

# Guide to the Public Inquiry Process



Community Places  
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## Background

A Public Inquiry is a procedure used to carry out in-depth investigations on a particularly complex planning application. A Public Inquiry can be:

- called by Department for Infrastructure (the Department), before it issues a Notice of Opinion; or
- requested by the Applicant or Local Council, following the issue of a Notice of Opinion.

The Public Inquiry is overseen by the Planning Appeals Commission (the Commission) who will seek representations from the applicant, the Department, expert bodies and other interested third parties.

## The Process

The Department will request that the Commission conducts a Public Inquiry. It will then forward all documentation relating to the application, including copies of representations (correspondence from people who have commented on the application) to the Commission.

All those that made representations on the application are referred to as “interested third parties”. The PAC will write to these interested third parties directly to advise of the time and place of Inquiry and any related meetings including a possible pre-Inquiry meeting. The letter will also detail arrangements for submitting a Statement of Case and the way in which the proceedings will be conducted.

A questionnaire will also be included with the letter from the PAC. It will ask the parties to indicate how they wish their comments to be considered at Public Inquiry. There are three ways in which you can participate:

- you may rely on original correspondence relating to the planning application and take no further part in Public Inquiry;
- you may submit a written representation in the form of a Statement of Case and then take no further part in proceedings; or
- you may provide a Statement of Case and ask to take part in the Inquiry.

If you are a group with multiple parties expressing an interest in participating in the Public Inquiry, you will need to designate a spokesperson or spokespersons to represent the group. However, the spokesperson can be assisted by other members from your group during the Inquiry, who will be seated in the public gallery. The Commissioner will direct parties accordingly during the discussions.

## Original Correspondence

The Department issues all original correspondence relating to the application to the Commission for consideration during the Inquiry.

## Pre-Inquiry Meeting

A pre-Inquiry meeting may be held to generate draft topics for the agenda and to deal with any procedural matters before the Public Inquiry. It is important to attend this meeting and ensure any topics you wish to raise will be on the agenda for discussion and considered during the Inquiry.

## Statements of Case

Should you wish to participate in the Inquiry, you will need to provide a Statement of Case. A Statement of Case is a comprehensive document outlining your concerns about or support for the application structured by topic. It should be made up of all the points you wish to make and provide evidence to support your case (including the evidence of all your witnesses), a list of documents referred to, and any relevant maps (A3 or A4 size only) and photographs.

The Commission will set a word limit and a date for submission in its initial letter, the Statement of Case should not exceed this limit and must be submitted on or before the submission date. Appendices may be used for supporting information, but all arguments must be confined to the main body of the Statement. Once all Statements of Case are submitted to the Commission, they will be distributed by the Commission to all parties. All parties will then have the opportunity to prepare and submit rebuttal evidence. This is a written document which should set out the counter arguments of opposing parties' Statements of Case. Again, the Commission will outline a strict deadline for submission of this document. All rebuttal evidence is issued to opposing parties for information.



## The Public Inquiry

A Commissioner is appointed to conduct the Public Inquiry. The Commissioner will direct when people should speak or ask questions and any issues should be raised directly with him/her, in public, at an appropriate time during the proceedings. The Commissioner will ensure that all parties are given an opportunity to express their views.

The Public Inquiry will proceed on a topic basis. The Commissioner will set out the order of business in an agenda and will lead a round table discussion on each topic. The Commissioner will hear all parties, taking turns going around the table. Before moving onto the next topic, the Commissioner may give all parties an opportunity for formal questioning or submissions to address any matters which were not covered in the round table discussion. You will not be required to make a presentation, rather, you will be asked if you have anything to add to the topics raised.

Generally, no new information or arguments should be brought into Public Inquiry proceedings that have not been already raised in written submissions, however there may be special exemptions given to any issues that could not possibly have been raised before the date of the Inquiry.

When all the evidence has been heard, the Commissioner will close proceedings and indicate when he/she expects to deliver the report to the Department. The Commissioner will consider all the evidence presented, visit the application site, and prepare a report. The report will not summarise the evidence but will set out a reasoned consideration of the main issues and recommend how the application should be determined.

The Department is required to consider the Commissioner's report before it makes a final decision on the application but it is **not obliged** to accept the recommendation. The timing of the publication of the report will be a matter for the Department.

### Note:

It is always advisable to continue to check the PAC website for any further information on the Inquiry including the date and location. You can check this here <https://www.pacni.gov.uk/digest> under 'Hearing and Inquiries'- requests.



# Public Inquiry Process



**Application referred to PAC**

Dfl refers the application to the PAC, directly or following a request for an Inquiry by the Applicant or Local Council.



**Documents sent to PAC**

Dfl sends all documents relating to the application to the PAC.



**Questionnaire and Arrangements**

The PAC issues a questionnaire to all interested parties, asking them how they wish to participate in the Inquiry. The PAC sets the time, dates and location for the Public Inquiry.



**Pre-Inquiry Meeting**

A pre-Inquiry meeting may be held, at this meeting the draft agenda and topics for the Inquiry are agreed.



**Exchange of Statements**

Statements of Case (setting out each party's arguments on a topic basis) are exchanged to allow all parties to consider them. Parties then comment on ("rebut") the arguments presented by others.



**Public Inquiry**

The Commissioner guides a topic-based round table discussion - all parties have the opportunity to discuss items on the agenda.



**Inquiry Report**

The Commissioner considers all the evidence presented, visits the application site, and prepares a report for Dfl, with a recommendation on how the application should be determined.



**Decision**

Dfl must consider the Commissioner's report and recommendation. The final decision on the application is made by the Department, who will publish the Commission's report.