



Department  
for Transport

# High Speed Rail (London-West Midlands) Act 2017

## Guidance on Planning Appeal Procedures, Recovered Appeals and Call-Ins

**March 2018**

**Moving Britain Ahead**

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# Introduction

- 1 The *High Speed Rail (London – West Midlands) Act 2017* ("the Act") provides deemed planning permission for HS2 Phase One. However, Schedule 17 ("the Schedule") to the Act requires approval of a range of matters to be secured from the relevant planning authorities. The body appointed to carry out the works authorised by the Act ("the nominated undertaker or nominated undertakers")<sup>1</sup> will make requests for planning approval to planning authorities.
- 2 The Schedule allows the nominated undertaker to appeal against the decisions of planning authorities in certain circumstances. Such appeals are to be made to the Secretary of State for Transport and the Secretary of State for Housing, Communities and Local Government ("the appropriate Ministers").
- 3 Pursuant to the Schedule, the *High Speed Rail (London – West Midlands) (Planning Appeals) (Written Representations Procedure) (England) Regulations 2017* ("the Regulations") set out the procedures for such appeals. The Regulations came into force on 27 March 2017.
- 4 Appeals will generally be determined by an Inspector appointed by the Planning Inspectorate on behalf of the appropriate Ministers. However, appeals can also be "recovered" for determination by the appropriate Ministers. A recovered appeal is one where, instead of an Inspector determining the appeal, he or she will write a report that will make a recommendation about how the appeal should be determined. This report will then be passed to the appropriate Ministers who will determine the appeal, taking into account the Inspector's recommendation.
- 5 As well as allowing for appeals, the Schedule also sets out a mechanism for the appropriate Ministers to issue directions either restricting a planning authority's powers under the Schedule, or to "call-in" a particular request for approval for determination by the appropriate Ministers.
- 6 This guidance explains how these processes will work and should be read alongside the Schedule and the Regulations. However, it is no substitute for reading and familiarising oneself with the Schedule and Regulations. To the extent that an appeal is determined following the submission of written documentation, nothing in this guidance replaces or amends the provisions of the Regulations.

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<sup>1</sup> The Act allows the Secretary of State for Transport to nominate one or more third parties to hold the functions of the nominated undertaker referred to throughout the Act. The nominated undertaker is responsible for a wide range of functions including designing and constructing the HS2 Phase One project. The *High Speed Rail (London - West Midlands) Nomination Order 2017* names High Speed Two (HS2) Limited as the nominated undertaker for the works authorised by the Act.

# 1. High Speed Rail (London-West Midlands) Act 2017: Planning Appeals

## Right of appeal against planning authority decisions

- 1.1 Section 20 of the Act deems planning permission to be granted under Part 3 of the Town and Country Planning Act 1990 ("the 1990 Act") for development authorised by the Act. The Schedule establishes a planning regime that seeks to give planning authorities an appropriate degree of control over the detailed aspects of HS2 Phase One. Pursuant to the Schedule, requests are to be made to the relevant planning authorities for the approval of:
- plans and specifications of development as specified under paragraphs 2(1), 3(1) and 7(1) of the Schedule;
  - arrangements under paragraphs 4(1) and 6(1) of the Schedule;
  - site restoration schemes under paragraphs 8(1) and 12(1) of the Schedule;
  - bringing works into use under paragraph 9(1) of the Schedule;
  - mitigation schemes under paragraph 9(4)(b) of the Schedule; and
  - additional details as specified under paragraphs 2(3), 3(4) and 7(4) of the Schedule.
- 1.2 Paragraph 22 of the Schedule provides that the nominated undertaker has the right of appeal to the appropriate Ministers against a planning 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 relevant planning 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.

## Determination of planning appeals

- 1.3 Paragraph 23 of the Schedule provides for appeals to be determined by a person appointed by the appropriate Ministers for that purpose, unless the appropriate Ministers direct otherwise. The appropriate Ministers have decided that Inspectors appointed by the Planning Inspectorate on their behalf will exercise their functions in determining any appeals. Although it is intended that the majority of planning appeals will be determined by Inspectors appointed by the Planning Inspectorate on behalf of the appropriate Ministers, paragraph 23(2) of the Schedule allows for

appeals to be determined by the appropriate Ministers themselves – this is discussed later in this document.

