

SCHEDULE 7

Appeals procedure

SECTION 2

Procedure for appeals against determinations, notices or penalties made or given by the chief inspector or the Department of the Environment

6. This section applies to appeals against determinations, notices or penalties made or given by—
 - (a) the chief inspector;
 - (b) the Department of the Environment.
7. A person who wishes to appeal to the Planning Appeals Commission (“the appeal body”) under article 87 must give to the appeal body written notice of the appeal together with a statement of the grounds of appeal.
8. The appeal body must as soon as is reasonably practicable send to the administrator a copy of that notice and that statement.
9. An appellant may withdraw an appeal by notifying the appeal body and the appeal body must as soon as is reasonably practicable notify the administrator.
10. Notice of appeal in accordance with paragraph 7 is to be given before the expiry of the period of 47 calendar days beginning with the date of—
 - (a) the determination referred to in article 57(1);
 - (b) service of an enforcement notice;
 - (c) imposition of the civil penalty.
11. The appeal body must determine the appeal and paragraphs (1), (3), (4) and (5) of Article 111 of the Planning (Northern Ireland) Order 1991⁽¹⁾ apply in relation to the determination of the appeal as they apply in relation to the determination of an appeal under that Order.
12. The Planning Appeals Commission must determine the process for determining appeals taking into account any requests of either party to the appeal.
13. An appeal under this section must be accompanied by a fee and Article 127(2)(b) of the Planning (Northern Ireland) Order 1991 has effect as if the reference to an appeal under that Order included a reference to an appeal under this Order.

(1) S.I. 1991/1220 (N.I. 11).