STATUTORY INSTRUMENTS

2025 No. 410

TRIBUNALS AND INQUIRIES, ENGLAND

The Town and Country Planning (Crown Development Applications) (Hearings and Inquiries) Rules 2025

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CONTENTS

Part 1
Preliminary

1. Citation, commencement, extent and application
2. Interpretation
3. Electronic communications and service of documents
4. Sending of notices etc.

Part 2
Hearings

5. Date and notification of hearing
6. Issues statement
7. Admission of the public and appearances at a hearing
8. Procedure at hearing
9. Site inspections
10. Procedure after hearing: standard applications
11. Procedure after hearing: recovered applications

Part 3
Inquiries

12. Notification of name of inspector
13. Notice of inquiry and statements of case
14. Statement of matters
15. Pre-inquiry meetings
16. Inquiry timetable
17. Notification of appointment of assessor
18. Date and notification of inquiry
19. Appearances at inquiry
20. Proofs of evidence
21. Procedure at the inquiry
22. Site inspections
23. Procedure after inquiry: standard applications
24. Procedure after inquiry: recovered applications

25. Notification of decision
26. Procedure following quashing of decision
27. Closed evidence not to be disclosed
28. Allowing further time
29. Additional copies

The Lord Chancellor makes these Rules in exercise of the powers conferred by section 9(1) and (3) of the Tribunals and Inquiries Act 1992(**a**).

PART 1

Preliminary

Citation, commencement, extent and application

1.—(1) These Rules may be cited as the Town and Country Planning (Crown Development Applications) (Hearings and Inquiries) Rules 2025 and come into force on 1st May 2025.

(2) These Rules extend to England and Wales and apply in relation to England only.

(3) Parts 1 and 2 of these Rules apply in relation to any hearing which, under section 319A of the 1990 Act(**b**), the Secretary of State has determined must be held for the purposes of determining a Crown development application made on or after 1st May 2025.

(4) Parts 1 and 3 of these Rules apply in relation to any inquiry which, under section 319A of the 1990 Act, the Secretary of State has determined must be held for the purposes of determining a Crown development application made on or after 1st May 2025.

Interpretation

2.—(1) In these Rules—

"the 1990 Act" means the Town and Country Planning Act 1990(**c**);

"the 2025 Order" means the Town and Country Planning (Crown Development Applications) (Procedure and Written Representations) Order 2025(**d**);

"applicable representation period" has the meaning given in the 2025 Order;

"appointed representative" means a person appointed under section 321(5) or (6) of the 1990 Act(**e**);

"assessor" means a person appointed by the Secretary of State to sit with an inspector at an inquiry or re-opened inquiry to advise the inspector on such matters arising as the Secretary of State may specify;

"closed evidence" means evidence which is subject to a security direction;

(**a**) 1992 c. 53. See section 16(1) for the definition of "statutory inquiry".
(**b**) Section 319A was inserted by section 196(1) of the Planning Act 2008 (c. 29) and amended by section 20(1) of the Business and Planning Act 2020 (c. 16) and paragraph 9 of Schedule 10 to the Levelling Up and Regeneration Act 2023 (c. 55). There are other amendments that are not relevant.
(**c**) 1990 c. 8.
(**d**) S.I. 2025/409.
(**e**) Subsections (5) to (12) of section 321 were inserted by section 80(1) of the Planning and Compulsory Purchase Act 2004 (c. 5).

"Crown development application" means an application made under section 293D of the 1990 Act(**a**);

"document" includes a photograph, map or plan;

"electronic communication" has the meaning given in section 15(1) of the Electronic Communications Act 2000(**b**);

"inspector" means—

(a) in relation to a standard application, a person appointed by the Secretary of State under section 293I of the 1990 Act(**c**) to determine the relevant application;

(b) in relation to a recovered application, a person appointed by the Secretary of State to assist him in the consideration of written representations or the holding of a hearing or inquiry;

"land" means the land or building to which the relevant application relates;

"last representation period" has the meaning given in the 2025 Order;

"persons entitled to appear at the hearing" means the persons listed in rule 7(2);

"persons entitled to appear at the inquiry" means the persons listed in rule 19(1);

"recovered application" means a Crown development application which falls to be determined by the Secretary of State as a consequence of a direction given under section 293J(1) of the 1990 Act(**d**);

"relevant local planning authority" has the meaning given in the 2025 Order;

"re-opened inquiry" means an inquiry which, having been closed, is re-opened to consider any new evidence or any new matter of fact, or following the quashing of the decision following the original inquiry;

"security direction" means a direction given by the Secretary of State under section 321(3) of the 1990 Act;

"standard application" means a Crown development application which falls to be determined by a person appointed by the Secretary of State under section 293I of the 1990 Act;

"starting date" means the date of the notice given by the Secretary of State under rule 13(1);

"statement of case" has the meaning given in rule 13(3);

"statutory party" means a person specified in article 9(1) of the 2025 Order to whom a notice must be sent by the applicant;

"working day" means a day which is not a Saturday, Sunday, Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971(**e**) is a bank holiday in England.