- 1.4 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.
- 1.5 Paragraph 25 of the Schedule provides that the normal method for the determination of appeals will be written representations, unless the person deciding the appeal directs otherwise. Since matters of principle were determined during the Act's passage through Parliament, the statutory written representations procedure rather than hearings or inquiries is deemed to be the most appropriate method for the determination of planning appeals.
- 1.6 The Regulations set out the written representations procedure and therefore, this guidance principally focuses on the written representations procedure. To aid understanding of the timetable that will be followed for this procedure, a table of the main steps and likely timings is attached at **Annex A**.

## The written representations procedure

- 1.7 **Regulation 5** requires the nominated undertaker to submit a Notice of Appeal in the prescribed form to the Planning Inspectorate. The Notice of Appeal must be submitted 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).
- 1.8 The nominated undertaker must set out the grounds of appeal, explaining why it considers the decision of the planning authority should be overturned or the conditions of consent varied. The Notice of Appeal, 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, or very shortly afterwards. Failure to supply all the necessary documentation within an appropriate timescale may invalidate the appeal.
- 1.9 The nominated undertaker should send its 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 planning authority. All parties are encouraged to make use of email as the preferred format for the submission and exchange of documents.
- 1.10 **Regulation 6** provides that, following receipt of a Notice of Appeal, the Planning Inspectorate must notify the nominated undertaker and the planning authority of the starting date (the date from which the process for deciding the appeal is to be taken to start as per **Regulation 6(a)**). 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.
- 1.11 The Regulations prescribe the timetable for appeals. Once the appeal starting date has been set, the remaining stages of the appeal process will follow the timetable. In order to meet the tight timescales, the nominated undertaker and the planning

authority must simultaneously copy each other when submitting documents to the Planning Inspectorate.

- 1.12 **Regulation 7** specifies that the planning authority must, within a period of 7 days from the starting date, serve notice on all third parties (as defined in **Regulation 1**) 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, from the starting date, to submit representations to the Planning Inspectorate in respect of the appeal.
- 1.13 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 planning authority. No third party representations will normally be accepted for consideration if received more than 21 days after the starting date.
- 1.14 **Regulation 8** specifies that the planning authority must submit a completed Questionnaire in the prescribed form to the Planning Inspectorate within a period of 14 days from the starting date. If the planning authority wishes to submit a supporting Statement in addition to the Questionnaire, it will have a period of 14 days from 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 the planning authority (i.e. within 21 days of the starting date).
- 1.15 At the same time as the planning authority submits a copy of its Questionnaire (and Statement if any) to the Planning Inspectorate, it must send a copy of the Questionnaire (and Statement if any) to the nominated undertaker.
- 1.16 **Regulation 9** provides that the nominated undertaker may submit representations to the Planning Inspectorate in response to the planning authority's Questionnaire and Statement (if any). Representations must be sent within a period of 7 days beginning on the date of submission by the planning authority of its Questionnaire and within 7 days beginning on the date of submission by the planning authority of its Statement.
- 1.17 Any representations submitted by the nominated undertaker to the Planning Inspectorate pursuant to **Regulation 9** must be copied to the planning authority at the same time.
- 1.18 **Regulation 9** also permits the nominated undertaker and planning 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 the third party representations.
- 1.19 Where the nominated undertaker submits representations under **Regulation 9** and these representations raise a new matter (i.e. a matter not raised in the Notice of Appeal under **Regulation 5**), **Regulation 10** gives the planning authority the opportunity to submit representations in respect of this new matter. If the planning authority proposes to submit further representations, it has 14 days from the date of submission by the nominated undertaker of its representations (i.e. the nominated undertaker's response to the planning authority's Questionnaire and Statement, if any) to submit its further representations.
- 1.20 The Planning Inspectorate will contact the planning authority following receipt of any representations made by the nominated undertaker under **Regulation 9** to ascertain whether the planning authority proposes to make any representations under **Regulation 10**.

