

Our functions

PLANNING APPEALS COMMISSION FUNCTIONS (as at 16th May 2017)

The Commission currently has 90 functions under various pieces of legislation. Unless otherwise stated, the references in brackets are to the Planning Act (Northern Ireland) 2011.

Planning Legislation

1. Independent examination of development plan documents prepared by councils [Section 10(4)].
2. Independent examination of development plan documents prepared by the Department [Section 16(4)].
3. Hearing and reporting on representations relating to applications for planning permission for regionally significant development [Section 26(9), (10) and (11)].
4. Hearing and reporting on representations relating to planning applications called in by the Department [Section 29(5), (6) and (7)].
5. Independent examination of simplified planning zone schemes [Section 34(4) and Schedule 1].
6. Determining appeals against notices requiring planning applications to be made [Section 44].
7. Determining appeals against the refusal, or conditional grant by a council, of planning permissions, consents, agreements or approvals [Section 58].
8. Determining appeals in default of a decision by a council on an application for planning permission, consent, agreement or approval [Section 60].
9. Hearing and reporting on representations relating to completion notices [Section 65(3)].

10. Hearing and reporting on representations relating to the revocation or modification of planning permission by a council [Section 70(3)].
11. Hearing and reporting on representations relating to the revocation or modification of planning permission by the Department [Section 72(5)].
12. Hearing and reporting on representations relating to discontinuance orders made by a council [Section 74(5)].
13. Hearing and reporting on representations relating to discontinuance orders made by the Department [Section 75(6)].
14. Determining appeals against the failure to give a decision on, or refusal of, applications for modification or discharge of a planning agreement [Section 78].
15. Hearing and reporting on representations relating to applications for listed building consent called in by the Department [Section 88(5), (6) and (7)].
16. Determining appeals against the refusal, or conditional grant, of listed building consent by a council [Section 96].
17. Determining appeals in default of a decision by a council on an application for listed building consent [Section 97].
18. Hearing and reporting on representations relating to the revocation or modification of listed building consent by a council [Section 99(4)].
19. Hearing and reporting on representations relating to the revocation or modification of listed building consent by the Department [Section 101(6)].
20. Determining appeals against determinations that listed building consent is required [Section 102(2)].
21. Hearing and reporting on representations and determining appeals relating to the demolition of buildings in Conservation Areas [Section 105(6)].
22. Hearing and reporting on representations relating to the revocation or modification of hazardous substances consent [Section 113(5)].

23. Hearing and reporting on representations relating to applications for hazardous substances consent called in by the Department [Section 114(6), (7) and (8)].
24. Determining appeals against the refusal, or conditional grant, of hazardous substances consent and in default of decisions on applications for such consents [Section 115].
25. Determining appeals and hearing and reporting on representations relating to the review of old mineral planning permissions [Section 129 and Schedules 2 and 3].
26. Determining appeals against enforcement notices [Section 143].
27. Determining appeals against listed building enforcement notices [Section 159].
28. Determining appeals against notices of urgent works to preserve buildings [Section 161(9)].
29. Determining appeals against the enforcement of duties relating to the replacement of trees [Section 165].
30. Determining appeals against refusal of, or failure to give decision on, applications for certificates of lawful use or development [Section 173].
31. Hearing and reporting on objections to development schemes [The Planning (Northern Ireland) Order 1991, Article 86(3)].
32. Hearing and reporting on objections to the proposed acquisition of land for planning purposes [The Planning (Northern Ireland) Order 1991, Article 87(3) and Schedule 2].
33. Hearing and reporting on objections to proposed orders declaring houses to be unfit for human habitation [The Planning (Northern Ireland) Order 1991, Article 88(2)].
34. Hearing and reporting on objections to the proposed extinguishment of the right to use vehicles on specified roads or extinguishment of public rights of way [The Planning (Northern Ireland) Order 1991, Article 103(3)].
35. Hearing and reporting on representations relating to a proposed direction restricting deemed consent for the display of advertisements [The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, Regulation 6(5)].

