



CROSSRAIL:

GUIDANCE ON PLANNING APPEAL PROCEDURES, CALL-INS AND INQUIRY PROCEDURES

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Introduction

1. The Crossrail Act 2008 (the “**Act**”) makes provision for the builders of the Crossrail works (the “**nominated undertaker or nominated undertakers**”)¹ to make requests for planning approval to local authorities. Schedule 7 to the Act provides that the nominated undertaker or nominated undertakers may appeal to the Secretary of State for Transport and the Secretary of State for Communities and Local Government (together the “**appropriate Ministers**”) in certain circumstances against the decision of such a local authority. This Guidance explains the procedures to be followed to submit planning appeals pursuant to Schedule 7 to the Act. This Guidance accompanies the Crossrail (Planning Appeals) (Written Representations Procedure) (England) Regulations 2008 (the “**Regulations**”) which came into force on 1 December 2008.
2. Schedule 7 of the Act also sets out a mechanism for the appropriate Ministers to issue directions either restricting a local authority’s powers under Schedule 7, or to “call-in” a particular request for approval for determination by the appropriate Ministers. This Guidance also explains why and how appeals for determination might be ‘recovered’ by the appropriate Ministers.
3. This Guidance however is no substitute for reading and familiarising oneself with the Regulations. To the extent that the appeal relates to planning appeals which are determined following the submission of written documentation, nothing in this Guidance replaces or amends the provisions of the Regulations.

Crossrail Planning Appeals

Right of appeal against local authority decisions

4. Section 10 of the Act deems planning permission to be granted under Part III of the Town and Country Planning Act 1990 (the “**1990 Act**”) for development authorised by Part 1 of the Act. Schedule 7 to the Act establishes a planning regime that seeks to give local authorities an appropriate degree of control over the detailed aspects of Crossrail. Pursuant to Schedule 7, requests are to be made to the local authority concerned for approval of:
 - 4.1. plans and specifications of development as specified under paragraphs 5(1) and 14(1) of the Act;
 - 4.2. plans and specifications of operations and works as specified under paragraph 6(1), 15(1), and 21(1) of the Act;
 - 4.3. arrangements under paragraph 7(1), 16(1), 22(1) or 24(1) of the Act;

¹ The Act allows the Secretary of State for Transport to nominate one or more third parties to hold the functions of the Crossrail project nominated undertakers referred to throughout the Act. The nominated undertaker is responsible for a wide range of functions including designing and constructing the Crossrail project. Both Crossrail Limited and London Underground Limited have been nominated by the project sponsors (Department for Transport and Transport for London) as the Crossrail project nominated undertakers for different elements of the Crossrail project works listed in the Act.

- 4.4. site restoration schemes under paragraphs 8(1) or 23(1) of the Act;
 - 4.5. bringing works into use under paragraph 9(1) or 17(1) of the Act;
 - 4.6. mitigation schemes under paragraph 9(3) (b) or 17 (3) (b) of the Act; and
 - 4.7. additional details as specified under paragraph 5 (2), 6(2), 14(2), 15(2), or 21(2) of the Act.
5. Paragraph 30 of Schedule 7 provides that the nominated undertakers have the right of appeal to the appropriate Ministers against a local authority's decision to refuse a request for approval, or against the conditions imposed in granting approval. The nominated undertaker (referred to as the appellant in the Regulations) may also appeal if no decision has been made by the local authority within the time period prescribed for making a decision (eight weeks from the receipt of the request) or within an extended period as may be agreed between the parties (the “**appropriate period**” in the Act). Non-determination of a request for approval after eight weeks (or the agreed appropriate period) will be dealt with in the same way as a refusal.

