



**Guide to taking part in  
planning, listed building and  
Conservation Area Consent  
appeals proceeding by inquiry -  
Wales**

August 2016

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## **1. Introduction**

1.1 This guide explains how, if you are interested in the outcome of an appeal, you can make your views known.

1.2 Effective community involvement is a key element of planning during the planning appraisal process. During the application process local communities should have been given the opportunity to comment on the development proposals which are the subject of an appeal and members of the public would have been welcome to give their views. If you had an interest in an application, whether you were for or against it, you almost certainly will be interested in the outcome of any appeal. This guide explains how you can make your views known.

1.3 Please note there are separate booklets for planning appeals that are proceeding by the written representation or hearing process. You can access all our booklets through the Welsh Government Website: <http://gov.wales/topics/planning/appeals/appeal-guidance-and-information/?lang=en>, or you can contact us and we will send you a copy.

1.4 If you need this guidance in large print, in audio format or in Braille, please contact our helpline on 02920 823866.

## **2. Who decides an appeal and what are the rules?**

2.1 Planning; listed building consent and conservation area consent applications are made to the local planning authority (LPA), which will usually be the council but may be a National Park Authority. Appeals may be made for a number of reasons, but most are made because the LPA have refused planning permission. Appeals are made to us for a number of reasons, but most are made because the LPA has refused planning permission or consent. Appeals are made to the Planning Inspectorate.

2.2 Nearly all appeals are decided by our Inspectors, a very small percentage are decided by the Welsh Ministers - these tend to be for very large or contentious proposals.

2.3 For:

- An appeal in relation to an application for planning permission; or
- An appeal in relation to listed building consent; or
- An appeal in relation to conservation area consent

the inquiry is held under:

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (Wales) Rules 2003/1267

and the few appeals decided by the Welsh Ministers are held under:

The Town and Country Planning (Inquiries Procedure) (Wales) Rules 2003/1266

## **3. Who can appeal?**

3.1 Only the person who made the planning application has the right to appeal. We must receive all their appeal papers within six months of the LPA's decision notice, or within six months of the end of the LPA decision period if the LPA have not made a decision.

## 4. How you find out about the appeal

4.1 If you wrote to the LPA about the application:-

- they should write to tell you about the appeal within two weeks of us starting it; and
- when the arrangements have been made for the inquiry they should let you know when and where it will take place.

4.2 The appellant must display details of the inquiry, including the time and place, on the site of the proposed development two weeks before the inquiry.

4.3 These are the minimum publicity requirements. Your LPA may give appeals more publicity. They may publish details of the inquiry in a local newspaper if they think it is necessary.

## 5. What you can do

5.1 The LPA will send us copies of any letters of support or objection they received about the planning application while considering it. These will be fully considered by the Inspector who decides the appeal.

5.2 If you did not write at application stage, or you did write and now have something new to say, you can send us your comments.

5.3 You can submit your comments on line through the Appeals Casework Portal or you can write to or email us. The LPA should have told you our Case Officer's contact details.

5.4 If you send us your comments in a letter, if possible, please send us three copies of it. We will not acknowledge your letter unless you ask us to.

5.5 We recommend that you use this layout when sending us your comments about an appeal. Unless your handwriting is very clear it would help if you are able to have your comments typed. Please use **black** ink.

1. Your name and address, and any other personal details on a separate sheet of paper
- 2.a The Planning Inspectorate appeal reference number (this will start APP/...)
- 2.b The address of the appeal site.
- 2.c 'I am against the appeal proposals' or 'I support the appeal proposals'.
- 2.d Your comments. If you are against, say whether it is for the same reasons as given by the LPA or, if not, explain your own reasons. Or, say why you support the appeal proposals.
- 2.e Say if you would like us to send you a copy of the decision notice.

5.6 Alternatively, you may wish to use the form at **Annex 1**

5.7 If you decide to submit documents to support your comments:-

5.7.1 Documents in a sans serif font are easier to read. Please use a font such as Arial or Verdana in a size of 11 point or larger.

### 5.7.2 Please

- use **A4** paper wherever possible;
- number the pages of the documents;
- make sure **photocopied and scanned** documents are clear and legible;
- put any photographs (colour if possible), maps, plans, etc, in a **separate appendix** and cross-reference them within the main body of the document;
- bind documents so that they can be undone quickly without damaging the document. Do not use wire or plastic spiral binders;
- do not use cover sheets, sleeves or other bindings that do not add value or information;
- do not send original documents unless we specifically ask for them;
- do not include self adhesive notes or small attachments that might be dislodged easily or lost;
- print documents on both sides of a page. You should use paper of good enough quality that something printed on one side of the page does not show through to the other side;
- ensure that the scale, orientation and paper size of any maps and plans are shown clearly. If you are sending maps or plans by email or through the Appeals Casework Portal you **MUST** tell us the paper size.

