



The Planning
Inspectorate

Guide to Rule 6 for interested parties involved in an inquiry - England



INVESTOR IN PEOPLE

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1. What is Rule 6 status?

1.1 "Rule 6 status" refers to Rule 6(6) of the Inquiries Procedure Rules¹ relevant to the particular inquiry. It states that:

"The Secretary of State may in writing require any other person, who has notified him of an intention or wish to appear at an inquiry, to send within 4 weeks of being so required –

- (a) 3 copies of their statement of case to him; and*
- (b) a copy of their statement to any statutory party,*

and the Secretary of State shall, as soon as practicable after receipt, send a copy of each such statement of case to the local planning authority and to the applicant/appellant."

1.2 From this extract from the Rules you will see that Rule 6 parties have the responsibility to submit a statement of case. They also have rights which are explained in this guide.

2. How do I apply for Rule 6 status?

2.1 If you wish to take a very active part in an inquiry you should write to the Planning Inspectorate Case Officer requesting "Rule 6" status. However, to avoid making the inquiry too repetitious, participants with similar views are encouraged to group together and elect a spokesperson to appear at the inquiry on the group's behalf. You should state who you are representing (for example, a parish council or local community group), why you want Rule 6 status and briefly explain what you can bring to the inquiry that another party may not. It is unusual for Rule 6 status to be granted to individuals.

2.2 Rule 6 parties can offer significant value to the inquiry process. However this is only the case where Rule 6 parties add substantively to the case being made by the local planning authority and/or the appellant/applicant. It is not beneficial to the inquiry for Rule 6 parties to repeat evidence given by other parties. Depending on whether you oppose or support the appeal you may wish to consult the local planning authority or the appellant to find out what their position will be at the

¹ These are:

The Town and Country Planning (Inquiries Procedure) (England) Rules 2000
The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000
The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002
The Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 2002 (in these Rules it is Rule 8(6))

inquiry to help you decide whether your position can be satisfactorily represented by them.

2.3 With Rule 6 status you will be considered to be a main party. You will be sent copies of the documents submitted by the other main parties. You will be entitled to appear at the inquiry and to cross-examine other parties.

2.4 It is very important for all parties to keep to the timetable for submission of documents. For an overview of the appeal/call-in inquiry process please see Annexe A.

3. Statement of case

3.1 We will instruct Rule 6 parties to submit a statement of case, usually within 4 weeks of the date of our letter which grants Rule 6 status.

3.2. In your statement of case you will need to give full details of the case you will put forward at the inquiry. You must list any documents, including maps and plans, to which you intend to refer or use in evidence. For further information please see the [Planning Inspectorate Good Practice Advice Note 07: Nature and content of documents](#).

3.3. You must submit one copy for the Inspector and one for each of the other main parties, e.g. the local planning authority, appellant/applicant and any other Rule 6 parties. On larger inquiries where 2 Inspectors are appointed, or where an additional copy of documents is required for the Secretary of State, you will be asked to provide 2 copies for the Inspector(s).

4. Statement of common ground

4.1 The appellant/applicant and local planning authority should jointly submit a statement of common ground. This should list all agreed matters and should include basic facts such as the site description, area, planning history, relevant planning policies, and as many other matters as possible relating to the application.

4.2. With the agreement of the appellant (or applicant in a call in case) and the local planning authority, Rule 6 parties can also agree a statement of common ground. This will establish those matters which are agreed with the main parties, which means that the inquiry can then focus on the issues which are in dispute. If you wish to do this please contact the appellant (or applicant) and the local planning authority.

4.3. If there is more than one Rule 6 party it can also be helpful if they can jointly produce a statement of common ground. For further information please see the [Planning Inspectorate Good Practice Advice Note 08: Statements of common ground](#).

5. Proofs of evidence

5.1. If you propose to give, or to call another person to give, evidence at the inquiry by reading a proof of evidence you must submit

- three copies of it and any written summary to us; and
- one copy of it and any written summary to any statutory party;.

no later than 4 weeks before the date fixed for the holding of the inquiry. However if the Inspector has specified a different timetable for the submission of the proofs of evidence you must meet that timetable.

5.2 A 'proof of evidence' is the document containing the written evidence about which a person appearing at a public inquiry will speak. Proofs of evidence should be concise and ideally contain facts and expert opinion deriving from witnesses' own professional or local knowledge as applied to individual cases. For further information please see the [Planning Inspectorate Good Practice Advice Note 07: Nature and content of documents](#).

5.3 Inspectors will expect witnesses and their advocates to apply self discipline in limiting the length of proofs. Wherever practical, Inspectors will direct at the earliest possible stage the manner in which they wish to receive evidence which may include giving further advice about the length of proofs.