Determining planning appeals

6. The nominated undertaker must give notice of the appeal in a prescribed form to the appropriate Ministers and to the relevant local authority within 42 days of the date of the decision (or, in non-determination cases, within 42 days of the last date upon which the decision should have been taken).
7. Paragraph 32 of Schedule 7 provides for appeals to be determined by a person appointed by the appropriate Ministers for that purpose, unless directed otherwise. The appropriate Ministers have appointed The Planning Inspectorate to exercise their functions in determining any appeals. It is intended that the majority of Crossrail planning appeals will be determined by Inspectors from The Planning Inspectorate on behalf of the appropriate Ministers. There are also provisions for these appeals to be determined by the appropriate Ministers themselves – these are discussed at paragraphs 35 - 44 below.
8. The Planning Inspectorate will be responsible for administering many of the procedures involved in processing appeals. Therefore, while the Regulations themselves may refer to the “appropriate Ministers”, the majority of procedures will, in practice, be undertaken on behalf of the appropriate Ministers by The Planning Inspectorate as indicated throughout this guidance.
9. Since matters of principle were determined during the passage of the Crossrail Bill, it is expected that the majority of Crossrail planning appeals will be dealt with by the statutory written representations procedure rather than via hearings or inquiries.
10. Paragraph 34 of Schedule 7 to the Act provides that the normal procedure of determination for appeals will be written representations, unless the person deciding the appeal directs otherwise. The Regulations set out the written representations procedure. Accordingly, this Guidance principally focuses on the written representations procedure as set out in the Regulations. To aid understanding of the timetable that will be followed for the written representations procedure, a summary table of the main steps and likely timings is attached at **Annex A**.

The Written Planning Appeal Procedure

11. **Regulation 5** requires the nominated undertaker to submit a Notice of Appeal in the prescribed form to the appropriate Ministers.
12. The nominated undertaker sets out their grounds of appeal, explaining why they consider the decision of the local authority should be overturned or the conditions of consent varied. This form, together with supporting documents, will comprise the nominated undertaker's written statement of case, with the exception of any final representations. The nominated undertaker should submit all necessary appeal documentation with the Notice of Appeal otherwise the start of the appeal process may be delayed.
13. The nominated undertaker should send their Notice of Appeal and all supporting documents to The Planning Inspectorate and at the same time send a copy of all the appeal documentation to the relevant local authority. All parties are encouraged to make use of email as the preferred format for the submission and exchange of documents.
14. **Regulation 6** provides that following receipt of a Notice of Appeal, The Planning Inspectorate shall notify the nominated undertaker and the local authority of the starting date. It is anticipated that The Planning Inspectorate will normally take no more than three working days from receipt of a properly completed Notice of Appeal to send out written notification of the starting date. The Planning Inspectorate will also allocate a reference number to the appeal, confirm the address of the site to which the appeal relates and the address to which all future correspondence should be sent.
15. Once the appeal starting date has been set, there will be a timetable for the remaining stages of the appeal process. In order to meet the tight timescales the nominated undertaker and the local authority must simultaneously copy each other when submitting documents to The Planning Inspectorate.
16. **Regulation 7** specifies that the local authority should, within a period of 7 days beginning with the starting date, serve notice on all third parties informing them of the appeal. Regulation 7 sets out the information that must be contained in the notice to third parties. Third parties have a period of 21 days, beginning with the starting date, to submit representations to The Planning Inspectorate in respect of the appeal.
17. Representations from third parties should be made to The Planning Inspectorate. The Planning Inspectorate will copy any third party representations to the nominated undertaker and to the local authority.
18. No third party representations will normally be accepted for consideration if received 21 days after the starting date.

19. **Regulation 8** provides that the local authority shall submit a completed questionnaire in the prescribed form to The Planning Inspectorate within a period of 14 days beginning with the starting date. If the local authority wishes to submit a supporting statement in addition to the questionnaire, it shall have a period of 14 days beginning with the starting date to give notice to The Planning Inspectorate and the nominated undertaker of its intention to submit such a statement. A further period of 7 days is allowed for the submission of this statement by a local authority (i.e. within 21 days beginning with the starting date).
20. At the same time as the local authority submits a copy of its questionnaire (and statement if any) to the appropriate Ministers, it shall copy the questionnaire (and statement if any) to the nominated undertaker.
21. **Regulation 9** provides that the nominated undertaker may submit representations to the appropriate Ministers in response to the local authority's questionnaire and statement (if any). Representations must be sent within a period of 7 days beginning with the date of submission by the local authority of their questionnaire and within 7 days beginning with the date of submission by the local authority of their statement.
22. Any representations submitted by the nominated undertaker to The Planning Inspectorate pursuant to Regulation 9 must at the same time be copied to the local authority.
23. **Regulation 9** also permits the nominated undertaker and local authority to submit representations to The Planning Inspectorate in response to third party representations. Any such representations should be submitted within 7 days of receipt of those third party representations.
24. Where the nominated undertaker submits representations under Regulation 9 and these representations raise a new matter, **Regulation 10** provides the local authority with the opportunity to submit representations in respect of this new matter. If the local authority proposes to submit such further representations, it has 14 days from the date of submission by the nominated undertaker of their representations (i.e. the nominated undertaker's response to the local authority's questionnaire and statement, if any) to submit their further representations.
25. The Planning Inspectorate will contact the local authority following receipt of any representations made by the nominated undertaker under Regulation 9, to ascertain whether the local authority proposes to make any representations under Regulation 10.
26. **Regulation 12** provides that the determiner may proceed to a decision at any time after:
 - 26.1. a period of 7 days beginning with the date the local authority sent the nominated undertaker a copy of its completed questionnaire or, if it submits one, a copy of its statement; or