- 1.21 **Regulation 12** specifies that the determiner (i.e. an Inspector appointed by the Planning Inspectorate on behalf of the appropriate Ministers unless the appeal is recovered) may proceed to a decision at any time after:
- a period of 7 days from the date the planning authority sent the nominated undertaker a copy of its completed Questionnaire or, if it submits one, a copy of its Statement; or
  - where applicable, the period of 14 days in **Regulation 10** where the planning authority has the opportunity to submit representations in respect of any new matter(s) that the nominated undertaker raised under **Regulation 9**. In doing so, the Inspector will only take into account those representations and supporting documents as were submitted before the expiry of the relevant time period.
- 1.22 The determiner may proceed to a decision if no representations are submitted by the planning authority or nominated undertaker within the 21 days of the starting date, and:
- sufficient material has been submitted to enable the Inspector to reach a decision; and
  - notice has been given by the Planning Inspectorate to the nominated undertaker and the planning authority of the intention to proceed to a decision.
- 1.23 If a site visit is necessary and where the Inspector appointed by the Planning Inspectorate can adequately view the site from public land, an unaccompanied site visit will be arranged.
- 1.24 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 in collaboration with the Planning Inspectorate. The Planning Inspectorate will be responsible for arranging the date and time of the site visit and will advise the nominated undertaker and the planning authority of these details. While third parties will not usually be invited to site visits, where they are it will be the responsibility of the planning authority to inform third parties of the site visit arrangements. It is expected that both the nominated undertaker and the planning authority will be represented at accompanied site visits. During accompanied site visits, the merits (or otherwise) of the appeal cannot be discussed before the Inspector.
- 1.25 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). If the relevant landowners do not grant access in a timely manner, the Planning Inspectorate will proceed with the appeal process using the information provided by the nominated undertaker, planning authority and third parties.
- 1.26 For appeals that are determined by Inspectors using the written representations procedure, the Planning Inspectorate will aim to issue decision letters within 3 to 4 weeks of either the planning authority's closing representations (if submitted) or of establishing that there are not to be closing representations, whichever is earlier.
- 1.27 The overall timescale from the starting date to determination should be between 40 and 72 days depending on whether the parties submit all required documents at the



appropriate stages, the degree to which the nominated undertaker and planning authority need to submit representations, and the length of time required for the Inspector to consider the appeal and write a decision letter.

- 1.28 The decision letter will be issued on behalf of the appropriate Ministers and 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 planning authority, and to any other party who has made representations and who has requested to be informed of the decision.

## 2. Recovery of appeals for determination by the appropriate Ministers

- 2.1 There may be appeals which merit recovery by the appropriate Ministers for a decision (i.e. "recovered appeals"). The following types of appeals may be appropriate for recovery for determination by the appropriate Ministers:
- proposals for developments of major importance having more than local planning significance;
  - proposals giving rise to substantial cross boundary or national controversy;
  - proposals which raise important or novel issues of development control and/or legal difficulties;
  - proposals against which another government department has raised major objections or has a major interest; and
  - cases which can only be decided in conjunction with a case over which Inspectors have no jurisdiction (so called "linked cases").
- 2.2 There may other appeals which merit recovery for determination by the appropriate Ministers because of the particular circumstances of the case.
- 2.3 A recovered appeal is one where, instead of an Inspector making the decision, he or she will write a report that will make a recommendation about how the appeal should be determined. This report will then be passed to the appropriate Ministers who will determine the appeal, taking into account the Inspector's recommendation and all other material considerations. The recovery of appeals will 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.
- 2.4 If the Planning Inspectorate considers that recovery of a particular appeal might be warranted, the Ministry of Housing, Communities and Local Government and the Department for Transport will be sent notice of the appeal.
- 2.5 Where the appropriate Ministers choose to determine an appeal themselves and make a direction accordingly under paragraph 22(1) of Schedule 17, the Planning Inspectorate will be responsible for serving that direction on the nominated undertaker and planning authority on behalf of the appropriate Ministers.
- 2.6 Appeals recovered for ministerial determination will first be considered by an Inspector who will prepare a report with a recommendation, which in turn will be jointly considered by the Secretary of State for Transport and the Secretary of State for Housing, Communities and Local Government. The appropriate Ministers will make the decision, which will be issued jointly by the Department for Transport and the Ministry of Housing, Communities and Local Government on behalf of these Ministers.