(2) Any reference in these Rules to a Crown development application, a standard application or a recovered application also includes a reference to any connected listed building application (within the meaning of the 2025 Order).

(**a**) Section 293D was inserted by section 109(2) of the Levelling-up and Regeneration Act 2023.
(**b**) 2000 c. 7. The definition of "electronic communication" was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).
(**c**) Section 293I was inserted by section 109(2) of the Levelling-up and Regeneration Act 2023.
(**d**) Section 293J(1) was inserted by section 109(2) of the Levelling-Up and Regeneration Act 2023.
(**e**) 1971 c. 80.

Electronic communications and service of documents

3.—(1) In these Rules, and in relation to the use of electronic communications for any purpose of these Rules which is capable of being carried out electronically—

(a) the expression "address" includes any number or address used for the purpose of such communications, and

(b) references to statements, notices or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (7) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules to give or send any statement, notice or other document to any other person ("the recipient").

(3) A requirement is taken to be fulfilled where the statement, notice or other document transmitted by the electronic communication is—

(a) capable of being accessed by the recipient,

(b) legible in all material respects, and

(c) sufficiently permanent to be used for subsequent reference.

(4) In paragraph (3), "legible in all material respects" means that the information contained in the statement, notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(5) Where the electronic communication is received by the recipient outside the recipient's business hours, it is taken to have been received on the next working day.

(6) A requirement in these Rules that any statement, notice or other document is in writing is fulfilled where the document satisfies the criteria in paragraph (3).

(7) Where a person is no longer willing to accept the use of electronic communications for any purpose of these Rules which is capable of being effected electronically, the person must give notice in writing—

(a) withdrawing any address notified to the Secretary of State for that purpose, or

(b) revoking any agreement entered into with the Secretary of State for that purpose,

and such withdrawal or revocation takes effect on a date specified by the person in the notice which must not be earlier than 7 days after the date on which the notice is given.

Sending of notices etc.

4. Notices or documents required or authorised to be sent or supplied under these Rules may be sent or supplied—

(a) by post, or

(b) by using electronic communications to send or supply the notice or document (as the case may be) to a person at such address as may for the time being be specified by the person for that purpose.

PART 2

Hearings

Date and notification of hearing

5.—(1) The date fixed by the Secretary of State for the holding of a hearing must be—

(a) not later than 5 weeks beginning with the day after the end of the last representation period, unless the Secretary of State considers such a date impracticable, or

(b) the earliest date after that period which the Secretary of State considers to be practicable.

(2) Subject to paragraph (3), the Secretary of State must give at least the minimum amount of notice of—

(a) the date, time and place fixed for the holding of a hearing, and

(b) the name of the inspector holding the hearing,

to each of the persons entitled to appear at the hearing.

(3) The Secretary of State may vary the date, time and place fixed for the holding of a hearing and must give such notice of any variation as appears to the Secretary of State to be reasonable.

(4) In paragraph (2) "the minimum amount of notice" means—

(a) in relation to a hearing to be held regarding a Crown development application in respect of major development, 2 weeks;

(b) in relation to a hearing to be held regarding a Crown development application in respect of non-major development, 5 working days.

(5) Where the Secretary of State appoints another inspector instead of the person previously appointed and it is not practicable to give written notice under paragraph (2) of the new appointment before the hearing is held, the inspector holding the hearing must, at its commencement, announce their name and the fact of their appointment.

(6) Where—

(a) a notice of a hearing has been given under paragraph (2) or (3), and

(b) the Crown development application is withdrawn before the date fixed for the hearing,

the Secretary of State must cancel the hearing and, as soon as reasonably practicable following the withdrawal of the application, give notice of the cancellation of the hearing to the persons previously notified.

(7) In this rule, "major development" and "non-major development" have the meanings given in article 2 of the 2025 Order.

Issues statement

6. At least 5 working days before the date fixed for the hearing under rule 5, the Secretary of State must—

(a) prepare a statement setting out what, in the Secretary of State's opinion, are the issues to be considered in relation to the Crown development application, and

(b) publish the statement on a website.

Admission of the public and appearances at a hearing

7.—(1) A hearing must be open to the public and any person attending a hearing for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.

(2) The persons entitled to appear at the hearing are—

(a) the applicant;

(b) the relevant local planning authority;

(c) any councillor of the relevant local planning authority for the ward in which the land, or any part of the land, to which the Crown development application relates is situated;

(d) any authority or person consulted in relation to the Crown development application under articles 20, 21 or 22 of the 2025 Order;

(e) any person who—

(i) made representations in relation to the Crown development application within the applicable representation period, and

(ii) when making those representations, requested to be heard.

(3) Nothing in paragraph (2) prevents the inspector from permitting any other person to appear at a hearing, and such permission must not be unreasonably withheld.

(4) Any person entitled or permitted to appear may do so on their own behalf or be represented by any other person.

Procedure at hearing

8.—(1) Except as otherwise provided in these Rules the inspector must determine the procedure at a hearing.

(2) At the start of the hearing the inspector must summarise the main issues set out in the statement published by the Secretary of State under rule 6.