- 26.2. where applicable, the period of 14 days in Regulation 10 where the local authority has the opportunity to submit representations in respect of any new matter(s) that the nominated undertaker raised under Regulation 9;

whichever is the later. In doing so, the determiner will only take into account those representations and supporting documents as were submitted before the expiry of the relevant period.

27. **Regulation 12** also provides that if no third party representations are submitted within the 21 days of the starting date, then the determiner may proceed to a decision if:

- 27.1. sufficient material has been submitted to enable the determiner to reach a decision; and
27.2. notice has been given by the determiner to the nominated undertaker and the local authority of the intention to proceed to a decision.

28. If a site visit is necessary and where the Inspector can adequately view the site from public land, an unaccompanied site visit will be arranged.

29. Where the site cannot adequately be viewed from public land, an accompanied site visit will be arranged. In many cases the land is likely to be under the control of the nominated undertaker and therefore it will be in the nominated undertaker's interests to arrange access as soon as possible. The Planning Inspectorate will be responsible for arranging the date and time for the site visit and will advise the nominated undertaker and the local authority of these details. It will be the responsibility of the local authority to inform third parties of the site visit arrangements. It is expected that both the nominated undertaker and the local authority will be represented at accompanied site visits. During accompanied site visits, the merits, or otherwise, of the case cannot be discussed before the Inspector.

30. Where access to private land needs to be arranged (whether this be the appeal site itself or other land), then the nominated undertaker shall give notice to the landowner(s) of the date and time of the proposed site visit and obtain the landowner's consent. If possible a coordinated approach is encouraged so that the appeal site and other related sites can be visited around the same time (rather than on separate days).

31. If third parties wish to enter an appeal site situated on private land at the time of the Inspector's visit, they are responsible for obtaining the prior agreement of the landowner.

32. In written representation cases determined by Inspectors, The Planning Inspectorate will aim to issue decision letters within 3 to 4 weeks of either the local authority's closing representations, if submitted, or of establishing that there are not to be closing representations, whichever is the earlier.

33. The overall timescale from the starting date should be between 40 and 72 days depending mainly on whether the principal parties submit all documents at the stages they are entitled to, the degree to which the nominated undertaker and local

authority need to submit representations and how long the period for the Inspector to consider the case and draft a decision letter.

34. The decision letter will be issued on behalf of the appropriate Ministers which will explain why the Inspector has come to the decision reached. The Planning Inspectorate will be responsible for forwarding copies of the decision letter to the nominated undertaker and the local authority and to any other party who has made representations and who has requested to be informed of the decision.

Recovery of appeals for determination by appropriate Ministers

35. There may be appeals which merit recovery by the appropriate Ministers for a decision (i.e. “recovered cases”). The following types of appeals may be appropriate for recovery for determination by the appropriate Ministers:

- 35.1. Proposals for developments of major importance having more than local significance;
- 35.2. Proposals giving rise to substantial regional or national controversy;
- 35.3. Proposals which raise important or novel issues of development control and/or legal difficulties;
- 35.4. Where it appears that the local authority’s non-determination, refusal or conditional approval of an application may have a serious effect on the Crossrail project construction programme;
- 35.5. Proposals for significant development in the Green Belt;
- 35.6. Proposals against which another Government Department has raised major objections or has a major interest; and
- 35.7. Cases which can only be decided in conjunction with a case over which Inspectors have no jurisdiction (so called “linked cases”).

36. There may other appeals which merit recovery for determination by the appropriate Ministers because of the particular circumstances of the case.

37. Recovery of cases would be synonymous with the recovery of appeals made under Section 78 of the 1990 Act, but should not be confused with referral under Section 77 of the 1990 Act. If The Planning Inspectorate considers that recovery might be warranted on a particular case, the Planning Directorate in Communities and Local Government and the Department of Transport will be sent notice of the appeal.