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

### 3. Call-in of requests for approval for determination by the appropriate Ministers

- 3.1 Paragraph 20 of Schedule 17 to the Act allows the appropriate Ministers to issue a direction requiring a planning authority to refer a request for approval under that Schedule to the appropriate Ministers for determination ("call-in"). As they form part of the HS2 Phase One project, any request for approval under Schedule 17 has the potential to have strategic significance.
- 3.2 Any request for call-in of a request for approval under Schedule 17 will be given careful consideration by the appropriate Ministers and each case will be considered on its merits. Circumstances that could lead to a call-in include:
  - where it appears that the planning authority's non-determination would unreasonably affect the HS2 Phase One project construction programme;
  - proposals which raise important or novel issues of development control and/or legal difficulties; or
  - where the planning authority has indicated its intention to disregard the *High Speed Rail (London-West Midlands) Act 2017: Schedule 17 Statutory Guidance* given by the Secretary of State for Transport under paragraph 26 of the Schedule.
- 3.3 Where the appropriate Ministers have directed that a request for approval is referred to them for a decision (i.e. "called in"), there will be a presumption that the case will proceed via the written representations procedure set out in the Regulations. In exceptional circumstances, the Planning Inspectorate may consult with the nominated undertaker and the planning authority on whether a non-statutory procedure would be more appropriate.
- 3.4 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 will be jointly considered by the Secretary of State for Transport and the Secretary of State for Housing, Communities and Local Government. The appropriate Ministers will take the decision, which will be issued jointly by the Department for Transport and the Ministry of Housing, Communities and Local Government on behalf of these Ministers.

## 4. Determination of planning appeals by non-statutory means

- 4.1 The Act does not provide a statutory right for a planning appeal in relation to an approval under the Schedule to be considered via the hearing or inquiry method as it is the intention that appeals will be handled via the written representations procedure.
- 4.2 The default will be for the appeal to be handled through written representations. If either the nominated undertaker or the planning authority considers that the written representations procedure would not be appropriate for a particular appeal, they should state the reasons for this when submitting their Notice of Appeal or Questionnaire (as appropriate). The reasons should relate to matters such as particular legal complexity or route-wide implications. Local controversy or importance by themselves would not merit the holding of a physical hearing or inquiry as the written representations procedure is suitable for local matters. Proposed timetables for appeals which merit determination by means of a non-statutory hearing or inquiry are attached at **Annex B** and **Annex C** respectively.

# Annex A: High Speed Rail (London-West Midlands) Planning Appeal Written Representations Timetable

The timeline described in the table below includes both statutory and non-statutory timescales. The timeline is indicative only as the Regulations give the appropriate Ministers the power 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)
The Planning Inspectorate receives Notice of Appeal from the nominated undertaker on the prescribed form.	3 working days
The nominated undertaker, when giving notice of appeal, provides all supporting documentation in connection with the appeal to the Planning Inspectorate and copies this material to the planning authority ( <b>Regulation 5</b> ).	
Within 3 days, the Planning Inspectorate notifies the nominated undertaker and the planning authority of the starting date.	
The Planning Inspectorate then sends a copy of the Notice of Appeal to each of the appropriate Ministers.	
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 the involvement of the Ministry of Housing, Communities and Local Government and the Department for Transport may be necessary.	
A decision on whether an appeal should be recovered for ministerial determination can be made in parallel with the stages below.	
<b>STARTING DATE</b>	0
The planning authority (within 7 days of the starting date) notifies all third parties	7 (7)