5.8 If you want to make written comments, you **must** make sure that we receive your comments within six weeks of the starting date for the appeal. The LPA should have told you the deadline.

5.9 If you wish for a document to be considered when the Inspector makes his/her decision' or you refer to a specific document you must ensure you provide a copy or the appropriate extract.

5.10 If we consider your comments contain libellous, racist or abusive comments, we will send them back to you before the Inspector or anyone else sees it. If you take out the libellous, racist or abusive comments, you can send your comments back to us. But, you must send them back before the time limit ends.

5.11 We do not accept anonymous representations, but you may ask for your name and address to be withheld. If you ask us to do this you should make sure that your representations do not include any other information which may identify you. We will copy your representations, with your name and address removed, to the main parties, and they will be seen by the Inspector who may give them less weight as a result.

5.12 If you indicate that you do not want us to copy your representations to the main parties, we will return them. They will not be seen by the Inspector and, therefore, will not be taken into account. This is because the Inspector can only take into account representations which have been copied to the main parties and are available to be seen.

5.13 Planning issues can be wide-ranging, for example including the need to reduce travel by private car, promote the development of renewable energy resources, and take climate change impacts into account in the location and design of development. The LPA's reasons for refusing a planning application will usually set out the issues that apply.

5.14 The Inspector can only consider things that are relevant to planning, for example, the fact that a proposed new building may directly overlook someone's garden thereby harming the enjoyment of that personal space or it may need a new access in a dangerous location that would be to road safety.

5.15 We will send copies of your comments to the appellant, the LPA and the Inspector. They will also be published on the Appeals Casework Portal - <https://acp.planninginspectorate.gov.uk/CaseSearch.aspx>

5.16 The time limit for sending comments to us is important, and everyone taking part in an appeal must follow it. **If you send us comments after the end of the time limit, we will not normally accept them. Instead we will return them to you. This means that the Inspector will not take them into account.** However you may attend and ask to speak at the inquiry- see the paragraph below called "What happens at the inquiry?".

5.17 If you would like a copy of the appeal decision you must ask us to send you one.

## **6. Audio/Video evidence**

6.1 We will return any audio/video evidence sent to us in advance of the inquiry. You may send a written summary which will be seen by the Inspector, the main parties and any Rule (6) party. Please send (3 copies if possible, if not sending electronically) within the 6 week deadline for representations. Also you may ask the Inspector at the inquiry if he or she is willing to accept the audio/video evidence and allow it to be played at the inquiry.

6.2 It is your responsibility to contact the LPA to find out whether it has suitable equipment at the venue to access the evidence, or if it will allow you to use your own. The equipment must be suitable to play the evidence so that everyone can see/hear it.

6.3 If the evidence is accepted by the Inspector it will become part of the inquiry evidence and will be retained by the Inspector. You will need to have additional copies of the audio/video evidence available as if the Inspector allows it to be played these copies will be given to the main parties, and all those entitled to appear at the inquiry. Our Case Officer will be able to tell you how many copies you will need to provide.

## **7 Welsh Language**

7.1 The Planning Inspectorate aims to deliver an equally high standard of service to its customers in Welsh and English.

7.2 We recognise that our customers can express their views better in their preferred language of communication. Accordingly, we welcome all communications to us in Welsh or English.

7.3 Members of the public are welcome to speak in Welsh at public inquiries, hearings and site visits organised on behalf of the Planning Inspectorate. The LPA are responsible for

arranging the venues for such events and it would be helpful if you could inform the relevant LPA beforehand so that appropriate translation facilities can be provided.

## **8. Inquiry venue**

8.1 We ask the local planning authority to arrange the inquiry venue. Inquiries are usually held in LPA 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 venue and facilities for public inquiries and hearings](#) note.

## **9 People with disabilities**

9.1 We want to hold all inquiries in buildings with proper facilities for people with disabilities. The LPA usually choose and provide the place. If you, or anyone you know, want to go to the inquiry and you have particular needs, please contact the LPA to confirm that they can make proper arrangements.

## **10. Before the inquiry**

10.1 Local people are encouraged to take part in the inquiry process. Local knowledge and opinion can often be a valuable addition to the evidence given by the appellant and the LPA, and although you do not have a legal right to speak, the Inspector will normally allow you to do so.