38. Where the appropriate Ministers choose to determine an appeal themselves and make a direction accordingly under paragraph 32(1) of Schedule 7, The Planning Inspectorate will be responsible for serving that direction on the nominated undertaker and local authority on behalf of the appropriate Ministers.

39. Appeals recovered for Ministerial determination will first need to be considered by an Inspector who will prepare a report with a recommendation, which in turn will be jointly considered by the Planning Directorate in Communities and Local Government and the Department for Transport. The appropriate Ministers will take the decision, while the Planning Directorate within Communities and Local Government will be responsible for issuing the decision on behalf of these Ministers.

40. In these cases, the decision letter will either endorse the Inspector's recommendation or explain why a different decision has been reached.

Call-in of Requests for Approval

41. Paragraph 28 of Schedule 7 to the Act empowers the appropriate Ministers to issue a direction requiring a local authority to refer a request for approval under that Schedule to the appropriate Ministers for determination ("**call-in**"). Call-in of Crossrail project requests for approval is likely to be an unusual occurrence as the principle of development at a given site, provided it is a scheduled work identified in the Act, was approved by Parliament as part of the Bill process.
42. Any request for call-in of a request for approval under Schedule 7 will be given careful consideration by the appropriate Ministers and each case will be considered on its merits.
43. Where the appropriate Ministers have directed that a request for approval be referred to them for a decision (i.e. called in), The Planning Inspectorate will consult with the nominated undertaker and the local authority in determining whether the case should proceed via written representation procedure, or whether a non statutory procedure (see paragraph 46) would be more appropriate.
44. Requests for approval that are called-in for Ministerial determination will be considered by an Inspector who will prepare a report with a recommendation, which in turn be jointly considered by the Planning Directorate in Communities and Local Government and the Department for Transport. The appropriate Ministers will take the decision, while the Planning Directorate within Communities and Local Government will be responsible for issuing the decision on behalf of these Ministers.

Miscellaneous – Nominated Officer

45. The Crossrail project nominated undertaker, and all local authorities who are "qualifying authorities" for the purposes of Schedule 7, are required by the Crossrail Planning and Heritage Memorandum to nominate an individual who will be responsible for approval procedures. All correspondence regarding Crossrail planning appeals should be addressed to the nominated officer.

Determining a Planning Appeal by Non-Statutory Means

46. The Act does not provide a statutory right for the nominated undertaker or the local authority to be heard by an appointed person. However, the appropriate Ministers will have discretion to decide that a hearing or an inquiry is appropriate in exceptional cases. In most instances The Planning Inspectorate will assess the case details and will decide the most appropriate procedure to be followed. If either the nominated undertaker or local authority considers that written representations procedure would not be appropriate for a particular appeal, they should state the reasons why when submitting their notice of appeal or questionnaire (as appropriate). In cases which merit determination by means of a non-statutory

hearing or inquiry, proposed timetables for these are attached at **Annex B** and **Annex C** respectively.

Annex A

CROSSRAIL PLANNING APPEAL WRITTEN REPRESENTATIONS TIMETABLE

The timeline described in the below table below includes both statutory and non-statutory timescales. The timeline is indicative only as the Regulations give the appropriate Ministers the powers to issue directions setting out later time limits than those described in the Regulations.

All times are calendar days unless otherwise stated.

STAGE	TIME Maximum number of days for each stage (Cumulative number of days after the starting date given in parenthesis)
<p>The Planning Inspectorate receives Notice of Appeal from the nominated undertaker on the prescribed form. The nominated undertaker is then to provide all supporting documentation in connection with the appeal to The Planning Inspectorate and to copy this material to the local authority (<i>Regulation 5</i>). Within 3 days The Planning Inspectorate will notify the nominated undertaker and the local authority of the starting date and advise if the appeal will be determined on the basis of written representations. The Planning Inspectorate will then send a copy of the Notice of Appeal to each of the appropriate Ministers</p> <p>While in some cases The Planning Inspectorate will be able to decide whether determination by the appropriate Ministers is merited, there will be other less clear cases where involvement of the Planning Directorate in Communities and Local Government, with agreement of the Department for Transport, may be necessary. A decision on whether a case should be recovered or not for Ministerial determination can be made in parallel with the stages below</p>	3 working days
STARTING DATE	0

