as it does not relate to closed evidence”; and
 - (b) after paragraph (3) insert—
 - “(4) Where appeal is made by or on behalf of the Crown, the appointed representative and the appellant must—
 - (a) together prepare an agreed statement of common ground insofar as it relates to closed evidence; and
 - (b) ensure that the National Assembly receives it not less than 4 weeks before the date fixed for the holding of the inquiry.”.

Site inspections

7. In rule 19—
- (a) in paragraph (1) for “The inspector” substitute “Subject to paragraph (1A), the inspector”;
 - (b) after paragraph (1) insert—
 - “(1A) Paragraph (1) does not apply where a site inspection will involve the inspection of closed evidence.”;
 - (c) in paragraph (2) for “During” substitute “Subject to paragraph (2A), during”;
 - (d) after paragraph (2) insert—
 - “(2A) Where an accompanied site inspection will involve the inspection of closed evidence, paragraph (2) does not apply and the inspector—
 - (a) may inspect the land in the company of the appellant and the appointed representative, where one has been appointed; and
 - (b) must make such an inspection if so requested by the appellant or the appointed representative before or during an inquiry.”; and
 - (e) in paragraph (4) after “paragraph (2)” insert “or (2A)”.

Procedure after inquiry

8. In rule 20—
- (a) after paragraph (3) insert—
 - “(3A) Where closed evidence was considered at the inquiry—
 - (a) the inspector and assessor, where one has been appointed, must set out in a separate part (“the closed part”) of their reports any description of that evidence together with any conclusions or recommendations in relation to that evidence; and
 - (b) where an assessor has been appointed, the inspector must append the closed part of the assessor’s report to the closed part of the inspector’s own report and must state in the closed part of that report the level of agreement or disagreement with the closed part of the assessor’s report and, where there is disagreement with the assessor, the reasons for that disagreement.”;
 - (b) at the beginning of paragraph (5) insert “Subject to paragraph (5A)”;
 - (c) after paragraph (5) insert—
 - “(5A) Where the National Assembly differs from the inspector on any matter of fact mentioned in, or appearing to the National Assembly to be material to, a conclusion

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reached by the inspector in relation to closed evidence, the notification referred to in paragraph (5) must include the reasons for the National Assembly’s disagreement unless—

- (a) the notification is addressed to a person who is neither the appointed representative nor any person specified, or of a description specified, in the security direction; and
- (b) inclusion of the reasons would disclose any part of the closed evidence.”.

Notification of decision

9. In rule 21—

- (a) in paragraph (1) for “The National Assembly” substitute “Subject to paragraph (1B), the National Assembly”;
- (b) after paragraph (1A) insert—
 - “(1B) Where the National Assembly’s reasons for a decision relate to matters in respect of which closed evidence has been given, nothing in paragraph (1) requires the National Assembly to notify those reasons to any person other than—
 - (a) the appointed representative; or
 - (b) a person specified, or of any description specified, in the security direction.”;
- (c) in paragraph (2) for “Where a copy” substitute “Subject to paragraph (2A), where a copy”;
- and
- (d) after paragraph (2) insert—
 - “(2A) Nothing in paragraph (2) requires the disclosure of any closed evidence to a person other than—
 - (a) the appointed representative; or
 - (b) a person specified, or of any description specified, in the security direction.”.

Procedure following remitting of appeal

10. In rule 22—

- (a) at the beginning of sub-paragraph (a) of paragraph (1) insert “subject to paragraph (1A)”;
- and
- (b) after paragraph (1) insert—
 - “(1A) Where the matters referred to in paragraph (1)(a) will involve consideration of closed evidence, the National Assembly will only send the written statement to—
 - (a) the appointed representative; and
 - (b) a person specified, or of any description specified, in the security direction.”.

Closed evidence not to be disclosed

11. After rule 25A insert—

“Closed evidence not to be disclosed

25B. Nothing in these Rules must be taken to require or permit closed evidence to be disclosed to a person other than—

- (a) the National Assembly or the Secretary of State;
- (b) the appointed representative; or

- (c) a person specified, or of any description specified, in the security direction.””

SCHEDULE 7

Article 46

MODIFICATIONS TO THE TOWN AND COUNTRY PLANNING (MAJOR INFRASTRUCTURE PROJECT INQUIRIES PROCEDURE) (ENGLAND) RULES 2005

“SCHEDULE

Rule 27A

MODIFICATIONS WHERE NATIONAL SECURITY DIRECTION GIVEN

Interpretation

1. In rule 2(1)—
 - (a) after the definition of “additional inspector” insert—

““appointed representative” means a person appointed under—

 - (a) section 321(5) or (6) of the Planning Act; or
 - (b) paragraph 6A(1) or (2) of Schedule 3 to the Listed Buildings Act;”;
 - (b) after the definition of “by local advertisement” insert—

““closed evidence” means evidence which is subject to a security direction;”;
 - (c) after the definition of “relevant notice” insert—

““security direction” means a direction given by the Secretary of State under—

 - (a) section 321(3) of the Planning Act (matters related to national security); or
 - (b) paragraph 6(6) of Schedule 3 to the Listed Buildings Act (matters related to national security);”;
 - (d) in the definition of “statement of common ground” after “local planning authority” insert “, or appointed representative, as the case may be,”.

Procedure for pre-inquiry and other meetings

2. In rule 9 for paragraph (8) substitute—

“(8) The Secretary of State shall, as soon as practicable after receipt—

 - (a) circulate the open part of any outline statement sent in accordance with paragraphs (4) and (7); and
 - (b) send the outline statement sent in accordance with those paragraphs to the appointed representative.”.

