

Title of Report: Item 9: Planning Appeals Update	Officer Presenting: Principal Planning Officer Author: Principal Planning Officer
---	--

1 Purpose of Report/Recommendations

- 1.1 To appraise Members on planning appeals currently in the system. A background table is enclosed in Appendix 12 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 three new appeals have been submitted:

1) LA11/2016/0342/F 2020/A0158 Appeal on EIA Determination that Environmental Statement is required to accompany the application

Extension to an existing quarry at Leitrim Hill Quarry, Leitrim Hill, Aghnadoo, Aghnadoo Road, Killeter, Castlederg.

Members are advised the exchange of information for the above appeal is being progressed under a new Protocol for the electronic submission and exchange of documents and evidence that has been set up between DCSDC and Planning Appeals Commission. DCSDC is the only Council in NI undertaking this initial pilot electronic exchange of information for certain appeal types to test ways to improve the speed and efficiency of the exchanging appeal information.

2) LA11/2016/0976/F 2020/A0151 Appeal on Refusal of Planning Permission

Residential development of 33 No. houses comprising 8 no bungalows and 25 no 2 storey dwellings with landscaped amenity space, internal road layout and pedestrian cycle link to riverside walkway. Junction improvements at Ebrington Park / Limavady Road and Rockport Park / Limavady Road junctions to provide visibility splays. Lands at Rossbay off Limavady Road Waterside Derry City BT47 6JJ.

3) LA11/2016/0007/CA 2020/E0055 Appeal on Enforcement Notice

a) Alleged - Unauthorised wining and working of materials b) Alleged - Unauthorised stationing of a washing and screening plant and two associated containers c) Alleged - Unauthorised stationing of a crusher d) Alleged - Unauthorised concrete hardstanding e) Alleged - Unauthorised settlement ponds f) Alleged - Unauthorised hardstanding and water pump g) Alleged - Unauthorised earth bunds Land to the east of 6 Torage Road, Ballynamallaght, Dunnamanagh, Tyrone, BT82 OSL.

3.2 Members are advised one appeal decision have been notified since last committee meeting.

1) LA11/2019/0382/F (2019/C005) EIA Reg 15 Appeal on EIA Determination

Hearing concerning a determination that an application for planning permission for retention of slurry lagoon and dirty water tank and provision of an acid storage tank, acid process tank and showering facility), must be accompanied by an Environmental Statement Longland Road, Claudy, County Londonderry.

Appeal Decision: PAC recommended EIA development and confirmed ES required. Copy of decision attached in Appendix 13.

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.

5 Recommendations

Members note the update on the appeals.

Background Papers

Appendix 12 - Appeals Schedule

Appendix 13 - PAC decision on LA11/2019/0382/F (2019/C005)