10.2 Before going to the inquiry, if you want to see what the appellant and the LPA have written, you can view them online through the Appeals Casework Portal - <https://acp.planninginspectorate.gov.uk/CaseSearch.aspx> and you should also be able to see copies of their appeal documents at the LPA's offices.

10.3 If you want to take part in an inquiry, you need to think about what you want to say and how you want to say it. Most people prefer to make, or read out, a brief statement giving their views. If there are several people with the same views, it is a good idea for one person to speak on behalf of the others. (The Inspector is likely to suggest this approach when opening the inquiry.) Repeating arguments at the inquiry does not help the Inspector, or make the point more relevant.

10.4 If you want to take a leading role in the inquiry and call your own witnesses, you should contact us at the earliest possible stage. 'Rule 6' status may be given to certain parties, at our discretion, but is usually only requested by major third parties for large or complex appeals. A group of individual interested parties may appoint one agent or solicitor to represent them all and the agent/solicitor may make a request for 'Rule 6' status. If we agree to this, we will ask your agent/solicitor to provide a statement of your case and details of any documents they will produce at the inquiry. If we ask for this information, and you provide it, we will arrange for copies of the appellant's and LPA's statements to be sent to you. For further information please see the [Planning Inspectorate Guide to Rule 6 for interested parties involved in an inquiry – Wales](#).

## **11. Openness and transparency**

11.1 Inquiries are open to journalists and the wider public, as well as interested people. Provided that it does not disrupt proceedings, anyone will be allowed to report, record and film proceedings including the use of digital and social media. Inspectors will advise people present at the start of the event that the proceedings may be recorded and/or filmed, and that anyone using social media during or after the end of the proceedings should do so responsibly.

11.2 If you want to record or film the event on equipment larger than a smart phone, tablet, compact camera, or similar, especially if that is likely to involve moving around the venue to record or film from different angles, you should contact us and the LPA in advance to discuss arrangements.

## **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 and the appellant and the LPA usually have legal representatives.

12.2 Inquiries usually open on a Tuesday at 10 am. Unless there has been a pre-inquiry meeting 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.

12.3 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.

12.4 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.

12.5 If you want to speak at the inquiry, it is important that you are there when it opens, because this is when the Inspector will:

- go through some routine matters;
- tell everyone about the timetable and the order that the proceedings will take; and
- ask if any interested people want to speak at the inquiry and will register their names.

12.6 Interested people may appear and give evidence at the Inspector's discretion. An Inspector would rarely refuse a request to appear at the inquiry.

12.7 At this stage, you should only give your name and address, and say whether you are for or against the proposal.

12.8 The Inspector will then usually give an outline of what will happen at the inquiry. At a long inquiry, it is difficult to predict at what stage of the inquiry interested people will be given the chance to speak (normally you will speak after all the evidence of the appellant and the LPA has been heard). If you cannot stay at the inquiry all the time, tell the Inspector at this stage. The Inspector will understand and will try to help by hearing your comments at a different stage of the inquiry, if that is possible. However, if you wish to ask one of the main parties' questions you will probably need to arrange to be at the inquiry when they are giving their evidence.

12.9 The appellant (or their advocate) will usually be asked to make a brief opening statement first, to set the scene and describe the nature of the proposal. The LPA will then make its brief opening statement. Each of the LPA's witnesses will then give their evidence and the appellant (or their advocate) can cross-examine (question) them. After

each cross-examination the Inspector will normally then give the opportunity for anyone who has indicated their support for the proposals to ask questions. The witness will be re-examined by the LPA or its advocate.

12.10 The appellant (or their advocate) will then call their witnesses and the LPA can cross-examine (question) them. The Inspector normally then gives the opportunity for anyone who has indicated their opposition to the proposals to ask questions. Each witness will then be re-examined by the appellant (or their advocate).

### **13. Re-examination**

13.1 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. No 'new' evidence can be put forward and Leading questions i.e. 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.

### **14. Inspector's questions**

14.1 At any stage during proceedings - but normally after cross examination and re-examination of a witness has taken place - the Inspector may ask questions. Questions may be put to all those who give evidence, including interested people.

### **15. Giving evidence on oath**

15.1 Where the inquiry involves a dispute between the appellant and the LPA about the facts it is usual for the evidence to be given under oath (which the Inspector will administer) or after 'affirming'. If your evidence/representations concerns facts you will be required to give your evidence/representations under oath or an affirmation.