1. The local authority shall, within 7 days of the starting date, serve notice on all third parties informing them of the appeal and their right to make representations to the Planning Inspectorate within 21 days of the starting date (<i>Regulation 7</i>)	7 (7)
2. The Planning Inspectorate appoints an Inspector to the case and arranges a site visit date.	
3. The local authority submits a completed questionnaire to The Planning Inspectorate within 14 days of the starting date, at the same time as copying it to the nominated undertaker (<i>Regulation 8(1) and (2)</i>)	14 (14)
4. The local authority may submit a statement to The Planning Inspectorate in addition to the questionnaire. The local authority has 14 days in which to notify The Planning Inspectorate of their intention to submit a statement and 21 days in which to submit the statement. At the same time as the statement is submitted to The Planning Inspectorate, a copy shall be provided to the nominated undertaker. Both the questionnaire and statement will state the date on which each were submitted to The Planning Inspectorate (<i>Regulation (8(3) and (4))</i>)	21 (21)
5. Third parties have 21 days from the starting date to submit representations to The Planning Inspectorate. The Planning Inspectorate will copy any third party representations to the nominated undertaker and the local authority (<i>Regulation 7(3)</i>)	21 (21)
6. The local authority may submit a statement to The Planning Inspectorate in addition to the questionnaire. The local authority has 14 days in which to notify The Planning Inspectorate of their intention to submit a statement and 21 days in which to submit the statement. At the same time as the statement is submitted to The	21 (21)

Planning Inspectorate, a copy shall be provided to the nominated undertaker. Both the questionnaire and statement will state the date on which each were submitted to The Planning Inspectorate (<i>Regulation 8(3) and (4)</i>)	
7. Third parties have 21 days from the starting date to submit representations to The Planning Inspectorate. The Planning Inspectorate will copy any third party representations to the nominated undertaker and the local authority (<i>Regulation 7(3)</i>)	21 (21)
8. The nominated undertaker may submit representations to The Planning Inspectorate, copied to the local authority, in response to the local authority's questionnaire within 7 days of submission of that questionnaire (<i>Regulation 9(1) (2) and (3)</i>)	7 (21)
9. The nominated undertaker may submit representations to The Planning Inspectorate, copied to the local authority, in response to the local authority's statement within 7 days of submission of that statement (<i>Regulation 9(1) (2) and (3)</i>).	7 (28)
10. The nominated undertaker and the local authority may respond to any third party representations within 7 days of receipt of third party representations (<i>Regulation 9(4) and (5)</i>).	7 (35)
11. Where the nominated undertaker submits representations as per Regulation 9 and these raise a new matter or matters, the local authority has a period of 14 days beginning with the date of the nominated undertaker's submission, to submit closing representations in respect of these matters to The Planning Inspectorate and copy them to the nominated undertaker (<i>Regulation 10</i>)	14 (42)
12. Where the appeal is to be determined by the appropriate Ministers, The Planning Inspectorate supplies the Planning Directorate in Communities and Local Government and the	

Department for Transport with copies of all the documents it has received (including but not limited to the Notice of Appeal, Questionnaire, Statement if any and any representations)	
<p>13. The Inspector receives the file from The Planning Inspectorate, prepares for and conducts the site visit (allow 7 days for this stage)</p> <p>Where access to private land needs to be arranged then the nominated undertaker must give notice to the landowners of the date and time of the proposed site visit and their consent obtained. In those cases the 49 day timetable may not be possible.</p>	<p>7 (49)</p>
14. Inspector writes report/decision letter and returns file to The Planning Inspectorate (allow 14 days)	<p>14 (63)</p>
15. In cases decided by an Inspector, The Planning Inspectorate checks the Inspector's decision letter, establishes there are no outstanding actions and issues the decision letter (allow 4 days).	<p>4 (67)</p>

Therefore the processing time for cases decided by an Inspector on behalf of the appropriate Ministers is estimated to be between 6 and 10 weeks depending on the degree to which the nominated undertaker and local authority need to submit representations and how long the period for the Inspector to consider the case and draft a decision letter.