STAGE	TIME Maximum number of days for each stage (Cumulative number of days after the starting date given in parenthesis)
of the appeal and their right to make representations to the Planning Inspectorate within 21 days of the starting date ( <b>Regulation 7</b> ).	
The Planning Inspectorate appoints an Inspector to the appeal and, if necessary, arranges a site visit which should occur by day 42 of the appeal.	7 (7)
The Planning Inspectorate advises if the appeal will be determined on the basis of written representations.	14 (14)
The planning authority submits a completed Questionnaire to the Planning Inspectorate (within 14 days of the starting date) and copies it to the nominated undertaker ( <b>Regulation 8(1) and (2)</b> ).	14 (14)
Third parties have 21 days from the starting date to submit representations to the Planning Inspectorate.	21 (21)
The Planning Inspectorate copies any third party representations to the nominated undertaker and the planning authority ( <b>Regulation 7(3)</b> ).	
The planning authority may submit a Statement to the Planning Inspectorate in addition to the Questionnaire.	21 (21)
The planning authority has 14 days (from the starting date) in which to notify the Planning Inspectorate of its 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 is provided to the nominated undertaker.	
Both the Questionnaire and Statement will state the date on which each were submitted to the Planning Inspectorate ( <b>Regulation 8(3) and (4)</b> ).	
The nominated undertaker may submit representations to the Planning Inspectorate (copied to the planning authority) in response to the planning authority's Questionnaire within 7 days of submission of that Questionnaire ( <b>Regulation 9(1) (2) and (3)</b> ).	7 (21)
The nominated undertaker may submit	7 (28)

STAGE	TIME Maximum number of days for each stage (Cumulative number of days after the starting date given in parenthesis)
representations to the Planning Inspectorate (copied to the planning authority) in response to the planning authority's Statement within 7 days of submission of that Statement ( <b>Regulation 9(1) (2) and (3)</b> ).	
The nominated undertaker and the planning authority may respond to any third party representations within 7 days of receipt of third party representations ( <b>Regulation 9(4) and (5)</b> ).	7 (35)
Where the nominated undertaker submits representations as per <b>Regulation 9</b> and these raise a new matter or matters (as determined by the Planning Inspectorate in consultation with the nominated undertaker), the planning 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 ( <b>Regulation 10</b> ).	14 (42)
The Inspector receives the case file from the Planning Inspectorate, prepares for and conducts the site visit (if necessary).  Where access to private land needs to be arranged, the nominated undertaker must give notice to the landowners of the date and time of the proposed site visit and obtain their consent.  In these cases, the 49 day timetable may not be possible.	7 (49)
The Inspector writes a report/decision letter and returns the case file to the Planning Inspectorate.	14 (63)
For appeals decided by an Inspector, the Planning Inspectorate undertakes final administration and checks in order to establish that there are no outstanding actions and issues the decision.	4 (67)

Therefore, the processing time for appeals 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 planning authority need to submit representations and the length of the period required for the Inspector to consider the appeal and write a decision letter.



**ADDITIONAL STAGES FOR APPEALS  
RECOVERED FOR DETERMINATION BY THE  
APPROPRIATE MINISTERS**

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Where the appropriate Ministers decide to recover an appeal, the Planning Inspectorate reviews the Inspector's report, establishes that there are no outstanding actions and sends the report with the case file including all the documents it has received (including, but not limited to, the Notice of Appeal, Questionnaire, Statement if any, and any representations) to the Ministry of Housing, Communities and Local Government and the Department for Transport.	4 (67)
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The appropriate Ministers will make a decision on these appeals and these will be jointly issued by the Ministry of Housing, Communities and Local Government and the Department for Transport on the behalf of the appropriate Ministers.

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Note: There will be appeals which will take the Planning Inspectorate longer than the target times to issue a decision because they are exceptionally complex.

# Annex B: High Speed Rail (London-West Midlands) Planning Appeal Hearing Timetable

The table below sets out the intended timescales for appeals which proceed via the hearing method and are non-statutory, although they follow the written representations procedure closely. Accordingly, the timeline is indicative only.