36. Hearing and reporting on representations relating to the proposed discontinuance of deemed consents to display advertisements [The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, Regulation 7(2)].
37. Determining appeals against notices requiring applications for consent to display advertisements [The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, Regulation 14 and Schedule 4].
38. Determining appeals against the refusal or conditional grant of consent to display advertisements [The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, Regulation 15 and Schedule 4].
39. Hearing and reporting on representations relating to the proposed revocation of consents to display advertisements [The Planning (Control of Advertisements) Regulations (Northern Ireland) 1992, Regulation 16 and Schedule 4].
40. Hearing and reporting on representations relating to applications made to the Department for planning permission to develop land without compliance with conditions previously attached [The Planning (General Development Procedure) Order (Northern Ireland) 2015, Article 21].
41. Determining appeals against the refusal of consent to cut down, uproot, top or lop trees and in default of a decision on an application for such consent [The Schedule to the Planning (Trees) Regulations (Northern Ireland) 2015].
42. Determining appeals against hazardous substances contravention notices [The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015, Regulation 21 and Schedule 3].
43. Hearing and reporting on pre-application determinations that proposed developments are EIA development [The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, Regulation 8(19)].
44. Hearing and reporting on determinations that applications are for EIA development and that an environmental statement is required [The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, Regulation 15(4)].

45. Hearing and reporting on determinations that applications referred to the Department are for EIA development and that an environmental statement is required [The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, Regulation 16(5)].

46. Hearing and reporting on determinations that developments to which enforcement notices relate are EIA development [The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, Regulation 34(6)].

Other Legislation

47. Determining appeals against the refusal to dispense with or relax standards relating to street planning functions [The Private Streets (Northern Ireland) Order 1980, Article 4(3)].

48. Appointing persons to hear and report on appeals against refusal to dispense with or relax standards for the construction of streets [The Private Streets (Northern Ireland) Order 1980, Article 6(2)].

49. Appointing persons to hear and report on applications that a street should not be declared to be a public road [The Private Streets (Northern Ireland) Order 1980, Article 7(4E)].

50. Appointing persons to hear and report on applications that a street should be declared to be a public road [The Private Streets (Northern Ireland) Order 1980, Article 9(5)].

51. Determining appeals against certificates of alternative development value [The Land Compensation (Northern Ireland) Order 1982, Article 16].

52. Hearing and reporting (through concurrent inquiries or a combined inquiry) on objections or representation in respect of planning and electricity matters [The Electricity (Northern Ireland) Order 1992, Article 66].

53. Determining appeals against refusal of consent for doors, gates or bars opening onto a road [The Roads (Northern Ireland) Order 1993, Article 56(3)].

54. Determining appeals against refusal of consent for retaining walls [The Roads (Northern Ireland) Order 1993, Article 57(5)].

55. Determining appeals relating to various consents and licences required in connection with structures and works on, in, under, over or near roads [The Roads (Northern Ireland) Order 1993, Article 84(1)].
56. Hearing and reporting (through concurrent inquiries or a combined inquiry) on objections or representation in respect of planning and airport matters [The Airports (Northern Ireland) Order 1994, Article 15(2)].
57. Hearing and reporting on representations relating to applications for scheduled monument consent [The Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995, Article 4(10) and Schedule 1, Part I].
58. Hearing and reporting on representations relating to the proposed revocation or modification of scheduled monument consent [The Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995, Article 6(5) and Schedule 1, Part II].
59. Determining appeals in respect of street works licences [The Street Works (Northern Ireland) Order 1995, Article 11(4) and Schedule 1].
60. Hearing and reporting on requests to designate a road as having special engineering difficulties [The Street Works (Northern Ireland) Order 1995, Article 23(4)].
61. Hearing and reporting (through concurrent inquiries or a combined inquiry) on objections or representation in respect of planning and gas matters [The Gas (Northern Ireland) Order 1996, Article 48(3)].
62. Hearing and reporting on applications for authorisations of prescribed processes transmitted from the enforcing authority to the Department for determination [The Industrial Pollution Control (Northern Ireland) Order 1997, Article 6(8) and Schedule 1, Part I].
63. Determining, or hearing and reporting on, appeals as respects authorisations of prescribed processes and against variation, enforcement and prohibition notices [The Industrial Pollution Control (Northern Ireland) Order 1997, Article 15(3)].
64. Determining, or hearing and reporting on, appeals against determinations, in respect of the register of authorisations, that information is not commercially confidential [The Industrial Pollution Control (Northern Ireland) Order 1997, Article 22(6)].

