

<b>Title of Report:</b>  <b>Item 11: Planning Appeals Update</b>	<b>Officer Presenting: Principal Planning Officer</b>  <b>Author: Principal Planning Officer</b>
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## **1 Purpose of Report/Recommendations**

1.1 To appraise members on planning appeals currently in the system. A background table is enclosed in Appendix 11 showing the current status of any live appeals and any decisions made since the last meeting.

## **2 Background**

2.1 Since transfer of Planning to local government, members have been advised on a monthly basis of the transitional provisions for dealing with planning appeals following transfer of powers on 1st April 2015 as set out in The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015.

2.2 With regard to applications refused by the Council post 1st April 2015, officials have and will continue to notify the Planning Committee when appeals are received and dates for submission are published by the Planning Appeals Commission (PAC).

## **3 Key Issues**

3.1 Members are advised that one new appeal was submitted to the PAC since the last Committee meeting:

**1) LA11/2017/0902/F (2020/A0075)** Housing development consisting of 97 No. units, creation of new access and associated infrastructure and ancillary works. Lands at Ballygudden Road, to the north and west of No.11 Ballygudden Road, Eglinton.

Appeal under Section 60 of The Planning Act (NI) 2011 – Non Determination Appeal

3.2 Members are advised one appeal decision has been notified since last committee meeting. Copy of the decision is attached in Appendix 12.

**1) LA11/2017/0053/CA (2019/E0034)**

Alleged unauthorised Anerobic Digester Plant consisting of primary and secondary anaerobic digesters, Vielfrab solid feed unit, combined heat and power plant and office building, electricity substation, flare, weigh bridge, feedstock storage clamps, concrete apron, hard standing, effluent storage tanks, pre pit and use of sheds and slurry tanks for the storage of digestate. Land North of 53 Dunalong Road, Bready, Tyrone, BT82 0DW

**Decision:** Enforcement Notice Terms Varied 30/09/2020

3.3 Members are advised that two claims for costs have been submitted to the PAC for decision in respect of the following appeals:

- 1) LA11/2019/0271/F (2019/A0243) Proposed retention of 3 no. apartments - 2 no. 2 bedroom apartments and 1 no. 1 bed apartment, 19 Westend Park, Derry City, BT48 9JF.
- 2) LA11/2017/0833/F (2019/A0242) Change of use from dwelling to 6 bedroom HMO 19 Westend Park, Derry City, BT48 9JF.

3.4 The appeals schedule has been updated accordingly with dates for PAC hearings and PAC site visits.

**4 Financial, Equality, Legal, HR, Improvement, Rural Needs and other Implications**

4.1 Paragraph 3(5) of The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order 2015, states that an appeal made to PAC against relevant decisions or determinations of the Department under the 1991 Order before 1<sup>st</sup> April 2015, the award of costs shall not apply. In all other cases the award of costs shall apply.

As noted in para 3.3, two claims for costs have been submitted to the PAC for decision.

## **5 Recommendations**

Members note the update on the appeals.

## **6. Background Papers**

Background Papers

Appendix 11 Appeals Schedule

Appendix 12 PAC Decision