



The Planning Inspectorate

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Chris Skinner
Norfolk County Council

Your Ref:

Our Ref: TR010015

Date: 13 May 2013

Dear Mr Skinner,

Thank you for your call answered by Jack Wride on Thursday 9 May.

As you know this is not a legal opinion and I will strongly advise you get your own legal opinion on your query.

Section 44 (4) is the section of the Planning Act 2008 (PA 2008) I assume that you are referring to and is the section that sets out who should be included in category 3. A person who is category 3 as described in section 44 (4) of The PA2008 is someone who "the applicant thinks that" following the implementation of the order, or "use of the land" when the order has been implemented, can make a "relevant claim". A relevant claim is explained in Section 44 (6) of the PA 2008.

Following on from this, it would appear to us that the part of the PA2008 puts the onus on the applicant to decide who is included under category 3 in regard to section 42 and 44 consultation. We cannot tell any applicants who needs to be consulted under category 3, as it is clearly down to the applicant themselves to decide who to consult.

I hope this helps your query.

If you have any further questions please do not hesitate to ask.

Yours sincerely,

Daniel Hyde

Daniel Hyde
Assistant Case Officer

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.