

THE PLANNING APPEALS COMMISSION



www.pacni.gov.uk

Outline

- Background and functions of PAC
- Appeals
- Regionally significant and 'call in' applications
- Local development plans

The Commission

- Independent body
- PAC a technical tribunal
- 18 Commissioners
- Sponsor department OFMDFM
- Support staff are civil servants
- Website - www.pacni.gov.uk

Functions of the PAC

□ Decision making function

- decisions on planning appeals and other environmentally related appeals

□ Hear and report function

- reports with recommendations on major planning applications and objections to development plans
- Sections 10, 26 & 29 of 2011 Planning (NI) Act

Planning Appeals

- **What**
 - Sections 58 & 60
 - Refusal
 - Conditions
 - Non-determination
- **Who**
 - Applicant
- **When**
 - Within 4 months
- **How**
 - In writing

Appeal Procedures

- Formal and informal hearings
- Written representations with and without an accompanied site visit
- No correlation between appeal procedure and appeal outcome
- Most appeals are decided by a single Commissioner

Scope of Appeals

- Section 58
- No new matters to be introduced at appeal stage
- Exceptions

Principles of the Appellate System

- Openness, fairness and impartiality
- Appeal decisions are quasi-judicial
- Appeals are decided in the public interest
- Decisions can only be based on information presented
- Gaps in evidence are investigated

The Decision Making Process

- Section 6 (4) and 45 (1) of 2011 Planning Act
- Plan led system
- Draft Strategic Planning Policy Statement
- Presumption in favour of sustainable development (draft SPPS)
- Commission has regard to relevant policy and guidance - no policy making function
- Weigh and balance all relevant evidence using our experience and judgment

Other Appeal Types

- Notice requiring planning application
- Listed Building Consent
- Conservation Area Consent
- Hazardous Substances
- Enforcement
- Trees
- Certificate of Lawfulness of Existing or Proposed Use or Development
- Minerals

Award of Costs

- Section 205 of Planning Act(NI) 2011
- May be awarded against any party
- All procedures included
- Costs only on application
- Costs awarded for unreasonable behaviour resulting in unnecessary expense
- Consultation deadline 31st December 2014

Hear and Report Functions – Planning Applications

- Section 26 - Developments of regional significance
- Section 29 – Applications called in by DOE

Hear and Report Functions – Local Development Plans

- Section 10 of 2011 Act
- Development plan documents submitted to Department
- 2 stage process
- Independent examination
- Right of hearing
- PAC makes recommendations
- Department adopts plan

THE PLANNING APPEALS COMMISSION



www.pacni.gov.uk