
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 189

The Planning (Inquiry Procedure) Rules (Northern Ireland) 2015

Procedure after inquiry

15.—(1) After the close of an inquiry the inspector or planning appeals commission shall make a report in writing to the Department. This report shall include their conclusions and their recommendations or their reasons for not making any recommendations.

(2) Where closed evidence was considered at the inquiry, the inspector or planning appeals commission shall set out in a separate part (“the closed part”) of their report any description of that evidence together with any conclusions, recommendations or advice in relation to that evidence.

(3) When making their recommendations the inspector or planning appeals commission may disregard any written representations, evidence or other document received after the close of the inquiry.

(4) Subject to paragraph (5) if, after the close of an inquiry, the Department—

- (a) differs from the inspector or planning appeals commission on any matter of fact mentioned in, or appearing to it to be material to, a conclusion reached by the inspector or planning appeals commission; or
- (b) takes into consideration any new evidence or new matter of fact (not being a matter of government policy),

and is for that reason disposed to disagree with a recommendation made by the inspector or planning appeals commission, it shall not come to a decision which is at variance with the recommendation without first notifying a person entitled to appear at the inquiry who appeared at it of its disagreement and the reasons for it; and affording him or her an opportunity of making representations to it or (if it has taken into consideration any new evidence or new matter of fact, not being a matter of government policy) of asking for the re-opening of the inquiry.

(5) Where the Department differs from the inspector or planning appeals commission on any matter of fact mentioned in, or appearing to it to be material to, a conclusion reached by the inspector or planning appeals commission in relation to a matter in respect of which closed evidence has been given, the notification referred to in paragraph (4) shall include the reasons for the Department’s disagreement unless—

- (a) the notification is addressed to a person who is neither the appointed representative nor a person specified, or of a description specified, in the direction; and
- (b) inclusion of the reasons would disclose any part of the closed evidence.

(6) A person making written representations or requesting that the inquiry be re-opened under paragraph (4), shall ensure that such representations or requests are served on the Department within 3 weeks of the date of the Department’s notification under that paragraph.

(7) The Department may, as it thinks fit, cause an inquiry to be reopened, and it shall do so if asked by a person notified under paragraph (4) and within the period mentioned in paragraph (6); and where an inquiry is re-opened (whether by the same or a different inspector or by the planning appeals commission)—

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- (a) the inspector or planning appeals commission shall send to the persons entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further evidence is invited; and
- (b) paragraphs (3) to (8) of rule 8 shall apply as if the references to an inquiry were references to a re-opened inquiry.