Receipt of statements of case etc

3. In rule 11—
 - (a) in paragraph (1)(b) for “copy of it” substitute “copy of his open statement”;
 - (b) in paragraph (2)(b) for “copy of it” substitute “copy of his open statement”;
 - (c) in paragraph (5) for “deposit it” substitute “deposit any open statement”;
 - (d) in paragraph (8) for “statement of case” substitute “open statement”;
 - (e) in paragraph (15) after “inspector” insert “and appointed representative”; and

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(f) after paragraph (15) insert—

“(16) For the purposes of this rule “open statement” means such part (if any) of a statement of case as does not include or refer to closed evidence.”.

Appearances at inquiry

4. In rule 15(1) after sub-paragraph (a) insert—

“(aa) the appointed representative;”.

Proofs of evidence

5. In rule 17—

(a) in paragraph (1) for “Any person” substitute “Subject to rule (1A), any person”;

(b) after paragraph (1) insert—

“(1A) Paragraph (1B) applies where the proof of evidence includes or refers to closed evidence.

(1B) Where this paragraph applies, any person entitled to appear at an inquiry, who proposes to give, or to call another person to give evidence at the inquiry by reading a proof of evidence, shall—

(a) send to the Secretary of State 2 copies, in the case of the local planning authority and the applicant, or 3 copies in the case of any other person, of—

(i) the proof of evidence including closed evidence;

(ii) the proof of evidence excluding closed evidence (“the open proof”); and

(b) simultaneously send copies of the open proof to any statutory party,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of each open proof to the local planning authority and the applicant.”;

(c) in paragraph (2) after “(1)” insert “or (1B)”; and

(d) in paragraph (5) after “inspector” insert “and appointed representative”.

Statement of common ground

6. In rule 18—

(a) in paragraph (1) after “ground” insert “insofar as it does not relate to closed evidence”; and

(b) after paragraph (2) insert—

“(3) Where the application is made by or behalf of the Crown the appointed representative and the applicant shall—

(a) together prepare an agreed statement of common ground insofar as it relates to closed evidence; and

(b) ensure that the Secretary of State receives it not less than 4 weeks before the date fixed for the holding of the inquiry.”.

Site inspections

7. In rule 20—

(a) in paragraph (1) for “The inspector” substitute “Subject to paragraph (1A), the inspector”;

(b) after paragraph (1) insert—

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- “(1A) Paragraph (1) does not apply where a site inspection will involve inspection of closed evidence.”;
- (c) in paragraph (2) for “During” substitute “Subject to paragraph (2A), during”;
- (d) after paragraph (2) insert—
- “(2A) Where an accompanied site inspection will involve inspection of closed evidence, paragraph (2) does not apply and the inspector—
- (a) may inspect the land in the company of the applicant and the appointed representative, where one has been appointed; and
- (b) shall make such an inspection if so requested by the applicant or the appointed representative before or during an inquiry.”; and
- (e) in paragraph (4) after “paragraph (2)” insert “or (2A)”.

Procedure after inquiry

8. In rule 21—
- (a) after paragraph (4) insert—
- “(4A) Where closed evidence was considered at the inquiry—
- (a) the inspector and assessor, where one has been appointed, shall set out in a separate part (“the closed part”) of their reports any description of that evidence together with any conclusions or recommendations in relation to that evidence; and
- (b) where an assessor has been appointed, the inspector shall append the closed part of the assessor’s report to the closed part of his own report and shall state in the closed part of his own report how far he agrees or disagrees with the closed part of the assessor’s report and, where he disagrees with the assessor, his reasons for that disagreement.”;
- (b) at the beginning of paragraph (6) insert “Subject to paragraph (6A)”;
- (c) after paragraph (6) insert—
- “(6A) Where the Secretary of State differs from the inspector on any matter of fact mentioned in, or appearing to him to be material to, a conclusion reached by the inspector in relation to closed evidence, the notification referred to in paragraph (6) shall include the reasons for the Secretary of State’s disagreement unless—
- (a) the notification is addressed to a person who is neither the appointed representative nor any person specified, or of a description specified, in the security direction; and
- (b) inclusion of the reasons would disclose any part of the closed evidence.”.

Notification of decision

9. In rule 22—
- (a) at the beginning of paragraph (1) insert “Subject to paragraph (1A)”;
- (b) after paragraph (1) insert—
- “(1A) Where the Secretary of State’s reasons for a decision relate to matters in respect of which closed evidence has been given, nothing in paragraph (1) requires the Secretary of State to notify those reasons to any person other than—
- (a) the appointed representative; or

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- (b) a person specified, or of any description specified, in the security direction.”;
- (c) at the beginning of paragraph (2) insert “Subject to paragraph (2A)”;
- (d) after paragraph (2) insert—
 - “(2A) Nothing in paragraph (2) requires the disclosure of the closed part of the inspector’s report referred to in rule 21(3A) to a person other than—
 - (a) the appointed representative; or
 - (b) a person specified, or of any description specified, in the security direction.”.

Procedure following quashing of decision

10. In rule 23—
- (a) at the beginning of sub-paragraph (a) of paragraph (1) insert “subject to paragraph (1A)”;
 - and
 - (b) after paragraph (1) insert—
 - “(1A) Where the matters referred to in paragraph (1)(a) will involve consideration of closed evidence, the Secretary of State shall only send the written statement to—
 - (a) the appointed representative; and
 - (b) such other persons or persons of such description as are specified in the direction.”.

Closed evidence not to be disclosed

11. After rule 26 insert—

“Closed evidence not to be disclosed

- 26A.** Nothing in these Rules shall be taken to require or permit closed evidence to be disclosed to a person other than—
- (a) the Secretary of State;
 - (b) the appointed representative; or
 - (c) a person specified, or of any description specified, in the security direction.”.