

# PRESENTATION TO MID ULSTER DISTRICT COUNCIL



Elaine Kinghan Chief Commissioner  
Trevor Rue Deputy Chief Commissioner

# Outline

---

- Background and functions of PAC
- Appeals
- Award of Costs

# The Commission

---

- ❑ Independent body
- ❑ PAC a technical tribunal
- ❑ 18 Commissioners
- ❑ Sponsor department OFMDFM
- ❑ Support staff are civil servants
- ❑ Website - [www.pacni.gov.uk](http://www.pacni.gov.uk)

# Functions of the PAC

## □ **Decision making function**

- decisions on planning appeals and other environmentally related appeals

## □ **Hear and report function**

- report with recommendations on major planning applications and objections to development plans

# Appeals Decided 2010-15

	2010/11	2011/12	2012/13	2013/14	2014/15
<b>APPEALS DECIDED</b>	681	332	477	335	<b>262</b>
<b>APPEALS ALLOWED</b>	226	91	179	118	87
<b>%AGE ALLOWED</b>	33%	27%	36%	35%	33%

# Appeals Process

## □ Who

- Applicant

## □ What

- Refusal
- Conditions
- Non-determination

## □ When

- Within 4 months

## □ How

- Formal or informal hearing
- Written representations with or without an accompanied site visit

# 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
- Duty to investigate

# How do we make decisions?

- ❑ Development Plan
- ❑ Other material considerations
  - SPPS, PPSs, guidance, other matters
- ❑ Presumption in favour of sustainable development
- ❑ Case law
- ❑ Evidential context
- ❑ New material at appeal



# Decisions

- Weigh and balance all relevant evidence using experience and judgment
- Decisions in writing
- Individual and corporate decisions
- Timescales

# Award of Costs

- ❑ Section 205 of Planning Act(NI) 2011
- ❑ All procedures included
- ❑ Costs only on application
- ❑ May be awarded against any party
- ❑ Costs awarded for unreasonable behaviour resulting in unnecessary expense
- ❑ Guidance available



**Elaine Kinghan Chief Commissioner**  
Trevor Rue Deputy Chief Commissioner

**[www.pacni.gov.uk](http://www.pacni.gov.uk)**