### **16. Taking part in the inquiry**

16.1 If you told the Inspector at the start of the inquiry that you wanted to speak, and you decide to ask any of the witnesses a question (or questions) you must make sure that your questions are relevant to the evidence the witness has given. You should not repeat questions that have already been asked.

16.2 When the cases for the main parties have been completed, at the Inspector's discretion, anyone who is interested in the appeal usually has the chance to speak and present their case.

16.3 When you give your views you should not repeat arguments that you have already made in written representations, or which someone has already said, as this does not help the Inspector, or make the point more relevant. However, there should be no 'surprises' and 'new' evidence should not be presented at this time as it could result in the Inspector having to adjourn the inquiry so that such evidence can be properly considered and answered. You should have set out your main concerns in your representation sent at the 6 week stage.

16.4 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 oppose the appeal the appellant's representative may ask you questions. If you support it, the LPA's representative may ask you questions.

## **17. Discussion of planning conditions**

17.1 An inquiry will usually include a discussion about the conditions which may be imposed if the proposal is granted planning permission. The fact that conditions are discussed does not mean that the appeal will be allowed and planning permission granted or that, if allowed, conditions will be imposed.

## **18. Closing statements**

18.1 Finally (so far as dealing with evidence about the case is concerned) there are closing statements which are an opportunity for the appellant, the LPA and any statutory and Rule 6 parties to sum up their case. They are usually read out from a pre-prepared version which they will give to the Inspector and those other parties who have summed up their case.

## **19. Awarding appeal costs**

19.1 The Inspector will then hear any application for costs. 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.

19.2 All parties to an appeal are normally expected to meet their own expenses.

19.3 There is a guide "Costs awards in planning appeals" that you may wish to read. You can access this guide through <http://gov.wales/topics/planning/appeals/costs/?lang=en> or you can contact us and we will send you a copy. It is important that you read this because it explains how, when and on what basis you can make an application or have an application made against you.

## **20. The close of the inquiry**

20.1 After hearing any applications for costs the Inspector will formally close the inquiry.

## **21 Site Visit**

21.1 Once the Inspector has closed the inquiry, he will visit the appeal site, with the main parties (in certain circumstances that may have occurred during the inquiry). Because the inquiry has been formally closed there can be no further discussion about the appeal during that visit.

## **22 The decision**

22.1 We will send a copy of the decision to:

- the appellant;
- the LPA;
- anyone who attends the inquiry and indicates on the attendance sheet that they want a copy; and
- anyone else who asked us for a copy.

22.2 At the end of the inquiry the Inspector will give an indication of when the decision is likely to be issued. When made, the decision will be published on the Appeals Casework Portal and can be viewed at <https://acp.planninginspectorate.gov.uk/CaseSearch.aspx>

## **23. Feedback, Complaints and Challenges**

23.1 For decisions made by administrative staff during the processing of a called-in application or an appeal there is no statutory right to challenge that decision in the High Court. However it is possible to make an application for judicial review of such a decision.

23.2 An application for judicial review relating to an administrative decision of the Welsh Ministers<sup>1</sup> under the planning acts must be made not later than 6 weeks after the grounds to make the claim first arose.

23.3 If you have any complaints or questions about the Inspector's final decision, or the way we have handled the appeal, you can write to or e-mail our Complaints Officer.

The Complaints Officer  
The Planning Inspectorate  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

Phone: 029 2082 3866  
E-mail: [wales@pins.gsi.gov.uk](mailto:wales@pins.gsi.gov.uk)

23.4 We will investigate your complaint and you can expect a full reply within 20 working days. However, we can not reconsider an appeal if a decision has already been given on it. This can only happen if the decision is successfully challenged in the High Court.

## **24. The High Court**

24.1 An appeal decision can only be challenged on legal grounds in the High Court. To be successful, you would have to show that:

- the Inspector or the Welsh Ministers, had gone beyond his or her powers; or
- we did not follow the proper procedures and so damaged your interests.

24.2 If your challenge is successful, the High Court will overturn the original decision and return the case to us, and we will look at it again. This does not necessarily mean that the original decision will be reversed.

24.3 If you decide to challenge the decision, you must first apply for permission to challenge in the High Court within six weeks of the date of the decision. If you ask for a copy of the decision when we send it to you we will enclose a leaflet explaining your right to challenge the decision.

## **25. How we use your personal information**

25.1 The Inspectorate receives personal data from the appellant, LPA and other interested persons who provide representations. The personal data normally includes name and contact details and any other personal data included within their representations.

25.2 We copy the representations we receive to the appellant, the LPA and any other statutory appeal parties. Representations will also be open for inspection at the LPA where anyone can ask to view them.