6. Summaries of proofs

6.1 If the proof exceeds 1,500 words it should be accompanied by a summary.

6.2. Summaries should concentrate on the main points at issue. They should not introduce new or different evidence nor go beyond the scope of the text they summarise. We appreciate that it may sometimes be difficult to summarise complex technical evidence effectively, and the above advice is not intended to prevent witnesses properly explaining their evidence. Successful summaries of complex evidence will help make the salient points clearer to the interested parties, as well as saving time, which is in the interests of all parties.

6.3 For further information please see the [Planning Inspectorate Good Practice Advice Note 07 Nature and content of documents](#) in particular paragraphs 44 -55 which cover proofs of evidence and summaries.

7. Core documents

7.1. These are documents that are of general/background relevance to the inquiry. With the agreement of the other parties, a document that will be referred to by more than one party can be added to the core documents list. Any other document should be appended to a proof of evidence where necessary. Where relevant the local planning authority or

appellant/applicant should coordinate the core documents list. It is usual practice that any party who suggests inclusion of a core document provides copies of that document to the party coordinating the list.

8. Electronic submissions

8.1 Whilst the Planning Inspectorate encourages electronic working, it strongly encourages parties additionally to provide hard copies of certain documents such as statements of case, proofs of evidence and appendices to ensure the smooth running of the inquiry. If any document is submitted electronically we may ask you to provide hard copies if the document is particularly lengthy. Any printed copies must be of the final versions submitted. Web links included in documents are not accepted – if a party wishes to refer to a document then, if it is not a core document, it needs to be appended to the proof of evidence.

8.2 For further information please see the [Planning Inspectorate Good Practice Advice Note 06: Communicating electronically with the Planning Inspectorate](#).

9. Pre-inquiry meetings (PIM)

9.1 A pre-inquiry meeting (PIM) may be held before any inquiry of any length. When a planning inquiry is likely to last 8 or more days or an enforcement inquiry is likely to last 4 or more days a PIM is usually held. The purpose of this is to prepare for the actual inquiry by discussing procedural and other arrangements. No evidence about the case will be heard at the PIM. The PIM should help to ensure that the main inquiry runs smoothly and efficiently. It will also help everyone to concentrate on the main issues in dispute, saving time and expense for all concerned. A PIM is a public meeting but it is principally for the benefit of the Inspector and main parties. We will invite Rule 6 parties to attend the PIM.

10. Inquiry arrangements

10.1 We ask the local planning authority to arrange the inquiry venue. Inquiries are usually held in local planning authority offices, village halls or community centres. The Planning Inspectorate has set out the facilities that an inquiry venue should include. For further information please see the [Planning Inspectorate The venue and facilities for public inquiries and hearings](#).

10.2 The Planning Inspectorate will notify the appellant, the local planning authority and every person entitled to appear at the inquiry of the date, time, place and expected length of the inquiry. The Planning Inspectorate will also inform these parties of the name of the Inspector.

10.3 We want to hold all inquiries in buildings with proper facilities for people with disabilities. If you, or anyone you know, want to go to the inquiry and you have particular needs, please contact the local planning authority to confirm that they can make proper arrangements.

10.4 Inquiries usually open on a Tuesday at 10 am. Unless there has been a PIM (see section 9 above) the Inspector will agree the sitting times with the main parties at the start of the inquiry. It is often agreed that the inquiry will start at 9.30 am on subsequent days. Inquiries usually sit until about 5 pm or 5.30 pm each day but may finish earlier on a Friday. There will usually be a mid-morning and mid-afternoon break and a 1 hour break for lunch. The Inspector should not be approached during breaks when other participants in the inquiry would not know what was being said. Inquiries do not usually sit on a Monday.

10.5 An evening inquiry session is sometimes held if there are a significant number of interested parties who cannot attend during the daytime inquiry sessions. This is at the discretion of the Inspector and dependant on there being a suitable inquiry venue available.

11. Advocates

11.1 An inquiry is not a court of law and there is no requirement for anyone to be legally represented by a solicitor or barrister. However it is customary for each of the main parties at an inquiry to have an advocate. An advocate is someone who represents a party at an inquiry. Advocates do not need to have legal qualifications, although they often do. Their role is to present their party's opening statement, go through each of their witness's evidence in chief, cross-examine the opposing parties' witnesses, and present their party's closing statement. When advocates are inexperienced the Inspector will assist and advise, where necessary, of the procedures to be followed.

11.2 If a Rule 6 party does not have an advocate then one of their witnesses can act as advocate. This is especially important should you wish to cross-examine any of the other main parties. If you do not nominate somebody to be your advocate then you will need to introduce yourself to the inquiry and present your proof of evidence without anyone leading you through it.