<b>STAGE</b>	<b>TIME</b> <b>Maximum number of days for each stage</b> <b>(Cumulative number of days after the</b> <b>starting date given in parenthesis)</b>
<p>The Planning Inspectorate receives Notice of Appeal from the nominated undertaker on the prescribed form.</p> <p>The nominated undertaker, when giving notice of appeal, provides all supporting documentation in connection with the appeal to the Planning Inspectorate and copies this material to the planning authority.</p> <p>Within 3 days, the Planning Inspectorate notifies the nominated undertaker and the planning authority of the starting date.</p> <p>The Planning Inspectorate then sends a copy of the Notice of Appeal to each of the appropriate Ministers.</p>	3 working days
<b>STARTING DATE</b>	0
<p>The planning authority (within 7 days of the starting date) notifies all third parties of the appeal and their right to make representations to the Planning Inspectorate within 21 days of the starting date.</p>	7 (7)
<p>The Planning Inspector appoints an Inspector to the appeal who may arrange a site visit which can occur before or during a hearing.</p>	
<p>The Planning Inspectorate advises if the appeal will be determined on the basis of a hearing.</p>	14(14)
<p>The planning authority submits a completed Questionnaire to the Planning</p>	14 (14)

STAGE	TIME Maximum number of days for each stage (Cumulative number of days after the starting date given in parenthesis)
Inspectorate (within 14 days of the starting date) and copies it to the nominated undertaker.	
Third parties have 21 days from the starting date to submit representations to the Planning Inspectorate.  The Planning Inspectorate copies any third party representations to the nominated undertaker and the planning authority.	21 (21)
The planning authority may submit a Statement to the Planning Inspectorate in addition to the Questionnaire.  The planning authority has 14 days from the starting date in which to notify the Planning Inspectorate of its 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 is provided to the nominated undertaker.  Both the Questionnaire and Statement will state the date on which each were submitted to the Planning Inspectorate.	21 (21)
The Planning Inspectorate sets the hearing date and notifies the nominated undertaker and the planning authority within a period of 21 days beginning with the starting date.  The Planning Inspectorate may in writing request that the planning authority takes one or both of the following steps—  (a) not less than 2 weeks before the date fixed for the holding of a hearing, to publish a notice of the hearing in one or more newspapers circulating in the locality in which the land is situated  (b) to send a notice of the hearing to such persons or classes of persons as he may specify, within such period as he may specify.	21 (21)
The nominated undertaker may submit representations to the Planning Inspectorate (copied to the planning authority) in response to the planning authority's Questionnaire within 7 days of submission of that Questionnaire.	7 (21)

<b>STAGE</b>	<b>TIME</b> <b>Maximum number of days for each stage</b> <b>(Cumulative number of days after the</b> <b>starting date given in parenthesis)</b>
The nominated undertaker may submit representations to the Planning Inspectorate (copied to the planning authority) in response to the planning authority's Statement within 7 days of submission of that Statement.	7 (28)
The nominated undertaker and the planning authority may respond to any third party representations within 7 days of receipt of third party representations.	7 (28)
Where the nominated undertaker submits representations and these raise a new matter or matters (as determined by the Planning Inspectorate in consultation with the nominated undertaker), the planning 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)
The Inspector receives the case file from the Planning Inspectorate, prepares for and conducts the hearing.	14 (56)
The Inspector writes a report/decision letter and returns the case file to the Planning Inspectorate.	14 (70)
For appeals decided by an Inspector, the Planning Inspectorate undertakes final administration and checks in order to establish that there are no outstanding actions and issues the decision.	4 (74)

Therefore, the processing time for appeals 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**

Where the appropriate Ministers decide to recover an appeal, the Planning Inspectorate reviews the Inspector's report, establishes that there are no outstanding actions and sends the report with case file (unless the papers have already been sent) to the Ministry of Housing, Communities and Local Government and the Department for Transport.	4 (78)
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**ADDITIONAL STAGES FOR APPEALS  
RECOVERED FOR DETERMINATION BY THE  
APPROPRIATE MINISTERS**

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The appropriate Ministers will make a decision on these appeals, and these will be jointly issued by the Ministry of Housing, Communities and Local Government and the Department for Transport on behalf of the appropriate Ministers.