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<sup>1</sup> Our administrative staff make decisions about the processing of an appeal or called-in application on behalf of the Welsh Ministers.

25.3 We publish appeal documents and representations, including names and addresses, on the Appeals Casework Portal. We also publish the Inspector's decision.

## 26. Further information

26.1 Details about our privacy policy can be found at <http://planninginspectorate.gov.wales/accessinfo/?lang=en> or on request. If you have any queries about our policy, or wish to request your personal data, then please contact us at the address below.

## 27. Contacting us

27.1 To contact us about a particular appeal you should contact our Case Officer – the LPA should have given you their details. For general enquiries our contact details are:

The Planning Inspectorate  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

Tel: 02920 823866  
E-mail: [wales@pins.gsi.gov.uk](mailto:wales@pins.gsi.gov.uk)

## 28. Getting help

28.1 If you would like help in taking part in an appeal, you can contact Planning Aid Wales, which provides a free and independent advice service on town and country planning issues to people and groups who cannot afford consultancy fees. **You should be aware that Planning Aid Wales operates eligibility criteria to ensure that its services are provided to those most in need.** You can contact Planning Aid Wales at:

Planning Aid Wales  
First Floor  
174 Whitchurch Road  
Heath  
Cardiff  
CF14 3NB

Phone: 02920 625000  
Website: [www.planningaidwales.org.uk](http://www.planningaidwales.org.uk)

## ANNEX1 - COMMENTS ON CASE



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

Further information on us and the planning appeal system can be found at:

<http://gov.wales/topics/planning/appeals/?lang=en>

Please note that comments from interested parties to this case need to be made within the timetable for it. Comments submitted after this date may be considered invalid and returned to the sender. Your comments can also be made on-line at

<https://acp.planninginspectorate.gov.uk/CaseSearch.aspx>

**This form will be published on the Appeals Casework Portal. Please do NOT sign it. Your phone no. fax no. and e-mail address will be removed before this form is published. This is to ensure that all personal data is protected in line with the requirements of the Data Protection Act 1998.**

DETAILS OF THE CASE	
Case Reference	<input type="text"/>
Address of site	<input type="text"/>
Postcode	<input type="text"/>
SENDER DETAILS	
Name	<input type="text"/>
On Behalf Of <i>(if applicable)</i>	<input type="text"/>
Address	<input type="text"/>
Postcode	<input type="text"/>
E-mail	<input type="text"/>
Telephone	<input type="text"/>
Please confirm how you wish to correspond with us: By e-mail <input type="checkbox"/> By post <input type="checkbox"/>	
ABOUT YOUR COMMENTS	
In what capacity do you wish to make representations on this case?	
Neighbour	<input type="checkbox"/>
Councillor	<input type="checkbox"/>
Owner	<input type="checkbox"/>
Tenant	<input type="checkbox"/>
Other	<input type="checkbox"/>
Do you: object to <input type="checkbox"/> or support <input type="checkbox"/> the proposal	

**YOUR COMMENTS ON THE CASE**

***Send to: The Planning Inspectorate, Cathays Park, Cardiff, CF10 3NQ  
Or e-mail: [wales@pins.gsi.gov.uk](mailto:wales@pins.gsi.gov.uk)***

## ANNEX 2 - TIMETABLE FOR THE INQUIRY PROCEDURE

<b>Timetable</b>	<b>You</b>	<b>Appellant</b>	<b>LPA</b>
<p><b>Appeal made</b> (within the 6-month time limit)</p> <p><b>We set the start date</b></p>	(Does not apply)	Sends the appeal form and all supporting documents to us and the LPA	Receive the appeal documents
<p><b>Within 2 weeks from the start date</b></p>	Receive the LPA's letter about the appeal, telling you that you must send us any comments within 6 weeks from the start date	Receives a completed questionnaire and any supporting documents from the LPA	Send the appellant and us a completed questionnaire and supporting documents. They write to you about the appeal
<p><b>Within 6 weeks from the starting date</b></p> <p>(We will not normally accept late statements or comments)</p>	Send your comments to us. If you want a copy of the Inspector's decision notice you must ask for one in writing	Sends us their inquiry statement and the statement of common ground that they have agreed with the LPA.	Send us their inquiry statement
<p><b>4 weeks before the inquiry</b></p>	Receive details from the LPA about the inquiry arrangements.	Sends us their Written Statement of Evidence	Send us their Written Statement of Evidence. They may put a notice in a local paper about the inquiry
<p><b>At least 2 weeks before the inquiry</b></p>		Displays a notice on site giving details of the inquiry	