(3) Subject to paragraphs (4) and (5), a person entitled to appear at a hearing is to be given the opportunity to make oral representations but the length of representations may be limited by the inspector.

(4) The inspector may refuse to permit the making of oral representations on any matter which they consider to be repetitious or irrelevant.

(5) The inspector may require any person appearing or present at the hearing who, in the opinion of the inspector, is behaving in a disruptive manner to leave and—

(a) refuse to permit that person to return, or

(b) permit that person to return only on such conditions as the inspector may specify.

(6) Any person who is required to leave and is not permitted to return or who does not return may submit written representations to the inspector before the close of the hearing.

(7) The inspector may proceed with a hearing in the absence of any person entitled to appear at it.

(8) The inspector may adjourn a hearing, and if the date, time and place of the adjourned hearing are announced at the hearing before the adjournment, no further notice is required.

Site inspections

9.—(1) The inspector may inspect the land to which the Crown development application relates.

(2) Where the inspector intends to make an inspection under paragraph (1), the inspector may notify the applicant and any other person as to the date and time of the inspection.

(3) The inspector is not required to defer an inspection where any person (including the applicant) is not present at the time appointed.

Procedure after hearing: standard applications

10.—(1) This rule applies where a hearing has been held for the purposes of a standard application.

(2) After the close of the hearing, the inspector must prepare a written statement setting out their decision and their reasons for it.

(3) When making their decision, the inspector—

(a) must take into account—

(i) any representations made to the Secretary of State pursuant to any notice of, or information about, or consultation in relation to, the Crown development application under the provisions of the 2025 Order which are received before the end of the applicable representation period, and

(ii) any representations made at the hearing, and

(b) may disregard any representations or information received after the hearing is closed.

(4) Paragraph (5) applies if, when making their decision, the inspector proposes to take into consideration any new representations or information (not being a matter of government policy) which were not raised at the hearing and which the inspector considers to be material to their decision.

(5) The inspector must not come to a decision without first—

(a) notifying in writing the persons entitled to appear at the hearing of the matter in question, and

(b) affording them an opportunity of making written representations to the inspector.

Procedure after hearing: recovered applications

11.—(1) This rule applies where a hearing has been held for the purposes of a recovered application.

(2) After the close of the hearing, the inspector must—

(a) prepare a written statement setting out their conclusions and recommendations or their reasons for not making any recommendations ("the inspector's statement"), and

(b) send a copy of it to the Secretary of State.

(3) The Secretary of State, when making their decision—

(a) must take into account—

(i) any representations made to the Secretary of State pursuant to any notice of, or information about, or consultation in relation to, the Crown development application under the provisions of the 2025 Order which are received before the end of the applicable representation period, and

(ii) any representations made at the hearing, and

(b) may disregard any representations or information received after the hearing has closed.

(4) Paragraph (5) applies if, when making their decision, the Secretary of State—

(a) differs from the inspector on any matters of fact mentioned in, or appearing to the Secretary of State to be material to, a conclusion reached in the inspector's statement, or

(b) takes into consideration new information (not being a matter of government policy),

and is for that reason disposed to disagree with a recommendation made in the inspector's statement.

(5) The Secretary of State must not come to a decision which is at variance with the inspector's recommendation without first—

(a) notifying in writing the persons entitled to appear at the hearing of the Secretary of State's disagreement and the reasons for it, and

(b) affording them an opportunity of making written representations to the Secretary of State.

PART 3

Inquiries

Notification of name of inspector

12.—(1) Subject to paragraph (2), the Secretary of State must notify in writing the persons entitled to appear at the inquiry of the name of the inspector.

(2) Where the Secretary of State appoints another inspector instead of the person previously appointed, and it is not practicable to provide notification of the new appointment before the inquiry is held, the inspector holding the inquiry must, at its commencement, announce their name and the fact of their appointment.

Notice of inquiry and statements of case

13.—(1) As soon as practicable after a determination under section 319A of the 1990 Act has been made that a local inquiry is to be held to consider the application, the Secretary of State must send a notice to—

(a) the applicant,

(b) the relevant local planning authority, and

(c) any statutory party.

(2) The notice in paragraph (1) must state that—

(a) the persons specified in paragraph (1) may submit a statement of case to the inquiry if they wish to do so,

(b) any statutory party may make a request to appear at the inquiry, and

(c) any statement of case or request to appear at the inquiry must be submitted to the Secretary of State before the end of the period of 5 weeks, beginning with the starting date.

(3) A statement of case must be in writing and contain full particulars of the case which the person proposes to put forward and copies of any documents which that person intends to refer to or put in evidence.

(4) Where any other person has made a request to appear at the inquiry, the Secretary of State may in writing request that the person submit a statement of case which should be sent to the Secretary of State before the end of the period of 4 weeks beginning with the date the Secretary of State sends the request.

(5) Whether or not a person has provided a statement of case, the Secretary of State may in writing request that a person provide further specified information about the matters contained in any written document submitted by that person, and may specify the period within which the information must be sent to the Secretary of State.