12. What happens at the inquiry?

12.1 An inquiry is the most formal of the appeal procedures, because it usually involves larger or more complicated appeals. These are often cases where expert evidence is presented, and witnesses are cross-examined (questioned). An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar.

12.2 The Inspector is likely to have seen the site and the surrounding area prior to the event but will normally make a further accompanied inspection during or after the inquiry.

12.3 When the Inspector opens the inquiry on the first day he/she will firstly deal with any 'housekeeping' matters (such as what the inquiry is about, where the fire exits are etc). The Inspector will then usually give

an outline of what will happen at the inquiry. The Inspector will ask whether there are any third parties who wish to speak at the inquiry, this is often called "taking the appearances".

12.4 Each of the main parties will then make their opening statements, which sets out what their case will be at the inquiry. The order of these is usually the appellant/applicant, the local planning authority and then any Rule 6 parties. When the witnesses give their evidence it is usual for the local planning authority to go first, followed by any Rule 6 parties that oppose the appeal/application, then any Rule 6 parties that support the appeal/application and finally the appellant/applicant. The order of appearances is at the discretion of the Inspector and may be different for call-in inquiries and is different at enforcement inquiries. The Inspector would usually take into account the views of the parties and the particular circumstances of the case.

12.5 Each witness will be taken through their evidence by reading their summary proof of evidence and/or parts of their main proof. They then may be subject to cross-examination by opposing parties. Any cross-examination will be on the whole proof and any appendices.

12.6 The Inspector will usually ask if you are willing to answer questions about your evidence. You do not have to do this, though it is often helpful to do so and it may add weight to your evidence. Do not feel intimidated. The Inspector will not let anyone ask you hostile or unfair questions. If you object to the proposal, the appellant's representative may ask you questions. If you support it, the local planning authority's representative may ask you questions. In turn, Rule 6 parties should ensure that their cross-examination of other parties is succinct, fair and relevant to the planning matters at issue.

12.7 After cross-examination, parties can do what is called "re-examination". If a witness has made a mistake or got in a muddle during their cross-examination, their advocate can try to correct things by discussing the subject again and asking further questions of their witness to ensure that their case is clarified. Leading questions, ie. a question in which the answer is suggested by the question, are not allowed (for example "Would you agree that..."). It is not the function of re-examination to invite the witness to revisit clear answers given in cross-examination.

12.8 Finally there are closing statements which are an opportunity for each party to sum up their case. They are usually read out loud from a pre-prepared written version. It is likely that the parties will have been able to prepare a draft of their closing statement before the actual end of the inquiry, and this can be added to, by hand if necessary, for submission to the Inspector and other parties.

13. The end of the inquiry

13.1 The inquiry ends with closing speeches. This is normally followed by the Inspector visiting the appeal site.

13.2 The inquiry will normally be closed before the site inspection and, therefore, no further detailed discussion on the merits of the case will be permitted during the formal site inspection. This is because it could lead to further oral evidence being given by one party or interested person and could compromise the fairness, openness and impartiality of the process.

13.3 However, where the parties have referred in their inquiry submissions to certain physical characteristics of a site, building or area, the Inspector will allow those to be pointed out. The Inspector will necessarily be courteous but firm about not allowing any inappropriate discussions or comments to be made at the formal site inspection.

14. Bespoke appeals/called-in applications

14.1 The main parties can propose an agreed bespoke programme for all appeals where the inquiry is likely to last 6 days or more, or on any called-in application. Depending on what stage of the process a party is granted Rule 6 status, they may be able to be involved in the discussions to agree a bespoke programme. For guidance about programming of bespoke appeals please see the [Planning Inspectorate Good Practice Advice Note 05: Bespoke Casework Sections 77 and 78](#).

15. Costs

15.1 There is no cost to being a Rule 6 party other than any you may incur in preparing your evidence (this can include photocopying, binding and posting) and attending the inquiry. Main and third parties may apply for costs and may have costs awarded against them. This can happen when one side claims it has been caused unnecessary expense in dealing with the proceedings, because of the other side's unreasonable behaviour. An applicant for costs will need to demonstrate clearly how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense in the process. Costs will be awarded only in exceptional circumstances. An example would be an unnecessary adjournment caused by unreasonable conduct, such as late submission of evidence.

15.2 At the inquiry the Inspector will say that any application for costs should be made before the end of the proceedings. This is unlikely to apply to you because if you choose to take part in an appeal you do so at your own expense.

15.3 There is a booklet '[Costs awards in planning appeals](#)' that you may wish to read. If you do not have access to the internet you can contact us and we will send you a copy.

