

Title of Report: Item 14: Planning Appeals Update (Deferred from 2 Dec 2020)	Officer Presenting: Principal Planning Officer Author: Principal Planning Officer
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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 20 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 three new appeals have been submitted to the PAC since the last Committee meeting:

1) EN/2020/0181 (2020/E0037) Enforcement Appeal

Land at 75 Ervey Road, Highmoor, Londonderry (a) Alleged unauthorised infilling and raising of land as an engineering operation to create a hard standing area (b) Alleged unauthorised erection of buildings (c) Alleged unauthorised stationing of caravan.

2) LA11/2018/0130/F (2020/A0092)

Replacement and relocation of wind turbine approved under J/2012/0038/F including an increase in rotor diameter from 26m to 44m and change of hub height from 30m to 40m. Land 660m north west of 37 Cavan Road, Castlederg, Co. Tyrone.

3) LA11/2018/0133/F (2020/A0093)

Replacement and relocation of wind turbine approved under J/2010/0068/F including an increase in rotor diameter from 26m to 39m and change of hub height from 30m to 40m. Land 680m north west of 37 Cavan Road, Castlederg, Co. Tyrone.

- 3.2 Members are advised no appeal decisions have been notified since last Committee meeting.
- 3.3 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 1st 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.

Background Papers

Appendix 20 - Appeals Schedule