(6) Subject to paragraph (7), as soon as reasonably practicable after receipt of a statement of case, or any further information requested in accordance with paragraph (5), the Secretary of State must—

(a) take steps to ensure that a copy of the statement of case or further information is provided to the applicant, the relevant local planning authority and any statutory party, and

(b) publish the statement of case, or the further information, on a website.

(7) Where a statement of case or any further information contains or refers to closed evidence, only the open statement or open further information may be disclosed to the parties mentioned in paragraph (6)(a) or published on the website referred to in paragraph (6)(b).

(8) The Secretary of State must, as soon as reasonably practicable after receipt, send to the inspector, and where applicable, any appointed representative, any statement of case, document or further information sent to him in accordance with this rule and received within the applicable time period.

(9) Subject to paragraph (10), the Secretary of State must afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of any statement of case or further information that has been sent to the Secretary of State in accordance with this rule.

(10) The Secretary of State must only allow the inspection of an open statement or open further information.

(11) For the purposes of paragraph (9) an opportunity is taken to have been afforded to a person where the person is notified of—

(a) publication on a website of the document mentioned in that paragraph,

(b) the address of the website, and

(c) the place on the website where the document may be accessed, and how it may be accessed.

(12) In this rule, "open statement" means such part (if any) of a statement of case as does not contain or refer to closed evidence, and "open further information" means such part (if any) of any further information provided to the Secretary of State as does not contain or refer to closed evidence.

Statement of matters

14. An inspector may, within a period of 12 weeks beginning with the starting date, send to the applicant, the relevant local planning authority and any statutory party, a written statement of the matters about which the inspector wishes to be informed for the purposes of determining the application

Pre-inquiry meetings

15.—(1) The inspector must hold a pre-inquiry meeting—

(a) if they expect an inquiry to last for 8 days or more, unless they consider it is unnecessary, or

(b) in respect of shorter inquiries, if the inspector considers it necessary.

(2) An inspector must give at least 2 weeks' written notice of a pre-inquiry meeting to—

(a) the applicant,

(b) the relevant local planning authority,

(c) any statutory party,

(d) any other person known to be entitled to appear at the inquiry, and

(e) any other person whose presence at the meeting appears to the inspector to be desirable.

(3) The inspector—

(a) must preside at the pre-inquiry meeting,

(b) must determine the matters to be discussed and the procedure to be followed,

(c) may require any person present at the pre-inquiry meeting who, in their opinion, is behaving in a disruptive manner to leave, and

(d) may refuse to permit that person to return or to attend any further pre-inquiry meeting, or may permit that person to return or attend only on such conditions as the inspector may specify.

(4) Subject to paragraph (5), if the inspector requests any further information from the applicant or the relevant local planning authority at the pre-inquiry meeting, the inspector must take steps to ensure that the information has been received by the inspector, and a copy has been received by the applicant, the local planning authority and any statutory party before the end of a period of 4 weeks beginning with the date of the pre-inquiry meeting.

(5) Copies of information provided to the inspector which contains or refers to closed evidence must not be sent to the persons specified in paragraph (4).

Inquiry timetable

16.—(1) In respect of all inquiries that appear to the Secretary of State likely to last for 8 days or more, the inspector must prepare a timetable for the proceedings.

(2) In respect of shorter inquiries the inspector may at any time prepare a timetable for the proceedings at, or at part of, an inquiry.

(3) The inspector may, at any time, vary the timetable.

(4) The inspector may specify in the timetable a date by which any proof of evidence and summary sent in accordance with rule 20 must be received by the Secretary of State.

Notification of appointment of assessor

17. Where the Secretary of State appoints an assessor, the Secretary of State must notify every person entitled to appear at the inquiry of the name of the assessor and of the matters on which the assessor is to advise the inspector.

Date and notification of date of inquiry

18.—(1) The date fixed by the Secretary of State for the holding of an inquiry must be—

(a) within a period of 20 weeks, beginning with the starting date, unless the Secretary of State considers such a date impracticable, or

(b) the earliest date after that period which the Secretary of State considers to be practicable.

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

(3) Where any person entitled to appear at the inquiry has agreed that notice of the matters mentioned in paragraph (2) may be given by publishing them on a website, the written notice required under paragraph (2) is deemed to be given where, not less than 4 weeks before the date fixed for the holding of the inquiry, the Secretary of State notifies that person of—

(a) the publication,

(b) the address on the website, and

(c) the place on the website where the notice may be accessed, and how it may be accessed.

(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 of 20 weeks mentioned in paragraph (1), and paragraphs (2) and (3) apply to the variation of a date as they apply to the date originally fixed.

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

(6) The Secretary of State may by written notice require the relevant 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 a notice of the inquiry in one or more local newspapers circulating in the locality in which the land is situated;

(b) to send a notice of the inquiry to such persons or classes of person as the Secretary of State may specify, within such period as the Secretary of State may specify;

(c) to post a notice of the inquiry in a conspicuous place near to the land, within such period as the Secretary of State may specify.