16. The decision

16.1 At the end of the inquiry the Inspector will give an indication of when his/her decision is likely to be issued. However if it is an inquiry into a called-in application or an appeal to be decided by the Secretary of State, then within 10 working days of the close of the inquiry the Case Officer will normally write to the parties to let them know the date by when the Secretary of State's decision will be issued.

16.2 When made, the decision (either by the Inspector or the Secretary of State) will be published on the Planning Portal and can be viewed at www.planningportal.gov.uk/pcs.

17. Further guidance

17.1 If you have any further queries regarding Rule 6 status or the appeal/call-in procedure in general you can contact us at:-

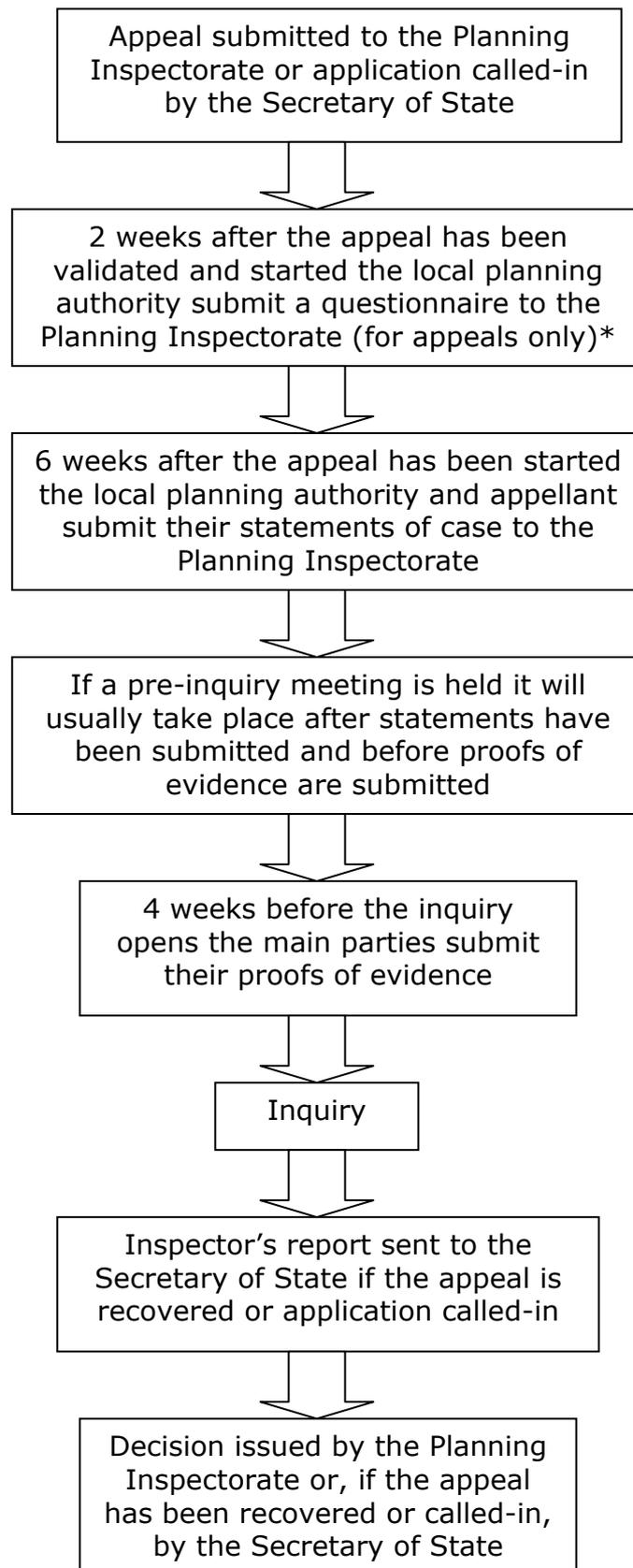
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN
Helpline: 0117 372 6372
E-mail: enquiries@planning-inspectorate.gsi.gov.uk

17.2 You may also find further advice in our '[Guide to taking part in planning appeals proceeding by an inquiry - England](#)': and our '[Guide to taking part in enforcement appeals proceeding by an inquiry- England](#)'.

18. Planning Aid

You may also wish to contact Planning Aid, who offer free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees. You can contact:

Planning Aid England
41-42 Botolph Lane
London
EC3R 8DL
Advice Line: 0330 123 9244
Switchboard: 020 7929 9494
Fax: 020 7929 9490
Email: info@planningaid.rtpi.org.uk
Website: www.rtpi.org.uk/planningaid

Appeal/call-in inquiry overview

* For bespoke appeals and all called-in applications the dates for submission of all documents can be agreed between the main parties