

**EXPLANATORY MEMORANDUM TO**  
**Planning Appeals Commission (Decisions on Appeals and Making of Reports) (Amendment) Rules (Northern Ireland) 2015**

**2015 No. 137**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Office of the First Minister and deputy First Minister to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by section 204 (5) (6) and (7) of the Planning Act (Northern Ireland) 2011 (the 2011 Act) and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. The Rule will amend the existing procedural rules of the Commission (prescribed in the Planning Appeals Commission (Decision on Appeals and Making of Reports) (No.2) (Northern Ireland) 2006 (S.R. 2006 No. 233). Although the procedures of the Commission are largely unaffected by the introduction of the 2011 Act, clarification is provided on a number of terms in the Rules to ensure they continue to be applied in the new planning arrangements due to come into effect on 1 April 2015.
- 2.2. Decisions on appeal and reports of the Commission will continue to be taken, at the discretion of the Chief Commissioner, by either a panel of 4 Commissioners or by a single Commissioner.
- 2.3. The 2011 Act provides the Commission with a new power to make orders as to the costs of the parties in planning and related appeals, in limited circumstances. These cost awards will provide redress when one party to an appeal has put another party to unnecessary expense due to unreasonable behaviour. Costs will not be awarded to a party just because the appeal has been decided in favour of that party.
- 2.4. As the 2011 Act now provides for examinations in addition to Commission reports of inquiries and hearings to be made by a single commissioner or a panel of Commissioners appointed by the Chief Commissioner, as currently specified. This Rule reflects same.

**3. Background**

- 3.1. Currently, OFMDFM is responsible under the Planning (Northern Ireland) Order 1991 for making rules of procedure for the Planning Appeals Commission.
- 3.2. The 2011 Act which provides for a new planning regime involving the transfer of the majority of planning functions from central government to district councils is due to come into operation on 1 April 2015 and from that date, most provisions of the Planning (Northern Ireland) Order 1991 will be repealed.

- 3.3. Although the process is largely unaffected by the introduction of the new planning regime after 1 April 2015, some technical amendments which are reflected in this Rule are required.

#### **4. Consultation**

- 4.1. The Rule is supported by the Planning Appeals Commission. Its purpose is technical and non-controversial. It is therefore not considered necessary for it to be subject to a public consultation. Although the Rule is non-controversial, due to its cross-cutting nature, it required approval from the Northern Ireland Executive.

#### **5. Equality Impact**

- 5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department considers that this technical Rule which refers to procedural guidance within the Commission does not raise any equality issues.

#### **6. Regulatory Impact**

- 6.1. The Rule is a technical device which does not impose any burdens on business.

#### **7. Financial Implications**

- 7.1. There are no direct additional costs incurred in preparing and making the Rule.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Department is satisfied that the legislation is compliant with section 24 of the Northern Ireland Act 1998.

#### **9. EU Implications**

- 9.1. There are no EU implications.

#### **10. Parity or Replicatory Measure**

- 10.1. The Rule is not required to maintain parity with, legislation in other administrations.

#### **11. Additional Information**

- 11.1. Not applicable.