(7) Where the land is under the control of the applicant, the applicant must—

(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) Subject to paragraph (9), every notice of inquiry published, sent or posted pursuant to paragraph (6), or affixed pursuant to paragraph (7), must contain—

(a) a clear statement of the date, time and place of the inquiry and of the powers enabling the inspector to determine the application in question,

(b) a written description of the land sufficient to identify its approximate location,

(c) a brief description of the subject matter of the application, and

(d) details of where and when copies of the following may be inspected—

(i) any statements of case submitted to the Secretary of State in accordance with rule 13;

(ii) the information provided to the Secretary of State by relevant local planning authority in accordance with article 14 of the 2025 Order.

(9) A notice of inquiry must not contain or refer to any closed evidence.

Appearances at inquiry

19.—(1) The persons entitled to appear at an inquiry are—

(a) the applicant;

(b) the appointed representative, if any;

(c) the relevant local planning authority;

(d) any of the following bodies if the land is situated in their area and they are not the local planning authority—

(i) a county or district council;

(ii) an enterprise zone authority designated under Schedule 32 of the Local Government, Planning and Land Act 1980(**a**);

(iii) the Broads Authority, within the meaning of the Norfolk and Suffolk Broads Act 1988(**b**);

(**a**) 1980 c. 65.
(**b**) 1988 c. 4.

(iv) a housing action trust specified in an order made under section 67(1) of the Housing Act 1988(**a**);

(e) where the land is in an area previously designated as a new town under the New Towns Act 1981(**b**), the Homes and Communities Agency(**c**);

(f) any statutory party;

(g) the council of the parish in which the land is situated, if that council made representations to the Secretary of State pursuant to article 21 of the 2025 Order;

(h) where the application was required to be notified to the Historic Buildings and Monuments Commission for England under section 14 of the Planning (Listed Buildings and Conservation Areas) Act 1990(**d**), that Commission(**e**);

(i) any other person who has sent a statement of case to the Secretary of State in accordance with rule 13.

(2) Nothing in paragraph (1) prevents the inspector from permitting any other person to appear at the inquiry, and such permission must not be unreasonably withheld.

(3) Any person entitled or permitted to appear may do so on their own behalf or be represented by any other person.

Proofs of evidence

20.—(1) Subject to paragraph (2), 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 must send a copy of that proof of evidence, and any written summary, to—

(a) the Secretary of State, and

(b) all persons listed in rule 13(1).

(2) Where the proof of evidence includes or refers to closed evidence, only the open proof and open summary may be sent to the persons mentioned in paragraph (1)(b).

(3) A written summary is not required to be sent where the proof of evidence proposed to be read contains no more than 1500 words.

(4) The proof of evidence and any written summary sent in accordance with this rule must be received by the persons mentioned in paragraph (1) no later than—

(a) 4 weeks before the date fixed for holding of the inquiry, or

(b) where a timetable has been prepared in accordance with rule 16, the date specified in that timetable for the proof of evidence and any summary to be received by the persons mentioned in paragraph (1).

(5) Subject to paragraph (6), the Secretary of State must, as soon as reasonably practicable after receipt of a proof of evidence, publish the proof of evidence and any summary on a website.

(6) Where the proof of evidence includes or refers to closed evidence, only the open proof and open summary may be published on the website.

(7) The Secretary of State must send to the inspector and any appointed representative, as soon as practicable after receipt, any proof of evidence together with any summary received by him within the applicable time period.

(**a**) 1988 c. 50. Amendments have been made to section 67 that are not relevant to these Rules.
(**b**) 1981 c. 64.
(**c**) Known as Homes England.
(**d**) 1990 c. 9.
(**e**) Known as Historic England.

(8) Where a written summary is provided in accordance with paragraph (1), only that summary (or open summary, if applicable) may be read at the inquiry, unless the inspector permits or requires otherwise.

(9) Subject to paragraph (10), the Secretary of State must afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of any proof of evidence or written summary that has been sent to the Secretary of State in accordance with this rule.

(10) The Secretary of State must only allow the inspection of an open proof and an open summary.

(11) For the purposes of paragraph (9) an opportunity is taken to have been afforded to a person where the person is notified of—

(a) publication on a website of the document mentioned in that paragraph,

(b) the address of the website, and

(c) the place on the website where the documents may be accessed, and how they may be accessed.

(12) In this rule, "open proof" means such part of any proof of evidence (if any) which does not contain or refer to closed evidence, and "open summary" means a written summary of the open proof.

Procedure at the inquiry

21.—(1) Except as otherwise provided in these Rules, the inspector may determine the procedure at an inquiry.

(2) At the start of the inquiry the inspector must identify what are, in the opinion of the inspector, the main issues to be considered at the inquiry and any matters on which the inspector requires further explanation from the persons entitled or permitted to appear.

(3) Nothing in paragraph (2) precludes any person entitled or permitted to appear from referring to issues which they consider relevant to the consideration of the application but which are not issues identified by the inspector pursuant to that paragraph.

(4) Persons entitled or permitted to appear will be heard in such order as the inspector may determine.

(5) Subject to the other provisions of this rule, the calling of evidence and the cross-examination of persons giving evidence will be at the discretion of the inspector.

(6) A person entitled to appear at an inquiry is entitled to call evidence.