65. Determining appeals from decisions with respect to waste management licences [The Waste and Contaminated Land (Northern Ireland) Order 1997, Article 17(1)].
66. Determining appeals against determinations, in respect of the register of waste management licences, that information is not commercially confidential [The Waste and Contaminated Land (Northern Ireland) Order 1997, Article 36(5)].
67. Determining appeals against the refusal of an application for registration as a carrier of controlled waste, the failure to register or the revocation of a registration [The Waste and Contaminated Land (Northern Ireland) Order 1997, Article 41].
68. Confirming or reversing decisions on the designation of contaminated land special sites [The Waste and Contaminated Land (Northern Ireland) Order 1997, Article 52].
69. Determining appeals against contaminated land remediation notices [The Waste and Contaminated Land (Northern Ireland) Order 1997, Article 58].
70. Determining appeals against determinations, in respect of the register of remediation notices, that information is not commercially confidential [The Waste and Contaminated Land (Northern Ireland) Order 1997, Article 65(3)].
71. Determining appeals against deemed refusals of applications for registration as a holder of contaminated equipment or cancellations of such registrations [The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000, Regulation 8].
72. Determining appeals against the refusal, conditional grant, modification or withdrawal of consent to carry out specified operations on land within areas of special scientific interest [The Environment (Northern Ireland) Order 2002, Article 33].
73. Determining appeals against management notices in respect of land within areas of special scientific interest [The Environment (Northern Ireland) Order 2002, Article 36].
74. Hearing and reporting on objections to the proposed acquisition of land by the Executive Office [The Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003, Article 12(2) and Schedule 2, Part I].

75. Determining appeals against the refusal of an application for registration as a broker or dealer of controlled waste, the failure to register or the revocation of a registration [The Waste Management Licensing Regulations (Northern Ireland) 2003, Regulation 22(7) and Schedule 4].
76. Determining appeals against decisions with respect to compliance notices [The Landfill Regulations (Northern Ireland) 2003, Regulation 15B].
77. Determining appeals in relation to producer obligations compliance schemes and authorised treatment facilities and exporters [The Waste Electrical and Electronic Equipment Regulations 2006, Regulation 66].
78. Determining appeals against enforcement and prohibition notices relating to the marketing of dangerous substances and preparations [The Controls on Dangerous Substances and Preparations Regulations 2006, Regulation 17].
79. Determining appeals against decisions in relation to producer registration, scheme registration and accreditation of reprocessors and exporters [The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007, Regulation 27].
80. Determining, or appointing a person to determine, appeals against notices relating to the registration, evaluation, authorisation and restriction of chemicals [The REACH Enforcement Regulations 2008, Regulation 21 and Schedule 8 as amended].
81. Determining appeals against decisions concerning batteries compliance schemes, waste batteries treatment facilities and waste batteries exporters [The Waste Batteries and Accumulators Regulations 2009, Regulation 83].
82. Determining appeals against environmental damage remediation notices [The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009, Regulation 18].
83. Determining appeals against the refusal or conditional approval of consent for the erection of buildings or structures on land subject to control by directions [The City of Derry Airport (Control Over Land) Order (Northern Ireland) 2011, Article 5].
84. Determining appeals against compliance notices, restoration notices and suspension notices [The Waste Regulations (Northern Ireland) 2011, Regulation 23].

85. Determining appeals against the refusal or conditional approval of consent for the erection of buildings or structures on land subject to control by directions [The Belfast International Airport (Control Over Land) Order (Northern Ireland) 2012, Article 5].
86. Determining appeals against decisions on applications and against notices and notifications [The Greenhouse Gas Emissions Trading Scheme Regulations 2012 as amended, Regulation 73].
87. Determining appeals against determinations, enforcement notices and the imposition of civil penalties [The CRC Energy Efficiency Scheme Order 2013, Article 87].
88. Determining appeals from decisions with respect to permits to operate installations and mobile plant [The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013, Regulation 31].
89. Determining appeals against determinations, enforcement notices and penalty notices [The Energy Savings Opportunity Scheme Regulations 2014, Regulation 48].
90. Determining appeals against enforcement notices and civil penalty notices [The Emissions Performance Standard Monitoring and Enforcement Regulations (Northern Ireland) 2016, Regulation 12].