

## SCHEDULE 4

### PART 2

#### SECTIONS 40, 43, 44, 58, 59, 60, 68 AND 70 OF THE PLANNING ACT (NORTHERN IRELAND) 2011 AS MODIFIED

##### **Appeal against notice under section 43**

44.—(1) A person on whom a copy of a notice has been served under section 43 may, at any time before the end of the period allowed for compliance with that notice, appeal to the planning appeals commission against the notice.

(2) An appeal may be brought on any of the following grounds—

- (a) that the display of the advertisement referred to in the notice does not require consent;
- (b) that no advertisement has been displayed as alleged in the notice;
- (c) that the period of 10 years referred to in section 43(2) had elapsed at the date when the notice was issued.

(3) An appeal under this section shall be made by notice in writing to the planning appeals commission and such notice shall indicate the grounds of the appeal and state the facts on which it is based.

(4) Before determining an appeal under this section, the planning appeals commission must, if either the appellant or the council so desires, afford to each of them an opportunity of appearing before and being heard by the commission.

(5) Where an appeal is brought under this section the notice shall be of no effect pending the final determination or the withdrawal of the appeal.

(6) On an appeal under this section the planning appeals commission—

- (a) must quash the notice, vary the terms of the notice or uphold the notice;
- (b) may correct any informality, defect or error in the notice, or vary its terms, if it is satisfied that the correction or variation can be made without injustice to the appellant or to the council.

(7) The validity of a notice under section 43 shall not, except by way of an appeal under this section, be questioned in any proceedings whatsoever on any of the grounds on which such an appeal may be brought.