(7) The applicant, the relevant local planning authority and any statutory party are entitled to cross-examine persons giving evidence.

(8) The inspector may refuse to permit the—

(a) giving or production of evidence,

(b) cross-examination of persons giving evidence, or

(c) presentation of any other matter,

which the inspector considers to be irrelevant or repetitious.

(9) Where the inspector refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit any evidence or other matter to the inspector in writing before the close of the inquiry.

(10) Where a person gives evidence at an inquiry by reading a summary of their proof of evidence in accordance with rule 20(8)—

(a) the proof of evidence referred to in rule 20(1) will be treated as tendered in evidence unless the person required to provide the summary notifies the inspector that they now wish to rely on the contents of the summary alone, and

(b) the person whose evidence the proof of evidence contains will then be subject to cross-examination on it to the same extent as if it were evidence submitted orally.

(11) The inspector may direct that facilities must be afforded to any person appearing at an inquiry to take or obtain copies of documentary evidence open to public inspection.

(12) The inspector may require any person appearing or present at an inquiry who, in the inspector's opinion, is behaving in a disruptive manner to leave and—

(a) refuse to permit them to return, or

(b) permit them to return only on such condition as the inspector may specify.

(13) Any person who is required to leave and is not permitted to return or who does not return may submit written representations to the inspector before the close of the inquiry.

(14) The inspector may allow any person to alter or add to their statement of case submitted in accordance with rule 13 so far as may be necessary for the purposes of the inquiry, but the inspector may (if necessary by adjourning the inquiry) give every other person entitled to appear who is appearing at the inquiry an adequate opportunity to consider any new matter or document.

(15) The inspector may proceed with an inquiry in the absence of any person entitled to appear at it.

(16) The inspector may take into account any written representation or evidence or any other document received by them from any person before an inquiry opens or during the inquiry provided that the inspector discloses it at the inquiry.

(17) The inspector may from time to time adjourn an inquiry and, if the date, time and place of the adjourned inquiry are announced before the adjournment, no further notice will be required.

(18) In respect of any inquiry that the Secretary of State expects to last for 8 days or more, any person, who appears at the inquiry and makes closing submissions, must by the close of the inquiry provide the inspector with a copy of their closing submissions in writing.

Site inspections

22.—(1) Subject to paragraph (2), the inspector may make an unaccompanied inspection of the land before or during an inquiry without giving notice of their intention to the persons entitled to appear at the inquiry.

(2) Paragraph (1) does not apply where a site inspection will involve inspection of closed evidence.

(3) Subject to paragraph (4), during an inquiry or after its close, the inspector—

(a) may inspect the land in the company of the applicant, the relevant local planning authority and any statutory party, and

(b) must make such an inspection if so requested by the applicant or the relevant local planning authority before or during an inquiry.

(4) Where an accompanied site inspection will involve the inspection of closed evidence, paragraph (3) does not apply and the inspector—

(a) may inspect the land in the company of the applicant and the appointed representative, if any, and

(b) must make such an inspection if so requested by the applicant or the appointed representative before or during any inquiry.

(5) In all cases where the inspector intends to make an accompanied inspection, the inspector must announce during the inquiry the date and time proposed for the inspection.

(6) The inspector will not be bound to defer an inspection of the kind referred to in paragraph (3) or (4) where any person mentioned in that paragraph is not present at the time appointed.

Procedure after inquiry: standard applications

23.—(1) This rule applies in relation to a standard application.

(2) Subject to paragraph (3), where an assessor has been appointed they may, after the close of the inquiry, make a report in writing to the inspector in respect of the matters on which the assessor was appointed to advise, and where they do so the inspector must state in their notification of their decision pursuant to rule 25 that such a report was made.

(3) Where closed evidence was considered at the inquiry, the assessor must set out in a separate part ("the closed part") of their report any description of that evidence, together with any conclusions or recommendations in relation to that evidence.

(4) When making their decision, the inspector may disregard any written representation or evidence or any other document received after the close of the inquiry.

(5) Subject to paragraph (7), paragraph (6) applies where if after the close of an inquiry an inspector proposes to take into consideration any new evidence or any new matter of fact (not being a matter of government policy) which was not raised at the inquiry, and which the inspector considers to be material to their decision.

(6) The inspector must not come to a decision without first—

(a) notifying in writing the persons entitled to appear at the inquiry, and who appeared at it, of the matter in question, and

(b) affording them an opportunity of making written representations to the inspector or of asking for the re-opening of the inquiry.

(7) Where any new evidence is closed evidence, paragraph (6) does not apply, and the inspector must not make a decision without first notifying the appointed representative in writing and affording them the opportunity to make written representations to the inspector or of asking for the re-opening of the inquiry.

(8) Any written representations or requests to re-open the inquiry made in response to the notification made in accordance with paragraph (6) or paragraph (7), as the case may be, must be received by the Secretary of State within the period of 3 weeks beginning on the day the notification was sent.