ADDITIONAL STAGES FOR APPEALS RECOVERED FOR DETERMINATION BY THE APPROPRIATE MINISTERS	
16. Where the appropriate Ministers decide to recover an appeal The Planning Inspectorate checks the Inspector's report after stage 12, establishes there are no outstanding actions and sends report with case file (unless the papers have been sent at stage 10) to the Planning Directorate in CLG and the DfT (allow 4 working days).	<p>4 (67)</p>
17. The Planning Directorate in CLG will work in conjunction with the DfT. The appropriate	

Ministers will make a decision on these cases, and the Planning Directorate in CLG will issue decisions on the behalf of the appropriate Ministers.	
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Note: There may be some exceptional cases, such as particularly contentious and/or complex cases, which will take longer than the target times for The Planning Inspectorate to issue a decision.

Annex B

CROSSRAIL PLANNING APPEAL HEARING TIMETABLE

The procedures included in the table below are intended timescales for appeals which proceed via the hearing method and are non-statutory though follow the Written Representations Procedure closely. Accordingly, the timeline is indicative only.

STAGE	TIME Maximum number of days for each stage (Cumulative number of days after the starting date given in parenthesis)
<p>The Planning Inspectorate receives Notice of Appeal from the nominated undertaker on the prescribed form. The nominated undertaker is then to provide all supporting documentation in connection with the appeal to The Planning Inspectorate and to copy this material to the local authority. Within 3 days The Planning Inspectorate will notify the nominated undertaker and the local authority of the starting date and advise if the appeal will be determined on the basis of written representations. The Planning Inspectorate will then send a copy of the Notice of Appeal to each of the appropriate Ministers.</p>	<p>3 working days</p>
STARTING DATE	
<p>1. The local authority, within 7 days of the starting date, notifies on all third parties informing them of the appeal and their right to make representations to the Planning Inspectorate within 21 days of the starting date. The preferred medium for submission of such representations is email.</p>	<p>7 (7)</p>
<p>2. The local authority submits questionnaire and supporting documents to The Planning</p>	<p>14 (14)</p>

<p>Inspectorate, copied to nominated undertaker. Allow a period of 14 days beginning with the starting date.</p>	
<p>3. The local authority may submit a statement to The Planning Inspectorate in addition to the questionnaire. The local authority has 14 days from the starting date in which to notify The Planning Inspectorate of their intention to submit a statement and 21 days in which to submit the statement. At the same time as the statement is submitted to The Planning Inspectorate, a copy shall be provided to the nominated undertaker. Both the questionnaire and statement will state the date on which each were submitted to The Planning Inspectorate</p>	<p>21 (21)</p>
<p>4. The Planning Inspectorate sets hearing date and notifies nominated undertaker and the local authority within a period of 21 days beginning with the starting date.</p>	<p>21 (21)</p>
<p>5. Third parties have 21 days from the starting date to submit representations to The Planning Inspectorate. The Planning Inspectorate will copy any third party representations to the nominated undertaker and the local authority</p>	<p>21 (21)</p>
<p>6. The nominated undertaker may submit representations to The Planning Inspectorate, copied to the local authority, in response to the local authority's questionnaire within 7 days of submission of that questionnaire.</p>	<p>7 (21)</p>
<p>7. The nominated undertaker may submit representations to The Planning Inspectorate, copied to the local authority, in response to the local authority's statement within 7 days of submission of that statement</p>	<p>7 (28)</p>
<p>8. The nominated undertaker and the local authority may respond to any third party representations within 7 days of receipt of third party representations.</p>	<p>7 (28)</p>

9. Where the nominated undertaker submits representations and these raise a new matter or matters, the local authority has a period of 14 days beginning with the date of the nominated undertaker's submission, to submit closing representations in respect of these matters to The Planning Inspectorate and copy them to the nominated undertaker.	14 (42)
10. The Inspector receives the case, prepares for and conducts the hearing. Allow 14 days for this stage.	14 (56)
11. Inspector writes decision letter (or report to the appropriate Ministers) and returns file to The Planning Inspectorate. Allow 14 days for this stage.	14 (70)
12. In cases decided by an Inspector, The Planning Inspectorate checks the Inspector's decision letter, establishes there are no outstanding actions and issues the letter. Allow 4 working days for this stage.	4 (74)

Therefore the processing time for cases decided by an Inspector on behalf of the appropriate Ministers is estimated to be between 9 and 10 weeks

ADDITIONAL STAGES FOR APPEALS RECOVERED FOR DETERMINATION BY THE APPROPRIATE MINISTERS	
13. In these cases The Planning Inspectorate	4

reviews the Inspector's report, establishes there are no outstanding actions and sends report with case file to Planning Directorate in Communities and Local Government and the Department for Transport. Allow 4 days for this stage.	(78)
14. The Planning Directorate in Communities and Local Government will work in conjunction with the Department for Transport. The appropriate Ministers will make a decision these cases, and the Planning Directorate in Communities and Local Government will issue these decisions on behalf of the appropriate Ministers.	

