



Joint Circular from the
Ministry of Housing and Local Government
Whitehall, London S.W.1

Welsh Office
Cathays Park, Cardiff

Sir,

9th December 1968

Town and Country Planning Act 1968

Planning Inquiry Commissions

1. We are directed by the Minister of Housing and Local Government and the Secretary of State for Wales to inform you that they have made an order* bringing sections 61 to 63 of this Act into force on 6th December next, and that regulations† have been made under section 63(2) of the Act prescribing the manner in which publicity is to be given to the making of a reference to a Planning Inquiry Commission. A copy of the commencement order was attached to Circular 66/68 (Welsh Office Circular 58/68); a copy of the regulations is attached hereto.

Object of sections 61 to 63

2. The object of sections 61 to 63 of the Act is to provide a more satisfactory means of investigating development proposals of a far-reaching or novel character than is at present afforded by the traditional local inquiry system. In particular, the sections are designed to provide a means of examining satisfactorily the question where the development should be carried out in a case where the use of two or more alternative sites is prima facie practicable. The circumstances in which a proposed development may be referred to a Planning Inquiry Commission are set out in section 62(2). Only proposals which come within that subsection may be referred to a Commission: it will not be a sufficient reason in itself that the decision whether or not to allow a particular proposal to proceed is nicely balanced, or likely to give rise to controversy.

Alternative sites

3. Section 62(4) enables the Minister or Ministers referring a matter to a Planning Inquiry Commission to refer to them also the question whether the development concerned should be carried out on a site different from that proposed. It is appreciated that in such a case the developer may be involved in additional labour in preparing and documenting proposals

* The Town and Country Planning Act 1968 (Commencement No. 1) Order 1968 (S.I. 1968).

† The Town and Country Planning (Planning Inquiry Commissions) Regulations 1968 (S.I. 1911).

relating to a site which he regards as less suitable than the one to which his original proposal relates; but it is hoped that developers will see the advantage to themselves in so doing in order that there may be a proper and sufficient examination of alternatives leading to a final decision from one set of proceedings.

**Procedure of a
Planning Inquiry
Commission**

**(a) General
investigation**

4. Section 62(6) envisages that a Planning Inquiry Commission's investigation of a matter referred to it will comprise two distinct phases. The first of these will consist of an investigation in depth under procedures akin to those adopted by Royal Commissions and similar bodies, with witnesses giving written evidence and in some cases being invited by the Commission to amplify and explain their evidence in question and answer discussion with the Commission. At this stage the object will be to identify the material considerations (including any considerations of national or regional importance or any technical and scientific aspects of the matter) which the Commission think relevant, and to assess the importance to be attached to them.

(b) Local Inquiry

5. The second phase will be a local inquiry conducted by one or more of the members of the Commission into the proposal if either of the parties asks for it or the Commission thinks it necessary. The record of proceedings in the first phase of the investigation will be available to those concerned in the second phase. The local inquiry will take the place of any inquiry which, but for the reference of the matter to the Planning Inquiry Commission, would have been held under the provisions of section 22(5) or 23(5) of the Town and Country Planning Act 1962 or section 21(6) or 22(4) of the Act of 1968. Section 62(8) of the Act makes it clear that the provisions of those sections do not apply to a matter referred to a Planning Inquiry Commission, but section 62(6)(b) provides an equivalent right for the parties to be heard. Where different sites are involved the local inquiry may be adjourned from place to place or two or more local inquiries may be held. The report to the Minister will cover both phases.

**Notification of
References**

6. Provision is made in section 63(2) of the Act for the local planning authority and the other parties to a matter referred to a Planning Inquiry Commission to be given copies of the notice which the Minister or the Secretary of State is required to publish under the regulations referred to in paragraph 1 above.

We are, Sir, your obedient Servants,

The Clerk of the Authority,
Local Authorities
Joint Planning Boards
England and Wales
(M.H.L.G. U.P.D./353/66)
(W.O. CLG. 130/1 Part 7)

W. R. COX, *Under Secretary*

J. W. M. SIBERRY, *Assistant Under-Secretary of State*

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