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Note: There will be appeals which will take the Planning Inspectorate longer than the target times to issue a decision because they are exceptionally complex.

# Annex C: High Speed Rail (London-West Midlands) Planning Appeal Inquiry Timetable

The table below sets out the intended timescales for appeals which proceed via the inquiry method and are non-statutory, although they follow the written representations procedure closely. Accordingly, the timeline is indicative only.

<b>STAGE</b>	<b>TIME</b> <b>Maximum number of days for each stage</b> <b>(Cumulative number of days after the</b> <b>starting date given in parenthesis)</b>
<p>The Planning Inspectorate receives Notice of Appeal from the nominated undertaker on the prescribed form.</p> <p>The nominated undertaker, when giving notice of appeal, provides all supporting documentation in connection with the appeal to the Planning Inspectorate and copies this material to the planning authority.</p> <p>Within 3 days, the Planning Inspectorate notifies the nominated undertaker and the planning authority of the starting date.</p> <p>The Planning Inspectorate then sends a copy of the Notice of Appeal to each of the appropriate Ministers.</p>	3 working days
<b>STARTING DATE</b>	0
<p>The Planning Inspectorate advises if the appeal will be determined on the basis of an inquiry.</p>	14(14)
<p>The Planning Inspectorate sets the inquiry date, which should be scheduled for day 70 or as soon as possible thereafter.</p> <p>The Planning Inspectorate notifies the nominated undertaker and the planning authority of the inquiry date within a period of 14 days from the starting date.</p> <p>The planning authority then notifies third parties of the inquiry details and that they</p>	14 (14)

STAGE	TIME Maximum number of days for each stage (Cumulative number of days after the starting date given in parenthesis)
<p>may submit proofs of evidence to the Planning Inspectorate, to arrive no later than 14 days before inquiry date and, at the discretion of the Inspector, speak at the inquiry.</p>	
<p>The planning authority submits a completed Questionnaire to the Planning Inspectorate (within 14 days of the starting date) and copies it to nominated undertaker.</p>	14 (14)
<p>The planning authority submits an Outline Statement to the Planning Inspectorate and copies it to the nominated undertaker.</p> <p>The nominated undertaker submits Outline Statement to the Planning Inspectorate and copies it to the planning authority.</p>	28 (28)
<p>Third parties submit representations to the Planning Inspectorate, to arrive no later than 14 days before the inquiry date.</p> <p>The Planning Inspectorate sends a copy of any representations to the nominated undertaker and the planning authority.</p>	(56)
<p>The planning 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 the start of the inquiry.</p>	(56)
<p>The case file is sent to the Inspector. The inquiry begins.</p> <p>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.</p>	7 (70)
<p>The inquiry is held, including provision for a site visit.</p>	5 (75)
<p>The Inspector writes a report/decision letter and returns the case file to the Planning Inspectorate.</p> <p>Allow 1 day for each day of the inquiry where Inspector is determining the appeal and writing the decision letter, or 2 days for each day of inquiry where Inspector is writing report with a recommendation for the appropriate</p>	7/11 (82/86)

STAGE	TIME Maximum number of days for each stage (Cumulative number of days after the starting date given in parenthesis)
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Ministers.

Allow additional 3 working days for the transit of papers back to the Planning Inspectorate.

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For appeals decided by an Inspector, the Planning Inspectorate undertakes final administration and checks in order to establish that there are no outstanding actions and issues the decision.

4 (86/90)

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Therefore, the processing time for appeals 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**

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Where the appropriate Ministers decide to recover an appeal, the Planning Inspectorate reviews the Inspector's report, establishes that there are no outstanding actions and sends the report with the case file (unless the papers have already been sent) to the Ministry of Housing, Communities and Local Government and the Department for Transport.

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The appropriate Ministers will make a decision on these appeals, and these will be jointly issued by the Ministry of Housing, Communities and Local Government and the Department for Transport on the behalf of the appropriate Ministers.

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Note: There will be appeals which will take the Planning Inspectorate longer than the target times to issue a decision because they are exceptionally complex.