Note: There may be some exceptional cases, such as particularly contentious and/or complex cases, which will take longer than the target times for The Planning Inspectorate to issue a decision.

Annex C

CROSSRAIL PLANNING APPEAL INQUIRY TIMETABLE

The procedures included in the table below are intended timescales for appeals which progress via inquiry and are non-statutory.

STAGE	TIME Maximum number of days for each stage (Cumulative number of days after the starting date given in parenthesis)
<p>The Planning Inspectorate receives notice of appeal from the nominated undertaker (the appellant) on the prescribed form, accompanied by supporting documentation, copied to the local authority.</p> <p>The Inspectorate will check that the appeal is within the time limit. If it is, within 3 working days of a complete appeal being received, The Planning Inspectorate notifies nominated undertaker and the local authority of the starting date and confirms the appeal will be considered via an inquiry. Appeals should be submitted with all supporting documentation or else risk delay to a starting date.</p>	3 working days
STARTING DATE	0
<p>1. The Planning Inspectorate sets inquiry date, which should be scheduled for day [70] or as soon as possible thereafter. The Planning Inspectorate notifies nominated undertaker and the local authority of the inquiry date within a period of 14 days beginning with the starting date. The local authority then notifies third parties of inquiry details and that they may submit representations to The Planning Inspectorate, to arrive no later than 14 days before inquiry date and, at the discretion of the Inspector, appear at the inquiry. The preferred medium for submission of such representations is email.</p>	14 (14)

2. The local authority submits questionnaire and supporting documents to The Planning Inspectorate, copied to nominated undertaker. Allow a period of 14 days beginning with the starting date.	14 (14)
3. Local authority submits an Outline Statement to The Planning Inspectorate, copied to the nominated undertaker. Nominated undertaker submits Outline Statement to The Planning Inspectorate, copied to the local authority. Allow a period of 28 days beginning with the starting date.	28 (28)
4. Third parties submit representations to the Planning Inspectorate, to arrive no later than 14 days before inquiry date. The Planning Inspectorate copies to nominated undertaker and the local authority.	(56)
5. The local authority and nominated undertaker submit Proofs of Evidence (and summaries) to The Planning Inspectorate, copied to each other to arrive no later than 14 days before start of inquiry.	(56)
6. Case file sent to Inspector. Inquiry begins (70 days from starting date). Allow 7 days before the inquiry starts for The Planning Inspectorate to assemble the papers and send them to the Inspector, and for the Inspector to read the papers to prepare for the Inquiry	7 (70)
7. Inquiry held, including provision for site visit. Allow 5 working days	5 (75)
8. Inspector writes decision letter (or report to the appropriate Ministers) and returns to The Planning Inspectorate. Allow 1 day for each day of the inquiry where Inspector is determining appeal and writing decision letter, or 2 days for each day of inquiry where Inspector is writing report with recommendation	7/11 (82/86)

for the appropriate Ministers. Allow additional 3 working days for transit of papers back to The Planning Inspectorate.	
9. The Planning Inspectorate checks the Inspector's decision letter, establishes there are no outstanding actions and issues decision (allow 4 working days).	4 (86/90)

Therefore the processing time for cases decided by an Inspector on behalf of the appropriate Ministers is estimated to be between 12 and 13 weeks.

ADDITIONAL STAGES FOR APPEALS RECOVERED FOR DETERMINATION BY THE APPROPRIATE MINISTERS	
In these cases The Planning Inspectorate checks the Inspector's report, establishes there are no outstanding actions and sends the report with the case file to the Planning Directorate in Communities and Local Government and the Department for Transport. Allow 4 working days for this stage	
The Planning Directorate in Communities and Local Government will work in conjunction with the Department for Transport. The appropriate Ministers will make a decision on these cases, and the Planning Directorate in Communities and Local Government will issue these decisions on the behalf of the appropriate Ministers	

Note: There may be some exceptional cases, such as particularly contentious and/or complex cases, which will take longer than the target times for The Planning Inspectorate to issue a decision.