(9) An inspector may, as they think fit, cause an inquiry to be re-opened, and the inspector must do so if asked by the applicant or the relevant local planning authority within the period mentioned in paragraph (8), and where an inquiry is re-opened—

(a) the inspector must send to the persons entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further evidence is invited, and

(b) paragraphs (2) to (9) of rule 18 apply as if the references to an inquiry were references to a re-opened inquiry.

Procedure after inquiry: recovered applications

24.—(1) This rule applies in relation to a recovered application.

(2) After the close of an inquiry, the inspector must make a report in writing to the Secretary of State which must include the inspector's conclusions and their recommendations or their reasons for not making any recommendations.

(3) Where an assessor has been appointed, they may, after the close of the inquiry, make a report in writing to the inspector in respect of the matters on which they were appointed to advise.

(4) Where an assessor makes a report in accordance with paragraph (3), the inspector must append it to their own report, and must state in their own report how far they agree or disagree with the assessor's report, and where the inspector disagrees with the assessor, their reasons for that disagreement.

(5) Where closed evidence was considered at the inquiry—

(a) the inspector or assessor, where one has been appointed, must set out in a separate part ("the closed part") of their report 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 their own report and must state in the closed part of their own report how far they agree or disagree with the closed part of the assessor's report and where the inspector disagrees with the assessor, their reasons for that disagreement.

(6) When making their decision, the Secretary of State may disregard any written representation, evidence or other document received after the close of the inquiry.

(7) Subject to paragraph (9), paragraph (8) applies where after the close of an inquiry, the Secretary of State—

(a) differs from the inspector on any matter of fact mentioned in, or appearing to the Secretary of State to be material to, a conclusion reached by the inspector, or

(b) takes into consideration any new evidence or new matter of fact (not being a matter of government policy),

and is for that reason disposed to disagree with a recommendation made by the inspector.

(8) The Secretary of State must not come to a decision which is at variance with the inspector's recommendation without first—

(a) notifying in writing the persons entitled to appear at the inquiry who appeared at it of the Secretary of State's disagreement and the reasons for it, and

(b) affording those persons an opportunity of making written representations or (if the Secretary of State has taken into consideration any new evidence or new matter of fact, not being a matter of government policy) of asking for the re-opening of the inquiry.

(9) Where the Secretary of State differs from the inspector on any matter of fact mentioned in, or appearing to the Secretary of State 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 (8) must not include the reasons for the Secretary of State's disagreement where—

(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.

(10) Any written representations or requests to re-open the inquiry made in response to the notification made in accordance with paragraph (8) must be received by the Secretary of State within the period of 3 weeks beginning on the day the notification was sent.

(11) The Secretary of State may, as they think fit, cause an inquiry to be re-opened, and must do so if asked by the applicant or the relevant local planning authority within the period mentioned in paragraph (10).

(12) Where an inquiry is re-opened (whether by the same or a different inspector)—

(a) the Secretary of State must send to the persons entitled to appear at the inquiry and who appeared at it a written statement of the matters with respect of which further evidence is invited, and

(b) paragraphs (2) to (9) of rule 18 apply as if the references to an inquiry were a references to a re-opened inquiry.

Notification of decision

25.—(1) Subject to paragraph (2), the inspector in the case of a standard application, or the Secretary of State in the case of a recovered application, must as soon as practicable, notify their decision on an application, and their reasons for it, in writing to—

(a) all persons entitled to appear at the inquiry who did appear, and

(b) any other person who, having appeared at the inquiry, asked to be notified of the decision.

(2) Where the reasons for a decision given by the inspector or the Secretary of State relate to matters in respect of which closed evidence has been given, nothing in paragraph (1) requires the inspector or the Secretary of State to notify those reasons to any person other than—

(a) the appointed representative, or

(b) a person specified, or of a description specified, in the security direction.

(3) Notification in writing of a decision and reasons for it will be taken to have been given to a person for the purposes of this rule where—

(a) the Secretary of State and the person have agreed that decisions and reasons required under this rule to be given in writing may instead be accessed by that person via a website,

(b) the decision and reasons are a decision and reasons to which that agreement applies,

(c) the Secretary of State has published the decision and reasons on a website, and

(d) the person is notified, in a manner for the time being agreed between that person and the Secretary of State, of—

(i) the publication of the decision and reasons on a website,

(ii) the address of the website, and

(iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.

(4) In the case of a recovered application—

(a) where the inspector's report is not sent with the notification of the decision, the notification must be accompanied by a statement of the inspector's conclusion and of any recommendations made by the inspector;

(b) a person may apply to the Secretary of State in writing for a copy of the inspector's report before the end of the period of 4 weeks beginning with the date of the Secretary of State's decision and the Secretary of State must supply a copy;

(c) where the inspector's report includes the assessor's report appended to it, but does not include any other document so appended, any person who has received a copy of the report may apply to the Secretary of State in writing for an opportunity to inspect any such documents and the Secretary of State must afford the person that opportunity.

(5) In the case of a standard application, any person entitled to be notified of the inspector's decision under paragraph (1) may apply to the Secretary of State in writing for an opportunity

to inspect any documents listed in the notification and any report made by an assessor and the Secretary of State must afford the person that opportunity.

