
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 189

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

Procedure where inspector or planning appeals commission causes pre-inquiry meeting to be held

- 5.—(1) The inspector or planning appeals commission shall hold a pre-inquiry meeting—
- (a) if they expect an inquiry to last for 8 days or more, unless they consider this to be unnecessary; or
 - (b) in respect of shorter inquiries, if they consider this to be necessary.
- (2) Where the inspector or planning appeals commission decide to hold a pre-inquiry meeting—
- (a) they shall send to the Department and applicant—
 - (i) notice of their intention to hold a pre-inquiry meeting;
 - (ii) a statement of the matters about which they particularly wish to be informed for the purposes of their consideration of the application in question and, where a Minister of the Crown, any government department or a district council has expressed in writing to the Department a view which is mentioned in rule 4(2)(a), the inspector or planning appeals commission shall set this out in the statement.
 - (b) they shall send a copy of the statement described in paragraph 2(a)(ii) to the Minister, any government department or district council concerned;
 - (c) they shall publish in a newspaper circulating in the locality in which the land to which the application relates is situated a notice of their intention to hold a pre-inquiry meeting and of the statement sent in accordance with paragraph (2)(a)(ii); and
 - (d) the applicant and the Department shall ensure that within 8 weeks of the starting date 2 copies of each outline statement have been served on the inspector or planning appeals commission.
- (3) The inspector or planning appeals commission shall, as soon as practicable after receipt, send a copy of the Department's outline statement to the applicant and a copy of the applicant's outline statement to the appointed representative and the Department.
- (4) Where rule 4(2) applies or where the Secretary of State or Department of Justice has issued a direction the Department shall—
- (a) include in its outline statement—
 - (i) the terms of the direction together with a statement of the reasons for it; and
 - (ii) any view expressed or representations made on which it intends to rely in its submission to the inquiry; and
 - (b) within the period mentioned in paragraph (2)(d) send a copy of its outline statement to the person concerned in rule 4(2).
- (5) The inspector or planning appeals commission may in writing require a person who has notified them of an intention or a wish to appear at the inquiry to send an outline statement to them and the Department, and the open outline statement to the applicant.

(6) A person required by the inspector or planning appeals commission under paragraph 5 to send an outline statement to them and the Department, and the open outline statement to the applicant, shall ensure that these are served on the inspector or the planning appeals commission, the Department and the applicant within 4 weeks of the date of the inspector's or the planning appeal commission's written requirement.

(7) In this rule "open outline statement" means such part (if any) of an outline statement as does not include or refer to closed evidence.

(8) The inspector or planning appeals commission shall, as soon as practicable after receipt, send to the appointed representative each outline statement received in accordance with paragraph (5).

(9) The pre-inquiry meeting (or, where there is more than one, the first pre-inquiry meeting) shall be held within 16 weeks of the starting date.

(10) The inspector or planning appeals commission shall give not less than 3 weeks written notice of the pre-inquiry meeting to—

- (a) the applicant;
- (b) the Department;
- (c) a person known at the date of the notice to be entitled to appear at the inquiry; and
- (d) a person whose presence at the pre-inquiry meeting appears to them to be desirable,

and they may require the Department to take, in relation to notification of the pre-inquiry meeting, one or more of the steps which they may under rule 8(7) require them to take in relation to notification of the inquiry.

(11) The inspector or planning appeals commission—

- (a) shall preside at the pre-inquiry meeting;
- (b) shall determine the matters to be discussed and the procedure to be followed;
- (c) may require a person present at the pre-inquiry meeting who, in their opinion, is behaving in a disruptive manner to leave; and
- (d) may refuse to permit that person to return or to attend any further pre-inquiry meeting or may permit the person to return or attend only on such conditions as they may specify.

(12) Where a pre-inquiry meeting has been held pursuant to paragraph (1), the inspector or planning appeals commission may hold a further pre-inquiry meeting and they shall arrange for such notice to be given of a further pre-inquiry meeting as appears to them necessary; and paragraph (11) shall apply to such a pre-inquiry meeting.

(13) The applicant and the Department shall ensure that 2 copies of any further information requested by the inspector or planning appeals commission at the pre-inquiry meeting, have been served on them and a copy has been served on each statutory party within 4 weeks of the conclusion of the pre-inquiry meeting.

(14) The inspector or planning appeals commission shall, as soon as practicable after receipt of information provided under paragraph (13), send a copy of the information received from the applicant to the appointed representative and the Department and a copy of the information received from the Department to the appointed representative and the applicant.