
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 213

The Planning (Inquiry Procedure) Rules (Northern Ireland) 2006

Procedure after inquiry

16.—(1) After the close of an inquiry, the inspector shall make a report in writing to the Department. This report shall include his conclusions and his recommendations or his reasons for not making any recommendations.

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

(3) When making his recommendation the inspector may disregard any written representations, evidence or any 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 on any matter of fact mentioned in, or appearing to it to be material to, a conclusion reached by the inspector; 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, 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 an opportunity of making written 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 on any matter of fact mentioned in, or appearing to it to be material to, a conclusion reached by the inspector 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 re-opened, 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)—

- (a) the inspector 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 9 shall apply as if the references to an inquiry were references to a re-opened inquiry.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Planning (Inquiry Procedure) Rules (Northern Ireland) 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

II Rule 16 in operation at 10.6.2006, see [rule 1](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Planning (Inquiry Procedure) Rules (Northern Ireland) 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Rules revoked by [S.R. 2015/189 rule 22\(1\)](#)