(6) For the purposes of paragraphs (4)(c) and (5), an opportunity will be taken to have been afforded to a person where that person is notified of—

(a) publication of the relevant documents on a website,

(b) the address of the website, and

(c) the place on the website where the documents may be accessed, and how they may be accessed.

(7) Any application made pursuant to paragraph (4)(c) or (5) must be received by the Secretary of State before the end of the period of 6 weeks beginning with the date of the decision.

(8) Nothing in this rule requires the disclosure of the closed part of the assessor's report referred to in rule 23(3) or the closed part of the inspector's or assessor's reports referred to in rule 24(5) 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

26.—(1) Subject to paragraph (2), where a decision of an inspector in the case of a standard decision, or the decision of the Secretary of State in the case of a recovered decision, in respect of which an inquiry has been held, is quashed in proceedings before any court, the Secretary of State—

(a) must send to any person entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further representations are invited for the purposes of the further consideration of the application,

(b) must afford to those persons the opportunity of making written representations to the Secretary of State in respect of those matters or of asking for the re-opening of the inquiry, and

(c) may, as the Secretary of State thinks fit, cause the inquiry to be re-opened (whether by the same or a different inspector), and if the Secretary of State does so, paragraphs (2) to (9) of rule 18 will apply as if the references to an inquiry were references to a re-opened inquiry.

(2) Where the matters referred to in paragraph (1)(a) will involve consideration of closed evidence, the Secretary of State must only send the written statement to—

(a) the appointed representative, and

(b) a person specified, or of any description specified, in the security direction.

(3) Those persons making representations or asking for the inquiry to be re-opened must ensure such representations or requests are received by the Secretary of State within a period of 3 weeks beginning with the date the written statement under paragraph (1)(a) was sent.

Closed evidence not to be disclosed

27. Nothing in these Rules requires or permits 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.

Allowing further time

28. The Secretary of State may at any time in any particular case allow further time for the taking of any step which is required or enabled to be taken by virtue of these Rules, and reference in these Rules to a day by which, or a period within which, any step is required or enabled to be taken must be construed accordingly.

Additional copies

29.—(1) The Secretary of State may at any time before the close of an inquiry request from any person entitled to appear additional copies of the following—

(a) a statement of case sent in accordance with rule 13,

(b) a proof of evidence sent in accordance with rule 20, or

(c) any other document or information sent to the Secretary of State before or during an inquiry,

and may specify a time within which such copies should be received by the Secretary of State.

(2) Any person so requested must ensure that the copies are received by the Secretary of State within the time period specified.

Signed by authority of the Lord Chancellor

Alex Davies-Jones
Parliamentary Under-Secretary of State
Ministry of Justice

At 2.00 p.m. on 3rd April 2025

EXPLANATORY NOTE

(This note is not part of the Rules)

These rules govern the procedure for hearings and inquiries held before the determination of a Crown development application, that is, an application which has been made in accordance with sections 293D and 293E of the Town and Country Planning Act 1990 ("the 1990 Act").

Rule 3 explains the meaning of electronic communication for the purposes of these rules and how electronic communication should be accessed by a recipient. Rule 4 permits the use of electronic communications to send a notice or document produced for the purpose of these Rules.

Part 2 provides rules to govern a hearing, and Part 3 provides rules to govern an inquiry, held before the determination of a Crown development application.

Part 2—

(a) sets the minimum notice period for the holding of a hearing,

(b) requires the Secretary of State to set out in a statement the issues to be considered at the hearing,

(c) lists who is entitled to appear at the hearing,

(d) provides the procedure to be followed at the hearing and any site inspection, and

(e) provides the procedure to be followed after the hearing and the making of a decision.

Part 3—

(a) requires a notice of the inquiry to be sent to the parties within the specified time period,

(b) allows the inspector to set out for the parties a statement of the matters the inspector wishes to be informed about at the inquiry,

(c) allows specified parties to submit a statement of case, and allows the Secretary of State to request a statement of case from a party who has not submitted one but who wishes to be heard at the inquiry, and to request further information from the parties,

(d) allows the inspector to hold a pre-inquiry meeting where the inspector considers it necessary,

(e) requires the inspector to set an inquiry timetable for inquiries expected to last 8 days or more, and allows the inspector to set a timetable for shorter inquiries,

(f) lists who is entitled to appear at the inquiry,

(g) sets out the procedure for the giving of evidence, and cross-examination of witnesses at the inquiry,

(h) provides the procedure to be followed at the inquiry, and any site inspection, and

(i) provides the procedure to be followed after the end of the inquiry and the making of a decision, and where an inquiry can be re-opened.

Part 3 also provides for modified procedures in circumstances where there is closed evidence (that is, evidence which is subject to a direction made by the Secretary of State in accordance with section 321 of the 1990 Act).

A full Impact Assessment has not been prepared for this instrument because no, or no significant, impacts on the private, voluntary or public sector are foreseen. An impact assessment was prepared for the Levelling Up and Regeneration Act 2023 and copies of that assessment may be found at https://bills.parliament.uk/bills/3155/publications and can be inspected at the Planning Directorate,

the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

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